

CITY OF CHANUTE, KANSAS

Zoning Regulations **Part 2**

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ARTICLE 6
SUPPLEMENTARY DISTRICT REGULATIONS

1. Height Regulations: Chimneys, cooling towers, elevator head houses, fire towers, grain elevators, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, and necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the District Regulations. In all planned districts, one additional foot of height above the specified height limitation shall be permitted for each foot of additional yard provided over the minimum requirement on all sides of the lot.

2. Yard Regulations:
 - A. Minimum Yard Requirements: The yard requirements heretofore established in all districts shall be adjusted in the following cases:
 - (1) Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except in the following cases:
 - (a) Where no lots within the same block front on one of the two intersecting streets, the side yard requirement along such street shall be 15 feet, subject to the provisions of paragraph (1) above.
 - (2) Double frontage lots shall maintain the required front yard setback along both frontages.
 - B. Where more than half of the buildings on a frontage have observed a front yard greater or less than required then:
 - (1) Where a building to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of adjacent buildings on the two sides, or;
 - (2) Where a building to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

3. Number of Structures and Uses on a Zoning Lot: In other than an industrial district, no more than one principal use and structure may be located upon a lot or tract.

4. Sight Triangle: On a corner lot in any district, except “C-1”, development shall conform to the requirements of the sight triangle as defined by this regulation.

5. Access to Business and Industrial Districts: No land that is located in a residential district shall be used for a driveway, walkway or access to any land which is located in any commercial or industrial district.

6. Determination of Structure Setback Line: The structure setback line shall be determined by measuring the horizontal distance between the property line and the vertical plane of the furthest architectural projection of the existing or proposed structure; except that certain architectural projections listed below may extend beyond the structure setback line, subject to the following conditions:
 - A. Projections shall be defined as: Any structural or non-structural portion or appendage attached to the main structure which by design protrudes outward beyond the structure floor; wall, roof or foundation line. Projections include, but are not limited to:
 - (1) Roof eaves
 - (2) Cornices
 - (3) Porches
 - (4) Stairs
 - (5) Bay and Egress Windows
 - (6) Dormers
 - (7) Combustible or Non combustible Ornamentation
 - (8) Soffits
 - (9) Balconies

 - B. Exception for Canopies and Awnings: A canopy or awning may be permitted to overhang a public way in any business zoning or industrial zoning district providing:
 - (1) No portion of the canopy or awning shall be less than eight (8) feet above the level of the sidewalk or other public way.

 - (2) The canopy or awning may extend the full width of the building facade to which it is attached, and further, it shall not extend beyond a point two (2) feet inside the curb line of a public street.

7. Fences: Except as otherwise specifically provided in other codes and regulations, the following regulations shall apply to the construction of fences:
 - A. No fence shall be constructed which will constitute a traffic hazard.

 - B. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

- C. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation, or which shall adversely affect the public health, safety and welfare.
- D. No fence except fences erected upon public or parochial school grounds or in public parks and in public playgrounds shall be constructed of a height greater than four (4) feet in the front yard or six (6) feet elsewhere; provided, however, that the Planning Commission may, as a special use, authorize the construction of a fence up to eight (8) feet in height if the Planning Commission finds the public welfare is served.
- E. Fences shall be constructed of the following materials and methods:
 - 1. Solid panels of plywood, wafer board or similar construction material and used construction or commercial objects, such as storage pallets, shall not be allowed; except that, plywood, wafer board or similar construction material may be used for temporary fences around construction sites for public safety.
 - 2. Decorative fences in front yards shall be made of wood, woven wire, chain link, wrought iron, square tubing and/or metal tubing or similar approved material. Fences within the front yard shall be 50 percent or more transparent. Plywood, wafer board or similar construction material and used construction or commercial objects, such as storage pallets, shall not be allowed.
 - 3. All framework of a fence must be on the private (inside) portion of the property and all posts of a wire fence must be inside of the fabric. All posts, except metal “T” line posts, must be set in concrete to a minimum depth below the frost line, as required by the city.

**ARTICLE 7
OFF-STREET PARKING AND LOADING REGULATIONS**

1. Intent and Purpose: It is the intent and purpose of this article to establish minimum requirements as to number of spaces, design and construction for off-street parking and loading areas.
2. Applicability: Off-street parking and loading space, as required in this article, shall be provided for all new structures, and for alterations and additions to existing structures. Off-street parking and loading space shall be required for any existing structure or structure which is altered in any manner so as to enlarge or increase capacity by adding or creating dwelling units, guest rooms, floor area or seats. Existing parking area previously required shall not be used to satisfy required off-street parking for any new structures, alterations, or additions to existing structures or uses of land. Such existing parking space shall be maintained and shall not be reduced so long as the main structure or use remains, unless an equivalent number of such spaces are provided elsewhere as provided in this article; except that no off-street parking or loading space shall be required for any commercial use located in the “C-1” Central Business District.
3. Off-Street Parking General Provisions:
 - A. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
 - B. Setbacks: Off-street parking spaces and drives may encroach into required setback areas; except that in no instance shall off-street parking be allowed in the front of commercial structures in the “C-1” district.
 - C. Accessory Use: Off-street parking and driveways shall be considered as an accessory use of the use for which the parking is provided. Parking not located on the same tract on which the main use is located must be located within the zoning district in which parking or storage lots are permitted as a main use; or be located in accordance with the provisions of this article relating to off-street parking exceptions.
 - D. Repair Service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
 - E. Computation: When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of 0.49 or less may be disregarded, and a fraction in excess of 0.5 shall be counted as one parking space.
 - F. Mixed Uses: When a structure or development contains mixed uses, the off-street parking requirements shall be calculated for each individual use and the total parking requirement shall be the sum of individual parking requirements.

4. Off-Street Parking Layout and Design Requirements: Off-street parking improvement in other than the AG, R-S, R-1, and R-2 Districts shall be subject to site plan review. The construction and renovation of certain structures and facilities must conform to the provisions of the Americans with Disabilities Act (ADA) Title III of 1990. Structure plans for construction, alteration or remodeling permits must identify how compliance with the ADA parking and other site requirements are to be met. Permits for new construction must comply with the entire Title III of the Act as it relates to the structure and site.

The Zoning Administrator will provide information upon request to assist the public in interpreting the requirements of the ADA, which generally provide for at least one accessible route within the boundary of the site from a parking space or street to an accessible structure entrance. Accessible spaces and access aisles are required, as well, among other detailed provisions.

For parking layout and design which is not subject to the ADA requirements, the following standards apply:

- A. Area: A required off-street parking space shall be at least 9 feet in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, and columns.
- B. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- C. Design: Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Engineering Department.
- D. Surfacing: All open off-street parking, loading areas and driveways shall be graded and improved with an all-weather material such as chip and seal, asphalt or concrete. Existing spaces and drives not improved to current surfacing standards shall be upgraded on an amortization schedule that includes reuse of non-conforming structures.
- E. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with adjacent residential uses.
- F. Landscaping and Screening: All off-street parking facilities in other than residential districts shall be screened and landscaped as required in site plan review and Article 8.

G. Location of Parking Facilities: Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the entrance of the building which it is required to serve:

- (1) For one-and two-family dwellings: On the same lot as the principal structure.
- (2) For multifamily dwellings: Not more than 200 feet from the premises they are required to serve.
- (3) For commercial and institutional uses (for hospitals, sanitariums, asylums, orphanages, rooming houses, club rooms, fraternity and sorority houses): Not more than 300 feet from the building they are required to serve.

5. Off-Street Parking Required Spaces: Off-street parking spaces shall be provided as follows:

A. Dwelling and Lodging Uses:

- (1) Boarding or rooming houses: One parking space per each two sleeping rooms.
- (2) Dormitories, fraternities, or sororities (Group Residential) Two parking spaces for each three occupants based on the maximum design capacity of the structure.
- (3) Hotels and motels: One space per each rental unit plus one space per each two employees in the largest working shift and such spaces as are required for restaurants, assembly rooms, and other affiliated facilities provided.
- (4) Manufactured home parks: Two parking spaces per each manufactured home.
- (5) Nursing homes, rest homes, etc.: One parking space per each five (5) beds based on the designed maximum capacity of the structure, plus one parking space for each employee.
- (6) Single-family: Two spaces per dwelling unit.
- (7) Two-family and multifamily: Two (2) spaces per dwelling unit. Two-family and multifamily dwelling units designed specifically for the elderly, one space per two dwelling units.

B. Business, Commercial, and Industrial Uses:

- (1) Automobile, truck, recreational vehicle and manufactured home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each employee.
- (2) Automobile salvage yards: One parking space for each employee, plus one parking space for each 10,000 square feet of storage area.
- (3) Financial, business, and professional offices: One parking space for each 300 square feet of gross floor area.
- (4) Bowling alleys: Four (4) parking spaces for each lane.
- (5) Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees in the largest working shift in a 24-hour period, plus one parking space for each vehicle maintained on the premises.
- (6) Automobile wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.
- (7) Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee and each vehicle maintained on the premises.
- (8) Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.
- (9) Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One (1) parking space per three employees based upon the largest working shift in any 24-hour time period.
- (10) Medical and dental clinics or offices: One parking space for each 200 square feet of gross floor area.
- (11) Restaurants, private clubs and taverns: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.
- (12) Retail stores and shops: One parking space per 200 square feet of floor area.

- (13) Service stations: One parking space for each employee plus two spaces for each service bay.
- (14) Theaters, auditoriums, and places of assembly with fixed seats: One parking space for each 3.5 seats.
- (15) Theaters, auditoriums, and places of assembly without fixed seats: One parking space for each four people, based upon the computed occupant load of the structure or the assembly area.
- (16) Warehouse, storage and wholesale establishments: One parking space for each two employees based upon the largest working shift in any 24-hour period.
- (17) All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

C. Other Uses:

- (1) Churches: One parking space for each four seats based upon the maximum designed seating capacity, including choir lofts.
- (2) Elementary, junior high and equivalent parochial and private schools: Two parking spaces for each classroom.
- (3) High schools, colleges, universities and other similar public or private institutions of higher learning: Eight parking spaces for each classroom, plus one space for each two employees.
- (4) Hospitals: One parking space for every four beds, plus one parking space for each resident or staff doctor plus one space for each two employees based on the largest working shift in any 24-hour period.
- (5) Laundromats: One parking space for each two washing machines.
- (6) Nursery schools and day care centers, public or private: One parking space for each employee plus one parking space for each eight children. In addition, adequate space and traffic flow pattern shall be provided for the drop-off and pick-up of children.
- (7) Fraternal associations and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.

- (8) Swimming pools and clubs: One parking space for each 50 square feet of water area.
- (9) Trade and commercial schools: One parking space for each three students and employees.

6. Special Uses:

- A. District Permitted: In order to provide off-street parking areas, the Planning Commission may, after public notice and hearing, grant as a special use the establishment of parking areas in any zoning district under the provisions further set forth in this section.
- B. Location: Parking provided under this section must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.
- A. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.

7. Loading and Unloading Regulations: Loading and unloading space shall be provided off-street and on the same premises with every structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, office uses or warehouses, manufacturing or other uses, involving the receipt or distribution of materials or merchandise by motor vehicles. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkways.

A. Spaces Required:

- (1) For all uses in the “C-2” and “O-I” Districts, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments	Required Number of Loading Berths	Required Size of Loading Berths
1,000 - 10,000 s.f.	1	10' x 25'
10,000 - 25,000 s.f	2	10' x 25' each
25,000 - 40,000 s.f	2	10' x 70' each

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Article 7 –Off-Street Parking and Loading Regulations

Gross Floor Area of Establishments	Required Number of Loading Berths	Required Size of Loading Berths
40,000 - 100,000 s.f.	3	10' x 70' each

- (2) For all uses in the “M-1” and “M-2” Districts, loading facilities shall be provided in accordance with the following table:

Gross Floor Area of Establishments	Required Number of Loading Berths	Required Size of Loading Berths
1,000 - 10,000 s.f.	1	10' x 25'
10,000 - 40,000 s.f.	2	10' x 70'
40,000 - 100,000 s.f.	3	10' x 70' each

- (3) For each additional 100,000 square feet of gross floor area or any fraction thereof over 100,000 square feet of gross floor area, one additional berth shall be provided. Each such additional berth shall be at least 10 feet in width by 60 feet in length.

**ARTICLE 8
LANDSCAPING, SCREENING AND BUFFERING REGULATIONS**

1. Intent and Purpose: It is the intent and purpose of this article to establish minimum landscaping and buffering requirements for new development within the City of Chanute. Two types of landscaping/buffering are described in this article: Transition Buffers and Dumpster Screening.
2. Applicability: Landscaping, screening and buffering, as required in this article, shall be provided for all new development, except that specifically exempted in Section 3 of this article.
3. Exemptions: Improvements or repairs to existing development that do not result in an increase in floor area and changes in use that do not result in an increase in intensity shall be exempt from the regulations of this article.
4. Transition Buffer General Provisions:
 - A. Location of Buffers. Transition buffers shall be located along those portions of a site that are along those portions of adjoining lots with a different zoning classification.
 - B. Responsibility for Installing Buffers. The developing property shall always be responsible for providing required buffers.
5. Transition Buffer Specifications: When a transition buffer is required by this code, such transition buffer shall consist of a planting screen meeting the specifications herein. A landscaped berm or a fence screen meeting the specifications herein may be used in lieu of such planting screen if a variance for such substitution is granted by the Board of Zoning Appeals.
 - A. Planting Screens. Planting screens shall consist of trees, bushes or shrubs of a variety and so planted and kept as to be achieved within thirty-six (36) months after occupancy of the premises to be screened.
 - (1) Such screen shall have a minimum height of six (6) feet above grade at any particular point along its length.
 - (2) Any two (2) foot square segment of a planting screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen if such segment is over two (2) feet above grade.
 - B. Landscaped Berm. Adequate evidence shall be furnished demonstrating that the construction of such berm, along with any necessary culverts and ditching, will not create adverse drainage and flooding conditions on adjacent property.

Article 8 – Landscaping, Screening and Buffering Regulations

- (1) Such berm shall be at least thirty (30) feet in width at the base and at least four (4) feet in height, as measured perpendicular to grade level at any point along its length. Side slopes shall have a gradient no steeper than three to one.
 - (2) Side slopes of such berm shall be sodded so as to prevent erosion. The top of the berm shall contain a planting screen above except that the minimum height of such planting screen need be no more than three feet above the top of the berm at any particular point along its length. Construction and material of such berm shall be as approved by the Board of Zoning Appeals.
 - C. Fence Screen. A fence screen shall not be less than eight (8) feet, nor more than ten (10) feet in height above grade level, at any particular point along its length. Any two (2) foot square segment of such screen shall contain no more than thirty percent (30%) open space affording a direct horizontal view through such screen. Construction and material of such fence screen shall be as approved by the Planning Commission.
6. Transition Buffer Requirements: Landscape buffers shall be provided and maintained when certain land uses are adjacent to one another. This requirement is intended to help ease the land use transition between areas of varying development intensity and to ensure land use compatibility.
- A. Determination Transition Buffer Requirements. The following procedure shall be followed in determining if a transition buffer is required. Using the matrix in sub-section 6.B *Transition Buffer Requirements* of this article:
 - (1) Identify the minimum zoning classification required to accommodate the proposed use. These classifications are listed under “Proposed Zoning” in the first column.
 - (2) For Transition Buffer Requirements, identify the actual zoning classification of the abutting site(s). These classifications are listed under the heading “Adjacent Zoning.”
 - (2) Determine if a transition buffer is required by crossing the previously identified proposed zoning with the adjacent zoning. The letter “R” indicates that a transition buffer is required, otherwise, no transition buffer is required.

Article 8 – Landscaping, Screening and Buffering Regulations

B. Transition Buffer Requirements.

TRANSITION BUFFER REQUIREMENTS											
ZONING OF PROPOSED DEVELOPMENT	ADJACENT ZONING										
	AG	R-S	R-1	R-2	R-H	MP	C-1	C-2	O-I	M-1	M-2
AG											
R-S											
R-1											
R-2											
R-H	R	R	R	R							
MP	R	R	R	R	R						
C-1	R	R	R	R	R	R	R		R		
C-2	R	R	R	R	R	R	R		R		
O-I	R	R	R	R	R	R	R	R			
M-1	R	R	R	R	R	R	R	R	R		
M-2	R	R	R	R	R	R	R	R	R		

7. Dumpster Screening: Dumpsters for solid waste located in “R-H”, “C-1”, “C-2”, “O-I”, “M-1” and “M-2” districts shall be completely screened from view of roadways and adjacent sites by fences, walls or vegetative screens. The screen shall be designed to accommodate refuse hauling equipment, and provide complete visual screening of the dumpster and be compatible in material and color with the principal structure on the lot.

Article 8 – Landscaping, Screening and Buffering Regulations

8. Community Policing Through Environmental Design (CPTED): Landscaping and berming improvements shall be designed according to CPTED principles in order to reduce or eliminate isolated public pedestrian and parking areas that cannot be seen from activities areas of the site.

CPTED's Basic Principles are summarized as follows:

- **Territoriality:** People protect territory that they feel is their own and have a certain respect for the territory of others. Fences, pavement treatments, art, signs, good maintenance, and landscaping are some physical ways to express ownership. Identifying intruders is much easier in a well-defined space.
- **Natural Surveillance:** Criminals don't want to be seen. Placing physical features, activities, and people in ways that maximize the ability to see what's going on discourages crime. Barriers, such as bushes, sheds, or shadows, make it difficult to observe activity. Landscaping and lighting can be planned to promote natural surveillance from inside a home or building and from the outside by neighbors or people passing by. Maximizing the natural surveillance capability of such "gatekeepers" as parking lot attendants and hotel desk clerks is important.
- **Activity Support:** Encouraging legitimate activity in public spaces helps discourage crime. A basketball court in a public park or community center will provide recreation for youth, while making strangers more obvious and increasing active natural surveillance and the feeling of ownership. Any activity that gets people out and working together -- a clean-up day, a block party, a Neighborhood Watch group, a civic meeting -- helps prevent crime.
- **Access Control:** Properly located entrances, exits, fencing, landscaping, and lighting can direct both foot and automobile traffic in ways that discourage crime. Access control can be as simple as a neighbor on the front porch or the strategic location of a front office. Other strategies include development of a well-designed street system to discourage through traffic on local streets or introducing apartment, commercial or office complex-based parking stickers.

**ARTICLE 9
SIGN REGULATIONS**

1. Intent and Purpose: It is the intent and purpose of these sign regulations to qualify, supplement or define the allowable uses of the several types of signs allowed in the district regulations appearing elsewhere in this regulation.
2. Applicability: Any sign shall, by definition, be a structure. No land, personal property or structure shall be used for sign purposes except as specified herein.
3. Nonconforming Signs: All signs legally existing at the time of passage of these regulations may remain in use under the conditions of legal nonconformance. Signs in legal nonconformance shall not be enlarged, moved, lighted, or reconstructed; however, the change of the advertising display shall not be restricted except as previously stated.
4. Removal of Nonconforming Signs: Should any nonconforming sign be damaged by any means to an extent of more than 50 percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of these regulations.
 - A. Removal of On-Site Nonconforming Signs: All on-site nonconforming signs not otherwise prohibited by the provisions of these regulations shall be removed or shall be altered to conform to the provisions of this regulation (a) when the nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend, or (b) when the name of the business changes and the sign is changed or modified either in shape, size, or legend.
 - B. Removal of signs upon destruction of principal structures: When a principal structure is destroyed or removed due to natural or man-made circumstances, all signs on the property shall be removed within 90 days, unless a building permit has been issued to replace the structure within said time period.
5. Permit Required: No sign except temporary signs as defined in this article may be erected or altered until a sign permit has been issued by the Building Inspector.
 - A. Application: Application for permits required under this Article shall be made on forms provided by the Building Inspector and accompanied by the following:
 - (1) Plans and specifications of the proposed sign; the right to inspect all permanent signs and marquees prior to their installation and erection and prior to the issuance of a permit.

- (2) A certificate of Accident Public Liability Insurance issued to the person or firm installing, erecting or maintaining a sign or marquee over public property and providing coverage in the amount of no less than the City's limit of liability under the Kansas Tort Claims Act.
 - B. Permit Fees: Every application before being granted a permit hereunder, shall pay to the City Clerk the following permit fee for each such sign or other advertising structure regulated by this article:
 - (1) All signs requiring a permit other than temporary---\$1.00 per square foot, up to \$50.00.
 - (2) Temporary Signs---\$10.00, when required.
 - C. Inspection: As soon as a sign has been erected, the permittee shall notify the building inspector who shall inspect such sign and approve the same if it is in compliance with the provisions of this article. The building inspector may, from time to time, as he deems necessary, inspect all signs or other advertising structure regulated by this article for the purpose of ascertaining whether the same is secure or insecure or whether it is in need of removal or repair.
 - D. Permit Revocable at Any Time. All rights and privileges acquired under the provisions of this article or any amendment thereto, are mere licenses revocable at any time by the building inspector; and all such permits shall contain this provision.
6. Review and Action: The Zoning Administrator shall review the Sign Permit application in detail for the purpose of determining whether the proposed sign complies with all the applicable sign regulations of this Article, if applicable. Within 15 days of the submission of a complete application for a Sign Permit, the Zoning Administrator shall either:
- A. Issue the Sign Permit, if the sign complies in every respect with the standards of this Article, if applicable; or
 - B. Deny the Sign Permit if the sign fails in any way to comply with the standards of this Article. The Zoning Administrator shall specify all reasons for the denial.

7. Classification of Signs:

A. Functional Types:

- (1) Advertising Sign: (Billboards) A sign which directs the attention of the public to any goods, merchandise, property, business, service, entertainment or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
- (2) Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.
- (3) Business Sign: A sign which directs attention to a business or profession conducted, or to products, services or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
- (4) Identification/Address Sign: A sign giving only the name and address of a structure, business, development or establishment. Such signs may be wholly or partly devoted to a readily-recognized symbol; however, each numerical address assigned by the City of Chanute as the official street address of a property shall be displayed and visible from the public right-of-way.
- (5) Memorial Sign: A sign, monument or statue serving to help people remember some person or event
- (6) Name Plate Sign: A sign giving the name and/or address of the owner or occupant of a structure or premises on which it is located and, where applicable, a professional status.
- (7) Temporary Sign: A display sign as listed below that is limited in time that such sign may remain in use either by the limitations of these regulations or the conditions of a sign permit.
 - (a) Real Estate Sign: A temporary sign pertaining to the sale or lease of a lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof on which the sign is located.

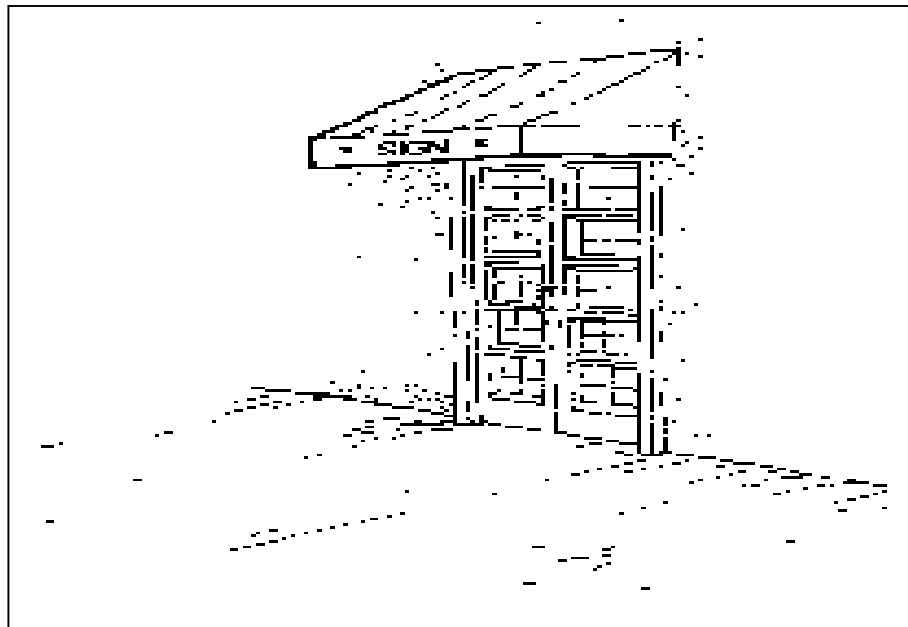
- (b) Construction Sign: A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
- (c) Political Campaign Sign: Any sign relating to a candidate, political party, ballot issue, or other issue to be voted upon in any public election.

B. Structural Types:

- (1) Awning, Canopy or

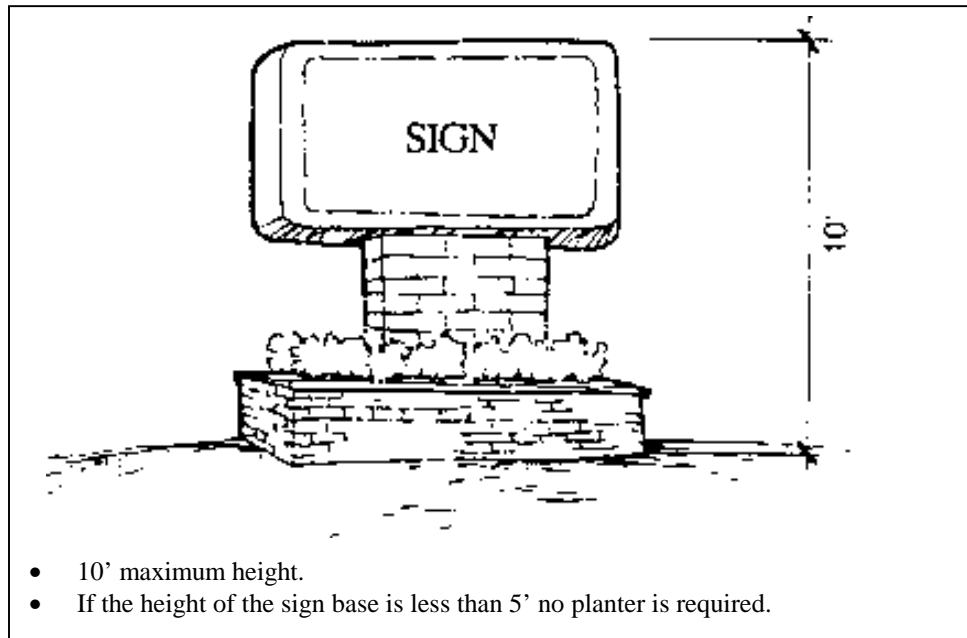
Marquee Sign: A sign that is mounted on, painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, below or beyond the awning, canopy or marquee.

Figure 5 - Canopy Sign



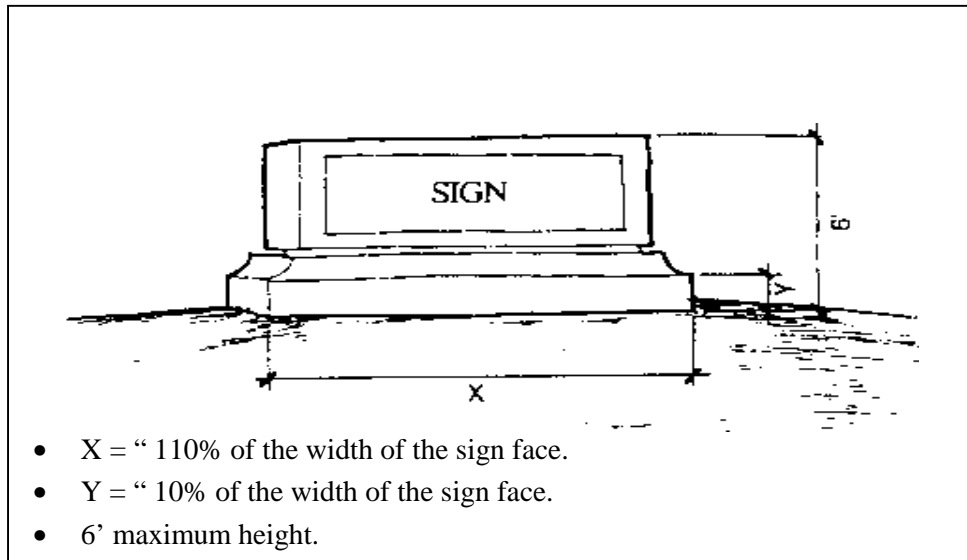
- (2) Ground Sign: Any sign placed upon, or supported by, the ground independent of the principal structure on the property, where the bottom edge of the sign is less than six feet above the ground, the height is no greater than 10 feet, and the base is no less than 50 percent of the width of the face of the sign, presenting a monolithic structure.

Figure 6 - Ground Sign



- (3) Monument Sign: Any sign whose base is greater in width than the face of the sign, and whose height is no greater than 6 feet.

Figure 7 Monument Sign



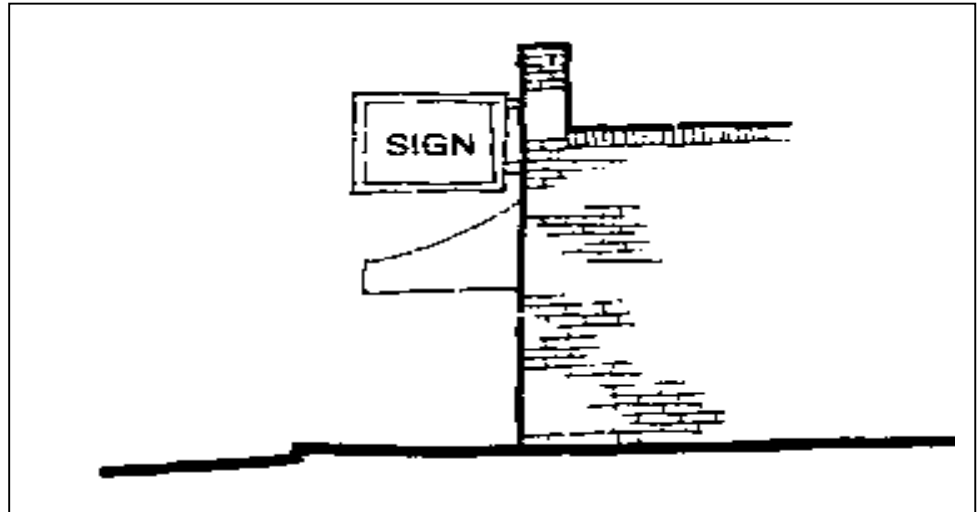
- (4) Elevated Sign (pole sign): Any sign placed upon, or supported by, the ground independent of the principal structure on the property where the bottom edge of the sign is ten feet or more above the ground level.
- (5) Portable Display Sign: Any movable display structure, capable of relocation, under its own power, or towed by a motor vehicle. The display message of the sign may be painted or non-painted and capable of being readily altered. Portable display signs may be with or without electrical illumination and power, and with or without wheels.

Figure 8 - Portable Display Sign



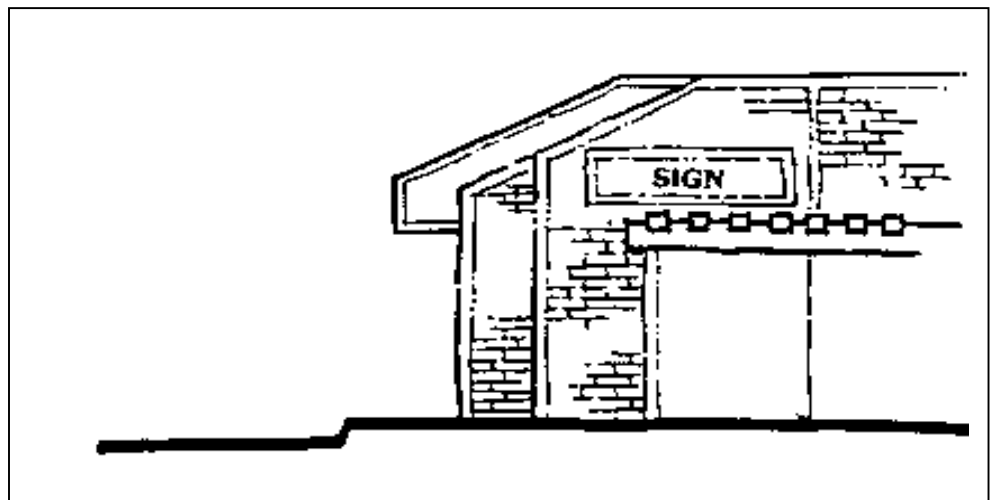
- (6) Projecting Sign: A sign that is wholly or partly dependent upon a structure for support and which projects more than 12 inches from such structure.

Figure 9 - Projecting Sign



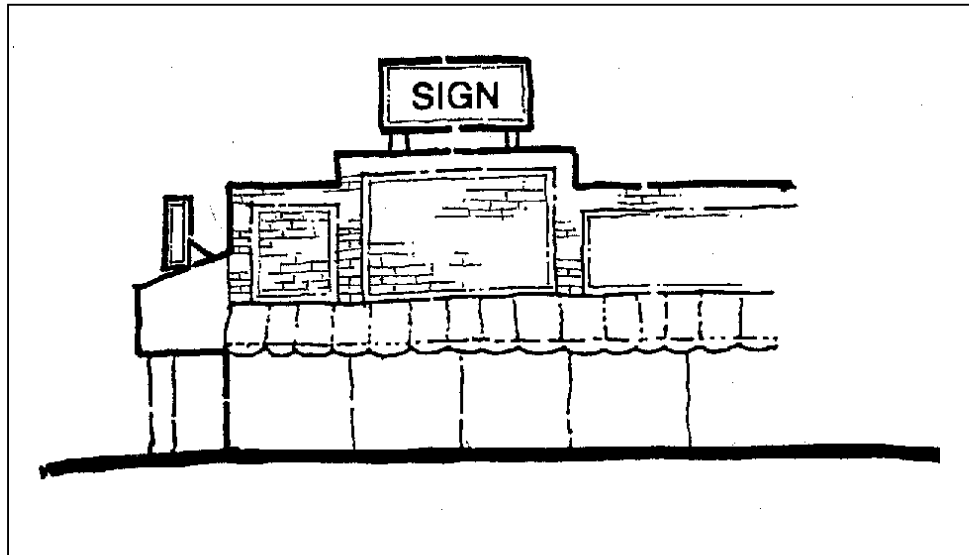
- (7) Wall Sign: A sign fastened to or painted on a wall of a structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such structure.

Figure 10 - Wall Sign



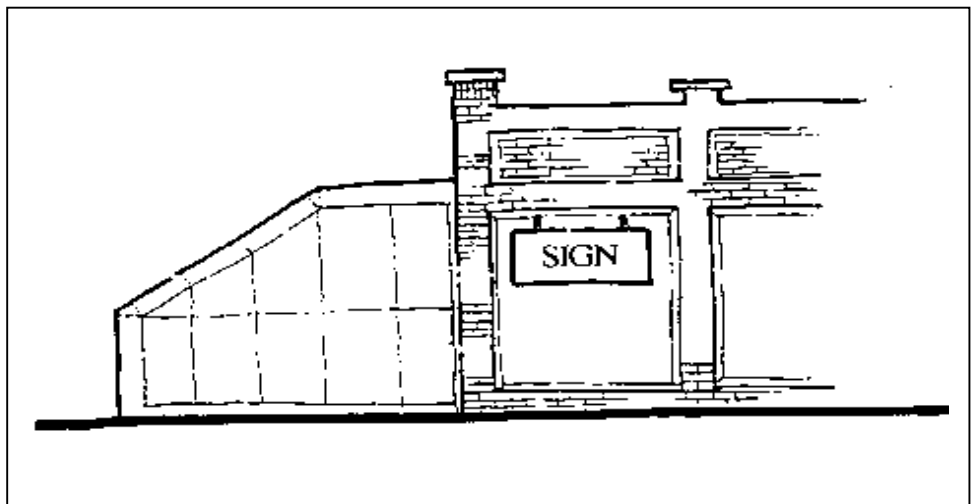
- (8) Roof Sign: A sign totally supported on the roof of a structure. Roof signs shall not project more than 12 inches beyond the face of the structure.

Figure 11 - Roof Sign



- (9) Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Figure 12 Window Sign



8. General Provisions:

- A. Gross Area of Sign: Gross area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign, exclusive of the base on which it is mounted or from which it is suspended. If more than one side of a sign is utilized as a sign, then only the largest side shall be computed and shall be counted as a portion of the

gross area. On lots where more than one sign is located, the total gross area of all the signs shall not exceed the maximum gross area for one sign permitted by this regulation.

For computing the gross area of any wall sign which consists of letters mounted or painted on a wall, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters.

- B. Sign Height: Sign height shall be measured from the ground elevation at the base of the sign to the highest element of the sign.
- C. Illuminated Signs: A sign designed to give forth artificial light or designed to reflect light derived from any source.
 - (1) Illuminated signs shall be designed as to reflect or direct light away from any residential dwelling district and any illuminated sign located on a lot adjacent to, in front of or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11 p.m. and 7 a.m.
 - (2) Illuminated signs in direct vision of a traffic signal shall not be in red, amber or green illumination.
- D. Flashing or Moving Signs: For the purpose of this regulation, any sign that is revolving, rotating, moving, animated, has moving lights or creates the illusion of movement shall be considered a moving sign. Any illuminated sign on which the artificial light is not constant in intensity and color at all times is considered a flashing sign.
 - (1) Flashing signs shall not be permitted which are in any way similar to traffic signals or emergency vehicle lights.
 - (2) A sign which displays the current time and/or temperature by use of intermittent lighting shall not be deemed a flashing sign if the lighting changes are limited to text indicating time, temperature or other public messages. Such sign shall not in any case exceed 32 square feet in area.
- E. Access way or Window: No sign shall block any required accessway or window.
- F. Signs on Trees or Utility Poles: No sign shall be attached to any utility pole or tree.

- G. Traffic Safety:
- (1) No sign shall be maintained at any location where by reason of its position, size, shape or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic or railroad control sign, signal or device, or where it may interfere with, mislead, or confuse traffic.
 - (2) Any sign located within three (3) feet of a driveway, alley, or within a parking area shall have its lowest elevation at least eight feet above the curb level; however, in no event shall any sign be placed so as to project over any public right-of-way, except in the “C-1”, Central Business District, where signs may project over a sidewalk.
 - (3) Under no circumstances shall any sign be placed in the sight triangle as defined by this regulation.
- H. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one street, the lineal street frontage shall be the distance of that property line abutting the major street.
- I. Landscaping: Ground signs, monument signs and elevated signs shall be landscaped. The landscaping shall extend no less than three feet from the base of the sign, and in the case of ground signs and monument signs, shall be incorporated within a decorative planter.
- J. Scale and Context: Signs shall be in scale with the site or structure where located and in context with the site, structure and service offered.
- (1) Scale includes both human scale and proportion. Signs shall be proportional to the element they are attached to and the facade as a whole.
 - (2) Context includes form, style, color, balance and structure lines:

Form: Sign shape and its relationship to the structure or service offered.

Style: Historical, eclectic, modern or contemporary shapes, texts and colors.

Color: Analogous or complementary in relation to site or structure.

Balance: Location of sign in structure element relating to balance through location, mass and color.

Structure Lines: Major lines of building elements and compatibility to outlines, horizontal and vertical lines such as roof line, ground line, window lines, etc.

- K. All signs must be constructed of permanent all-weather materials.

Figure 13 – Sign Pattern

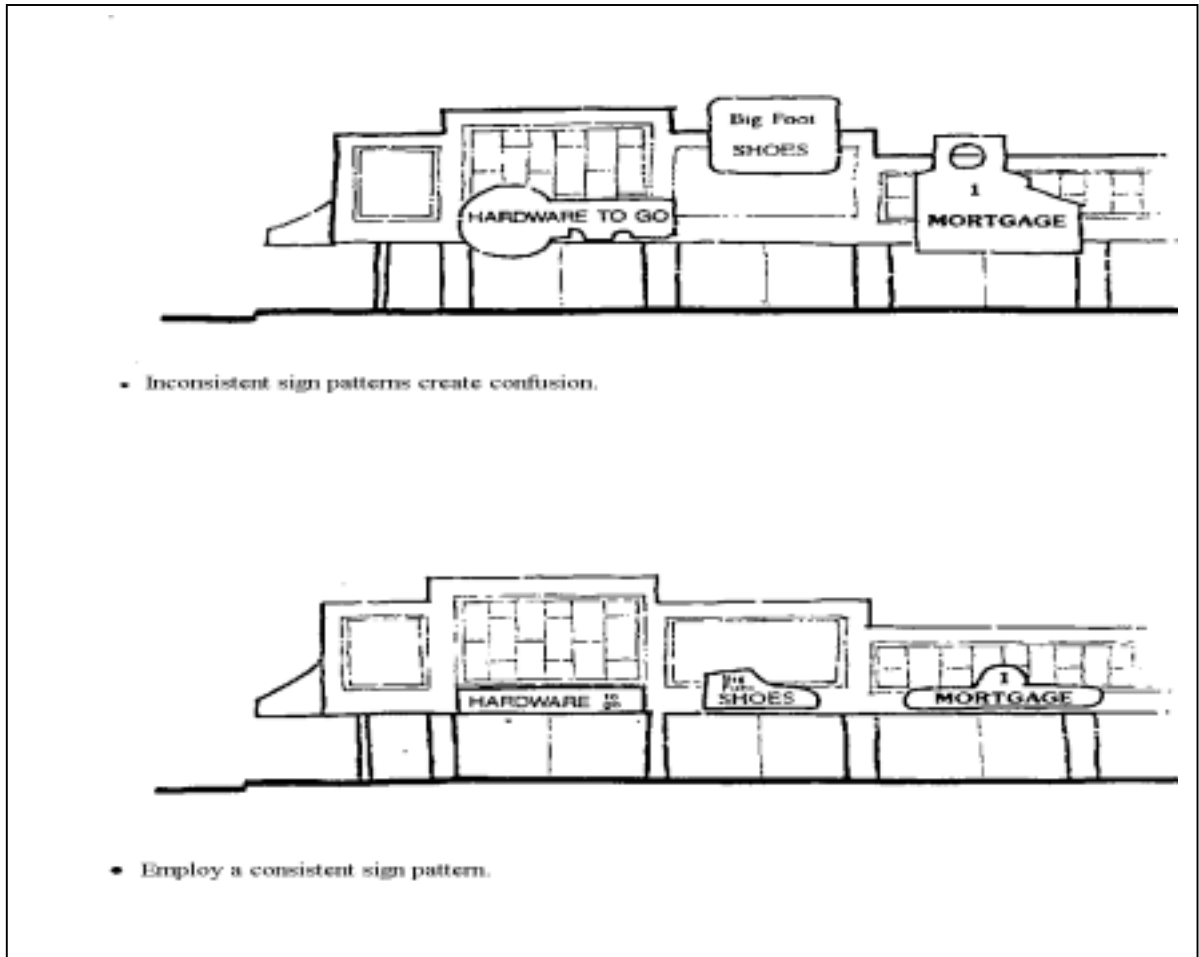
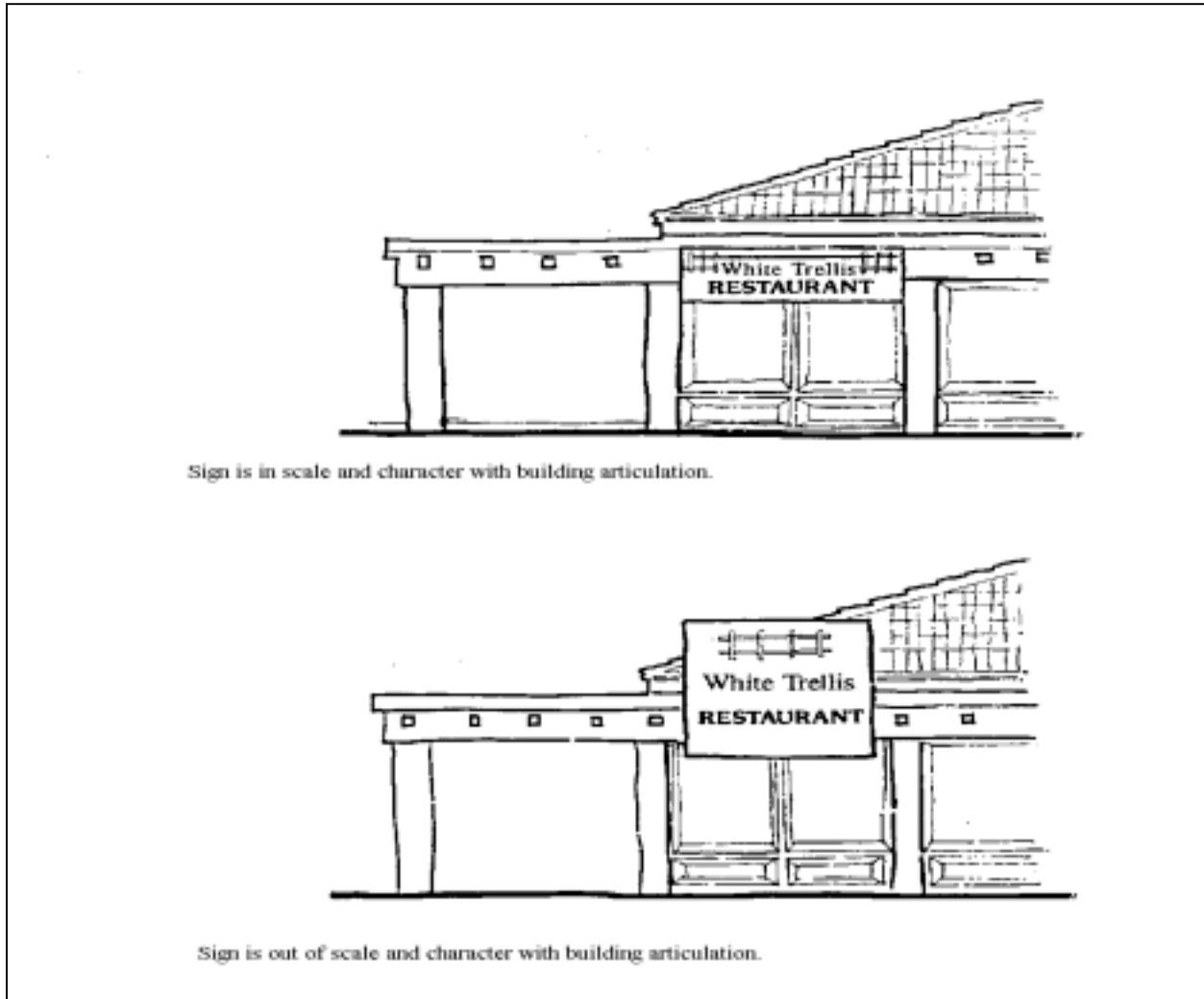


Figure 14 - Sign Scale and Character



9. Exemptions:

- A. Total Exemptions: The following signs shall be exempt from the requirements of this article, except for the provisions of Sections 10.A through 10.E:
- (1) Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
 - (2) Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.

- (3) Memorial signs displayed on public or private property.
- (4) Small signs, not exceeding three square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, one-way drives, restrooms, freight entrances, and other similar signs; except that such signs shall not display logos or other business advertisements.
- (5) Scoreboards in athletic stadiums.
- (6) Temporary signs for the sale of household goods at a residence (for example, garage sales or auctions) for a period not to exceed five (5) days.
- (7) Political signs set outside the public right-of-way and compliance with sight triangle requirements.

B. Exemptions from Sign Permit: The following signs are exempt from the sign permit section of this article, but shall comply with all of the other regulations imposed by this article:

- (1) Name plate signs not exceeding two (2) square feet in gross area accessory to a single-family or two-family dwelling.
- (2) Bulletin board signs not exceeding 100 square feet in gross area accessory to a church, school or public or non-profit institution.
- (3) Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
- (4) Real estate signs not exceeding nine (9) square feet in area.
- (5) Construction signs not exceeding nine (9) square feet in area.
- (6) Window signs not exceeding 25% of the window surface in commercial and industrial districts.

10. Prohibited Signs:

A. Signs on Public Property: Any sign installed or placed on public property, except in conformance with the requirements, shall be forfeited to the public and subject to confiscation, except that logo signs on public athletic fields shall be allowed. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

- B. Obscene or Indecent Advertisement: No person shall display upon any sign or other advertising structure any obscene, indecent or immoral matter.
 - C. Roof Signs Above Roofline: Roof signs mounted or projecting above the highest roof line.
 - D. Elevated Signs Above Roofline: Elevated signs located higher or projecting above the highest roof line on that property or adjacent properties if no structure exists on the property where the sign is located.
 - E. Located on Right-of-Way: Any sign located on public right-of-way, except those signs required by governmental authority or political signs as may be permitted.
11. Temporary Portable Display Signs, With or Without Wheels Attached: Portable display signs shall be allowed on a premises in a commercial or industrial zoning district for not more than seven consecutive days, and no more 30 days in a 12 month period.
12. Temporary Signs: Temporary signs shall be erected and maintained in a safe and attractive manner and shall be subject to applicable regulations except as specifically modified herein.
- A. Real Estate Signs: Real Estate Signs shall be removed within one week of the date of sale, rental, or lease. Signs over thirty-two (32) square feet in area shall be authorized by the Board of Zoning Appeals, which shall base its decision on setback, traffic speed, sign design, and surroundings.
 - B. Construction Signs: Construction signs shall be thirty-two (32) square feet or less. Such signs are subject to yard area requirements and may be erected at the start of construction and shall be removed upon project completion.
13. Maintenance:
- A. All signs within the City shall be maintained in a safe condition and in such a manner that they shall not become a visual detriment to the community at large. The Building Inspector shall be charged with the responsibility and authority to inspect all signs within the City and direct the maintenance of said signs. Maintenance of signs is defined as keeping sign structures in a safe condition, free of rust, with broken glass or plastic replaced, electrical lights and other electrical operations in operable condition, letters and other sign components in the equivalent condition as on the sign permit or as approved.
 - B. Should the Building Inspector find a non-maintained sign as defined above, it shall cause the owner of said sign to be notified as to the deficiency and the corrective action that needs to be taken.

- C. Should the owner fail to exhibit evidence of compliance within 30 days after the mailing of the letter of notification, the Building Inspector shall cause the owner to be cited for violation of this regulation.
 - D. Painted Sign Maintenance: The owner of any sign as defined and regulated by this Regulation shall be required to have properly painted at least once every two (2) years all parts and supports of the sign, unless the same are galvanized or otherwise treated to prevent rust.
14. Office Parks, Shopping Centers and Planned Districts: In the case of a proposed office park, shopping center, or other grouping of three or more tenants or establishments (new or remodeled), the developer shall prepare and submit to the Planning Commission a master signage plan for all permanent exterior signs. Such plan shall set standards that shall run with all leases or sales of portions of the development. A full and accurate description of all signs shall be included indicating location, placement, materials, graphic design styles, type of illumination, etc. Final development plans shall not be approved until the Planning Commission has approved the sign standards. For purposes of this section the terms “shopping center, office park, or their groupings,” shall mean a project of one or more buildings that has been planned as an integrated unit or cluster of units on property under unified control or ownership. The sale, subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations.
- A. In the case of a “shopping center, office park or other grouping” which is occupied by more than one tenant, one (1) monument sign or ground sign may be permitted in addition to the wall mounted signs, which sign shall depict only the name of the center or grouping of shops or offices.
 - B. Where all tenants and/or property owners within a building or “shopping center, office park or other grouping” agree in writing, one tenant may, in lieu of the wall sign permitted, have one (1) monument sign or ground sign depicting the business or product. The design and location of this sign shall be subject to approval of the Planning Commission.

15. District Regulations:

STANDARDS	ZONING DISTRICT										
	AG	R-S	R-1	R-2	R-H	MP	C-1	C-2	O-I	M-1	M-2
	A	A	B	B	B	B	C	D	E	E	E
FUNCTIONAL SIGN TYPES											
Advertising Sign										S	S
Bulletin Board	P	P	P	P	P	P	P	P	P	P	P
Business Sign	P				P	P	P	P	P	P	P
Construction Sign	P	P	P	P	P	P	P	P	P	P	P
Identification Sign	P	P	P	P	P	P	P	P	P	P	P
Name Plate Sign	P	P	P	P	P	P	P	P	P	P	P
Temporary Sign	P	P	P	P	P	P	P	P	P	P	P
STRUCTURAL SIGN TYPES											
Awning, Canopy or Marquee Sign					P		P	P	P	P	P
Elevated Sign								P	P	P	P
Ground Sign							P	P	P	P	P
Monument Sign	P		P	P	P	P	P	P	P	P	P
Portable Display Sign							P	P		P	P
Projecting Sign					P		P	P	P	P	P
Wall Sign					P		P	P	P	P	P

STANDARDS	ZONING DISTRICT										
	AG	R-S	R-1	R-2	R-H	MP	C-1	C-2	O-I	M-1	M-2
	A	A	B	B	B	B	C	D	E	E	E
Roof Sign										P	P
Window Sign					P		P	P	P	P	P

16. Sign Standards:

A. “AG” Agricultural District and “R-S” Suburban District

- (1) Number of Signs Permitted: One (1) sign per zoning lot.
- (2) Maximum Gross Area:
 - (a) Business signs - home occupations: 4 square feet.
 - (b) Bulletin board and identification signs: 50 square feet.
 - (c) Temporary signs: As regulated by Section 12 of this Article.
 - (d) Name plate signs: 4 square feet.
 - (e) Monument sign: 36 square feet.
- (3) Maximum Height: 15 feet.
- (4) Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard; except that real estate signs shall be exempt from setback requirements.
- (5) Illumination: Bulletin board signs may be indirectly illuminated with incandescent or fluorescent lighting.

- B. “R-1” Single-Family District, “R-2” Multifamily District, “R-H” Historic “Old Town” District, “MP” Manufactured Home Park Residential District:
- (1) Number of Signs Permitted: One (1) sign per zoning lot; and two (2) signs per zoning lot on a corner lot, with one sign facing each street.
 - (2) Maximum Gross Area:
 - (a) Awning, Canopy or Marquee Signs – commercial uses in the “R-H” District shall be permitted one such sign.
 - (b) Business signs - home occupations: 4 square feet.
 - (c) Business signs – commercial uses in the “R-H” District shall be restricted to 32 square feet.
 - (d) Bulletin board and identification signs: 50 square feet.
 - (e) Temporary signs: As regulated by Section 12 of this Article.
 - (f) Name plate signs: 4 square feet.
 - (g) Monument sign: 36 square feet.
 - (h) Projecting Signs: 32 square feet (only permitted for commercial uses)
 - (i) Window sign – commercial uses in the “R-H” District shall be permitted one such sign.
 - (3) Maximum Height: 15 feet.
 - (4) Required Setback: No sign shall be placed closer to the front property line than one-half the distance of the front yard; except that real estate signs shall be exempt from setback requirements.
 - (5) Illumination: Bulletin board signs may be indirectly illuminated with incandescent or fluorescent lighting.

C. “C-1” Central Business District:

- (1) Number of Signs Permitted:
 - (a) Awning, canopy or marquee signs and window signs: No limitations.
 - (b) Ground, monument, elevated, or wall signs: One per zoning lot.
 - (c) A projecting sign oriented towards the pedestrian not exceeding four square feet in surface area and attached to a building or awning. The top of the sign shall be no higher than ten feet above the sidewalk and the bottom of the sign shall not extend below seven feet three inches above the sidewalk. The sign must be perpendicular to the building surface to which it is attached. No sign shall project beyond the awning to which it is attached. Any sign attached directly to a building wall shall project no more than four feet beyond the building or structure. No more than one sign is permitted per business per each street on which the premise have frontage.
- (2) Maximum Gross Surface Area: 50 square feet.
- (3) Maximum Height: 10 feet; except wall signs may extend to the roof eave line.
- (4) Required Setback: 0 feet.
- (5) Illumination: Illuminated signs shall be permitted.

D. “C-2” General Commercial District and “O-I” Office and Institutional District :

- (1) Number of Signs Permitted:
 - (a) Awning, canopy or marquee signs and window signs: No limitations.
 - (b) Ground, monument, elevated, or wall signs: One per zoning lot.
- (2) Maximum Gross Surface Area: 100 square feet
- (3) Maximum Height: 30 feet, except as otherwise limited in height by this Article.
- (4) Required Setback: 15 feet.
- (5) Illumination: Illuminated signs shall be permitted.

(6) Elevated signs:

(a) One elevated sign shall be permitted on the premises of any business located on a platted lot which is no more than 100 feet from the intersection of the Highway 169 right-of-way and the perpendicular local street.

(b) A special use permit can be issued to increase the height of the elevated sign to a maximum of 50 feet above the finished grade of the lot.

The issuance of such a permit shall be based upon sight lines from the highway and the need for the increase in height..

(c) The gross surface area of the face of the sign shall not exceed 250 square feet.

E. “M-1” Light Industrial District and “M-2” Heavy Industrial District:

(1) Number of Signs Permitted: One per street frontage, except as modified by Advertising Signs in sub-section D.6 below.

(2) Maximum Gross Surface Area: 150 square feet excluding advertising signs

(3) Maximum Height: 30 feet above highest point for roof and wall signs and 30 feet for all others, except as modified by Advertising Signs in sub-section D.6 below.

(4) Required Setback: 25 feet

(5) Illumination: Illuminated signs shall be permitted, except as modified by Advertising Signs in sub-section D.6 below.

(6) Advertising Signs (Billboards): Advertising signs (billboards) may be established as a special use permit, provided that they meet the following conditions:

(a) No advertising sign shall be located within 660 feet of another advertising sign abutting either side of the same street or highway.

- (b) No advertising sign shall be located closer than 20 feet from a property line adjoining a public right-of-way or 10 feet from any interior boundary lines of the premises on which the advertising sign is located. Setbacks shall be measured from the surface display area to the vertical extension of the property line.
- (c) The surface display area of any side of an advertising sign may not exceed 400 feet. In the case of advertising sign structures with tandem or stacked advertising sign faces, the combined surface display area of both faces may not exceed 400 square feet.
- (d) The height of an advertising sign shall not exceed 35 feet above the grade of the ground on which the advertising sign sits or the grade of the abutting roadway, whichever is higher.
- (e) No advertising sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
- (f) An advertising sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any advertising sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (g) An advertising sign must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. An advertising sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- (h) An advertising sign established within a business, commercial, or industrial area, as defined in the “Highway Advertising Act of 1972” (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of the Act and the regulations provided thereunder, as such may from time to time be amended.

**ARTICLE 10
NONCONFORMITIES**

1. General: Nonconformities are of three types: nonconforming lots of record, nonconforming structures and nonconforming uses. A definition of each type is as follows:
 - A. Nonconforming Lot of Record: An unimproved lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations, and neither said lot nor parcel complies with the lot width or area requirements for any permitted use in the district in which it is located.
 - B. Nonconforming Structure: An existing structure which does not comply with the height or yard requirements which are applicable to new structures in the zoning district in which it is located.
 - C. Nonconforming Use: An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

2. Nonconforming Lots of Record: The Building Inspector shall issue a building permit for any nonconforming lot of record, provided that:
 - A. Said lot is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and
 - B. Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulations, and
 - C. Said lot can meet all yard regulations for the district in which it is located, and
 - D. Said lot can be served by municipal sewerage disposal; or can meet minimum standards for on-site sewage treatment as required by the County Health Office, should the City determine that the lot cannot be served by the municipal disposal system.

3. Nonconforming Structures:
 - A. Authority to Continue: Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located, may be continued, so long as it remains otherwise lawful.

- B. Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired or remodeled; provided, however, no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure; provided further, existing manufactured home parks not meeting the requirements of these regulations shall be declared nonconforming and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of these regulations.
 - C. Damage or Destruction: In the event that any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its appraised value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
 - D. Moving: No nonconforming structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.
4. Nonconforming Uses:
- A. Authority to Continue: Any lawfully existing nonconforming use or part or all of a structure or any lawfully existing nonconforming use of land, may be continued, so long as otherwise lawful.
 - B. Ordinary Repair and Maintenance:
 - (1) Normal maintenance and incidental repair, or replacement, installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
 - (2) Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

- C. Extension: A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
- (1) Extension of such use to any structure or land area other than that occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming).
 - (2) Extension of such use within a structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations (or on the effective date of subsequent amendments hereto that cause such use to become nonconforming); provided, however, that such use may be extended throughout any part of such structure that was lawfully and manifestly designed or arranged for such use on such effective date.
- D. Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- E. Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of its appraised value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50 percent or less, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- F. Moving: No structure that is devoted in whole or in part to a nonconforming use and no conforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning districts in which it is located after being so moved.
- G. Change in Use: If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special use be changed to another nonconforming use provided that the Board of Zoning Appeals either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with Article 13. Once a change is made to a more appropriate use, the use shall not be returned to the original use or a less appropriate use.

- H. Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.
- I. Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.
- J. Nonconforming Residential Uses: Notwithstanding the provisions of Sections 4(C) and 4(D), any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded, and enlarged; provided that after any such remodeling, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work.

5. Status of Special Uses

- A. Status of Existing Special Uses: Where a use exists at the effective date of these regulations and is permitted by these regulations only as a special use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district. Such special use shall not be enlarged or expanded unless a special use application is approved as set out in Article 11 of these regulations.
- B. Status of Future Special Uses: Any use for which a special use permit has been issued, as provided in these regulations, shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use.

**ARTICLE 11
SPECIAL USE PERMITS**

1. General Considerations:

- A. Delegation of Power: The City Commission shall decide whether special use permits shall be granted only after having received a recommendation from the Planning Commission. In no event shall a special use permit be granted where the proposed use is not authorized by the terms of these regulations, or where the standards of this Article are not found to exist.
- B. Conditions and Guarantees: Prior to the granting of any special use permit, the Planning Commission or City Commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use permit as is deemed necessary for the protection of the public interest and to secure compliance with the standards and conditions contained herein. In all cases in which a special use permit is granted, the Planning Commission may recommend or the City Commission may require such evidence and guarantees as may be deemed necessary to ensure that the conditions stipulated are being, and will be, fully complied with.
- C. Special Use Permits in Residential Districts: In no event shall special use permits in residential districts be transferable from an owner-applicant to a subsequent owner of the subject real estate or structure.

2. Procedures:

- A. Application: A written application for a special use permit shall be filed with the Zoning Administrator and shall include a statement indicating the section of the regulations under which the permit is sought, the grounds upon which it is requested, and sufficient evidence to show that the use will conform to the standards set forth. The application shall be accompanied by an area map and site plan of the subject property.
- B. Fees: Every application for a special use permit shall be subject to a filing fee as established by the City Commission.
- C. Site Plan: All applicants for a special use permit shall submit with their application ten (10) copies of a development plan for the property which shall include the following:
 - (1) A site plan showing:
 - (a) Approximate size and locations of all structures.
 - (b) Access from streets.

- (c) Parking arrangements and numbers of spaces.
 - (d) Interior drives and service areas.
 - (e) Landscaped areas.
 - (f) All proposed signs.
- (2) Location map showing development and zoning of adjacent property within 100 feet.
 - (3) The full legal description of the boundaries of said development area.
 - (4) A description of the general character of all structures.
- D. Hearing: Upon receipt of the formal application and all accompanying material, the Zoning Administrator shall call a public hearing for the next scheduled meeting of the Planning Commission; provided, however, that notice must be published in a newspaper of general circulation at least 20 days prior to the date set for hearing. The Planning Commission shall submit a recommendation to their City Commission within 30 days after the close of the public hearing.
- E. Findings: In making a recommendation to the City Commission, the Planning Commission shall specify the particular grounds relied upon and their relation to the proposed use and shall make affirmative findings that the proposed use conforms with the general standards set forth in this Article. In no case shall a special use permit be granted if the proposed use will constitute a nuisance or a public health or safety hazard to adjacent properties or to the community at large.
- F. Action by City Commission: The City Commission shall consider the Planning Commission's recommendation at the next regularly scheduled City Commission meeting for which the agenda item can be docketed. The City Commission shall consider the recommendation of the Planning Commission and act in accordance with the procedures for amending zoning district boundaries. If the City Commission fails to act upon a recommendation within 120 days from the receipt thereof, the application shall be deemed to have been denied.

3. Standards for Issuance of Special Use Permits: Before any permit shall be granted, the Planning Commission shall make written findings certifying that adequate provision has been made for the following:
 - A. The location and size of the proposed use in relation to the site and to adjacent sites and uses of property, and the nature and intensity of operations proposed thereon.
 - B. Accessibility of the property to police, fire, refuse collection and other municipal services; adequacy of ingress and egress to and within the site; traffic flow and control; and the adequacy of off-street parking and loading areas.
 - C. Utilities and services, including water, sewer, drainage, gas, and electricity, with particular reference to location, availability, capacity and compatibility.
 - D. The location, nature, and height of structures, walls, fences, and other improvements; their relation to adjacent property and uses; and the need for buffering or screening.
 - E. The adequacy of required yard and open space requirements and sign provisions.
 - F. The general compatibility with adjacent properties, other properties in the district, and the general safety, health, comfort and general welfare of the community.
4. Additional Conditions for Special Uses: In granting a special use, the City may impose such conditions, safeguards and restrictions upon the premises to reduce or minimize any potential injurious effect of such special uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. The use standards specified for the uses listed in Section 2 of Article 5 shall also be requirements for the approval of a special use permit.
5. Time Limit:
 - A. **Sunset:** A special use permit shall expire, upon public hearing, unless a building permit is taken within 12 months to effectuate such specially permitted use; or if no building permit is required, evidence of use is filed with building inspector.
 - B. **Abandonment:** Once a conditionally permitted use ceases or is abandoned for a period of more than 12 months, the special use permit shall expire upon public hearing; except that the special use permit for an auto salvage yard shall automatically expire if the state license for operating the auto salvage yard lapses for a period of time more than six months.
 - C. **Home Occupation:** A special use permit for a home occupation shall not be transferable to a new owner of the real estate.

**ARTICLE 12
SITE PLAN REVIEW**

1. **Intent:** The City of Chanute recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems. Also, the City strives to achieve the goal of promoting growth in Chanute, while stabilizing the established residential patterns of the area. The City seeks to ensure that any location that must accommodate urban uses, shall be subject to Site Plan Review by the Planning Commission. The Site Plan Review process shall help ensure that the meaning and intent of the Zoning Regulations, and all portions thereof, are fully complied with.

The Site Plan Review regulates the development of structures and sites in a manner that considers the following concerns:

- A. The balancing of landowners' rights to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);
 - B. The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
 - C. The adequacy of waste disposal methods and protection from pollution of surface or groundwater;
 - D. The protection of historic and natural environmental features on the site under review, and in adjacent areas; and
 - E. The stability of the built environment--particularly residential neighborhoods--by promoting urban development that is compatible with clearly identified natural resources.
2. **Applicability:** The Zoning Administrator shall require that all applications for building permits for developments in the multifamily, commercial and industrial zoning districts be subject to Site Plan Review in accordance with these regulations, and for redevelopment in the following circumstances: if the redevelopment enlarges the size of the original structure by more than 50 percent. Developments shall be encouraged to implement the objectives of the Future Land Use Plan to foster compatibility among land uses in the City of Chanute. Site Plan Reviews shall be performed by the Zoning Administrator, and submitted to the Planning Commission for approval if in conjunction with a public hearing.
 3. **Site Plan Review:** The Planning Commission shall perform their review at the next regularly scheduled meeting of the Planning Commission for which the item may be scheduled and shall adjourn and reconvene as is determined necessary.

The applicant may appeal a site plan review determination to the City Commission for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the Zoning Administrator or the Planning Commission in the enforcement of Site Plan Review. The request for review by the City Commission shall be accompanied by a complete description of the error(s) alleged.

4. Authority: Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which Site Plan Review is applicable, unless Site Plan Review approval has been granted.
5. Submission Requirements: The Site Plan shall include the following data, details, and supporting plans which are relevant to the proposal. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

Site Plans shall be prepared at a discernable scale.

- A. Name of the project, address, boundaries, date, north arrow and scale of the plan.
- B. Name and address of the owner of record, developer, and seal of the engineer, architect, land surveyor or landscape architect.
- C. Name and address of all owners of record of abutting parcels.
- D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.
- E. The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. For developments in the “C-1” Central Business District and “R-H” Residential “Old Town” District, indicate design details to make new construction compatible with existing structures.
- F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- G. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- H. The location, height, size, materials, and design of all proposed signage.

- I. A landscape plan showing all existing open space, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.

- J. The location of all present and proposed utility systems including:
 - (1) sewerage system;
 - (2) water supply system;
 - (3) telephone, cable and electrical systems; and
 - (4) storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swells.

- K. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.

- L. Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.

- M. Existing and proposed zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.

- N. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.

The Zoning Administrator may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

- (1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

- (2) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and

- (3) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.

6. Standard of Review: The recommendations of the Zoning Administrator shall be based on the following standards:
- A. The extent to which the proposal conforms to the previous sections of these regulations.
 - B. The extent to which the development would be compatible with the surrounding area and the Development Guidelines of this Article.
 - C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.
 - D. The extent to which the proposal conforms to customary engineering standards used in the City.
 - E. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.
7. Development Guidelines, Commercial and Industrial Districts:

In zoning districts permitting commercial and industrial uses, buildings should meet the following minimum guidelines, based on site plan review:

- A. Raised exterior walls or screen walls should be designed to enclose groups of equipment. 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.
- B. The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
- C. The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall not be allowed.
- D. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.
- E. Where large structures are proposed with overly-long facades (walls), where one dimension exceeds the length of the perpendicular dimension, such as warehouses, building mass should be articulated with variations in the building plane and parapet height and through the use of other unique design or site plan features. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and islands containing trees and shrubs.

- F. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank is discouraged.
- G. 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.
- H. 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.
- I. Use of substantial amounts of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces are discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood.

Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco, or split-face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.

- J. Architectural treatments (e.g., building materials, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment. The applicant will have the burden of demonstrating the reasons for differing treatment on different sides (e.g., the need for truck accesses on one side and pedestrian access on another).

Long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.

ARTICLE 13
BOARD OF ZONING APPEALS

1. Formation: A Board of Zoning Appeals is hereby created in accordance with State Statutes governing such creation. The word “Board” when used in this Article shall mean Board of Zoning Appeals. The Board shall consist of seven members who are residents of the City. The membership of the first Board appointed shall serve respectively, two for one year, two for two years, one for three years. Thereafter members shall be appointed for terms of three years each.

The Board shall adopt rules of procedure as may be necessary and proper to govern its own proceedings; such rules shall not be in conflict with other laws, regulations or resolutions. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing the description of evidence presented, the findings of fact by the Board, the decision of the Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and will keep records of its examinations and other official actions, all of which shall be filed in the office of the Board immediately and shall be a public record.

2. Powers and Jurisdiction: The Board shall have the following powers and jurisdictions:

- A. Appeals: To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of these regulations.

- (1) Appeals of the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Zoning Administrator and with the Secretary of the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Secretary of the Board all papers constituting the record upon which the action appealed from is taken.

- (2) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application or notice to the Zoning Administrator of good cause shown.

- B. Variances: To authorize in specific cases a variance from the specific terms of these Regulations which will not be contrary to the public interest and where, owing to special

conditions, a literal enforcement of the provisions of these Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Regulations shall be observed, public safety and welfare secured, and substantial justice done.

- (1) The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of this specific piece of property at the time of the effective date of the District Zoning Regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances, that the strict application of the terms of the Zoning Regulations actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
- (2) Variances may be granted for any modifications of the specific terms of the Zoning Regulations, except that a variance may not be granted to allow the establishment of a use not permitted in the district regulations.
- (3) A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination of each condition and the finding shall be entered in the record.
 - (A) The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - (B) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
 - (C) The strict application of the provisions of the Zoning Regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - (D) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
 - (E) The granting of the variance desired will not be opposed to the general spirit and intent of the Zoning Regulations.

- C. Conditions of Determination: In exercising the foregoing powers, the Board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from where the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

A majority of the Board shall constitute a quorum for the transaction of business, and a concurring vote of five members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant upon any matter which it is required to pass under any such regulation, or to affect any variation in such regulation. Upon the hearing, any party may appear in person or by agent or by attorney.

3. Applications:

- A. The procedure for requesting a hearing before the Board shall be as follows:

- (1) All applications to the Board shall be in writing on forms provided by the Board.
- (2) The Board shall fix a reasonable time for the hearing of an application and notice of the time, place, and subject of each hearing shall be published in the official newspaper (as designated by the City Commission) at least 20 days prior to the date fixed for the public hearing. A copy of the Notice of Public Hearing shall be sent to each party of interest and to the Planning Commission.
- (3) A filing fee in the amount indicated in Article 18 Fee Schedule shall accompany an application. A separate filing fee shall be required for each request.

- B. In addition to the above requirements, certain applications require additional information as follows:

(1) Appeals:

- (A) An application for an appeal shall be filed within 60 days after a ruling has been made by the Zoning Administrator.
- (B) A copy of the order, requirement, decision, or determination of the Zoning Administrator which the appellant believes to be in error.
- (C) A clear and accurate written description of the proposed use, work, or action in which the appeal is involved and a statement justifying the appellant's position.

(D) Where necessary, a plot plan, drawn to scale, shall be submitted in duplicate showing existing and proposed plans for the area in question.

(2) Variances:

(A) The applicant shall submit a statement, in writing, justifying the variance requested, indicating specifically the enforcement provisions of the Zoning Regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 2 (B) (3) of this Article.

(B) The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application, the structures existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information that would be helpful to the Board in consideration of the application.

4. Performance: In making any decisions varying or modifying any provisions of the Zoning Regulations, the Board shall impose such restrictions, terms, time limitations, landscaping, and other appropriate safeguards to protect adjoining property.

The Board may require a performance bond to guarantee the installation of improvements such as parking lot surfacing, landscaping, etc. The amount of the bond shall be based on a general estimate of cost for the improvements as determined by the Board, and shall be enforceable by or payable to the City Commission in the sum equal to the cost of constructing the required improvements.

In lieu of the performance bond requirement, the Board may specify a time limit for the completion of such required improvements and, in the event the improvements are not completed within the specified time, the Board may declare the granting of the application null and void after reconsideration.

5. Who May Appeal From the Board Decision: Any person, department, or departments of the government jointly or separately aggrieved by any decision of the Board may present to the Circuit Court having jurisdiction a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality, and asking for relief therefrom. Such petition shall be presented to the Court within 30 days after the date of filing the decision in the office of the Board.

**ARTICLE 14
VIOLATION AND PENALTY**

The owner or agent of a structure or premises in or upon which a violation of any provision of this regulation has been committed or shall exist; or the lessee or tenant of an entire structure or entire premises in or upon which violation has been committed or shall exist; or the agent, architect, structure or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not less than two hundred fifty (250) dollars per violation plus one hundred dollars (100) and not more than two hundred fifty (250) dollars for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than two hundred and fifty (250) dollars for each and every day such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of this regulation, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said structure or land.

**ARTICLE 15
AMENDMENTS**

1. Amendments to Change Zoning Regulations or District Boundaries: The City Commission, from time to time, may supplement, change or generally revise the boundaries or regulations contained in zoning regulations by amendment. A proposal for such amendment may be initiated by the City Commission or the Planning Commission. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Applications for special use permits shall be considered by the same procedure as zoning district amendments. Any such amendment, if in accordance with the adopted comprehensive plan, shall be presumed to be reasonable.
2. Public Hearing: All such proposed amendments first shall be submitted to the Planning Commission for recommendation. The Planning Commission shall hold a public hearing thereon at its next regular meeting for which the application may be scheduled, shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for recommendations on the original proposed zoning regulations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary or classification of any zone or district. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the property shall be designated by legal description or a general description sufficient to identify the property under consideration.
3. Public Notice: In addition to such publication notice, written notice of such proposed amendment shall be mailed at least 20 days before the hearing to all owners of record of lands located within at least 200 feet of the area proposed to be altered. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the City Commission. Such notice is sufficient to permit the Planning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.
4. Adoption: The procedure for the consideration and adoption of a recommendation to amend zoning district boundaries shall be in the same manner as that required for the consideration and adoption of the original zoning regulations. A majority of a quorum of the Planning Commission at the hearing shall be required to recommend approval or denial of the amendment to the City Commission. If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval. When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the City Commission may: (1) Adopt such

recommendation by ordinance; (2) Override the Planning Commission's recommendation by a 2/3 vote of the membership of the City Commission; or (3) return such recommendation to the Planning Commission with a statement specifying the basis for the City Commission's failure to approve or disapprove.

If the City Commission returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Commission, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance or resolution.

5. Applications: Any party desiring any change in zoning district boundaries or regulations contained in these Zoning Regulations, as to any lot, tract or area of land, shall file with the Zoning Administrator an application, and such application shall be accompanied by such data and information as prescribed in these Regulations.
6. Filing Deposit and Fee: An application fee and filing deposit in amounts as established by the City Commission shall accompany each application filed with the City. Promptly upon the filing of any such application, the Zoning Administrator shall refer the application to the Planning Commission agenda for study and recommendation and shall submit a report to the City Commission concerning the nature of the application and that said application has been referred to the Planning Commission.
7. Comprehensive Plan: Upon the adoption or amendment of any such plan or part thereof by adoption of the appropriate resolution by the Planning Commission, a certified copy of the plan or part thereof, together with a written summary of the hearing thereon, shall be submitted to the City Commission. No comprehensive plan shall be effective unless approved by the City Commission.

An attested copy of the comprehensive plan and any amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan.

8. Matters to be Considered for Zoning District Amendments: In order to recommend approval or disapproval of a proposed zoning district amendment, the Planning Commission shall consider the following matters:
 - A. Character of the neighborhood.

- B. Consistency with the comprehensive plan and regulations of the City of Chanute.
 - C. Adequacy of public utilities and other needed public services.
 - D. Suitability of the uses to which the property has been restricted under its existing zoning.
 - E. Compatibility of the proposed district classification with nearby properties.
 - F. The extent to which the zoning amendment may detrimentally affect nearby property.
 - G. Whether the proposed amendment provides a disproportionately great loss to the individual land owners nearby relative to the public gain.
9. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determination as to the following items:
- A. Whether such change is consistent with the intent and purpose of these regulations;
 - B. The areas which are most likely to be directly affected by such change and in what way they will be affected; and
 - C. Whether the proposed amendment is made necessary because of changed or changing conditions in the areas and zoning districts affected, or in the area of jurisdiction of such changed or changing conditions.
10. Protest: Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment, if a protest against such amendment is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to said publication notice, signed by the owners of 30 percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change, or within an area determined by lines drawn parallel to and 200 feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two thirds (2/3) of all the members of the City Commission.

**ARTICLE 16
ADMINISTRATION**

1. Legislative and Quasi-Judicial Regulation of Land Use: The City shall regulate land use as provided by statute and appoint a Planning Commission by City ordinance; which Planning Commission shall prepare and adopt bylaws for the conduct of their business, including adoption of a comprehensive plan.

2. Office of the Zoning Administrator:
 - A. Authorization: A Zoning Administrator shall be appointed by the City Manager and shall be responsible for the enforcement of these regulations.

 - B. Duties of the Zoning Administrator: The Zoning Administrator shall enforce these regulations and in addition thereto and in furtherance of said authority, he shall:
 - (1) Approve and issue all zoning and occupancy certificates and make and maintain records thereof.
 - (2) Conduct inspections of structures and uses of land to determine compliance with the provisions of the zoning regulations.
 - (3) Receive, file, and forward to the Board of Zoning Appeals the records in all appeals and all applications for variances.
 - (4) Maintain permanent and current records of the zoning regulations including, but not limited to, all zoning maps, amendments, variances, appeals and applications therefore and records of hearing thereon.
 - (5) Maintain for distribution to the public a supply of copies of the zoning map or maps, the compiled text of the zoning regulations, and the rules of the Board of Zoning Appeals.

3. Building Permits:
 - A. Building Permits: Unless a building permit shall first have been obtained from the Building Inspector:
 - (1) The construction, moving, remodeling or reconstruction of any structure shall not be commenced; and,
 - (2) The improvement of land preliminary to any use of such land shall not be commenced.

Any building permit issued in conflict with the provisions of these regulations shall be null and void.

B. Application for Building Permit: Every application for a building permit shall include at least the following:

- (1) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions of the piece or parcel, lot, lots, block or blocks, or parts or portions thereof, according to the recorded plat of such land.
- (2) A plot plan, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, the structure lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of these regulations.

One copy of both the plat and the plot plan shall be retained by the Zoning Administrator as a public record.

- (3) A copy of the utility permit issued by the City if the project to which the building permit application applies will involve a street cut or connection to the City's water service or sanitary sewer service.

C. Issuance of Building Permit: A building permit shall be either issued or refused by the Zoning Administrator within ten days after the receipt of an application or within such further period as may be agreed to by the applicant. No building permit shall be issued unless all the zoning requirements of these regulations are met.

D. Posting of Building Permits: Upon issuance of a building permit by the Zoning Administrator, the building permit shall be posted on the job site by the applicant. The building permit shall remain posted on the job site for the entire duration of the project for which the building permit was issued. Said building permit shall be posted in a conspicuous place that is visible from the street.

E. Period of Validity: A building permit shall become null and void six (6) months after the date on which it is issued unless within such six-month period construction, moving, remodeling or reconstruction of a structure is commenced or a use is commenced. If the construction, moving, remodeling or reconstruction of any structure is not commenced within said six-month period, issuance of a new building permit shall be required.

**ARTICLE 18
FEE SCHEDULE**

1. FEE SCHEDULE

- A. The Planning Commission and City staff shall require the following fees at the time of submittal of plans or application.
- Lot split: 100.00 + \$500.00 deposit for administrative fees beyond initial review.
 - Preliminary Plat: \$50.00 + \$5.00 per lot + \$500.00 deposit for administrative fees beyond initial review.
 - Final Plat: \$50.00 + \$5.00 per lot + \$500.00 deposit for administrative fees beyond initial review.
 - Site Plan Review: \$100.00 + \$500.00 deposit for administrative fees beyond initial review.
 - Rezoning: \$100.00 + \$500.00 deposit for administrative fees beyond initial review.
 - Special Use Permit: \$100.00 + \$500.00 deposit for administrative fees beyond initial review.
 - Variance: \$50.00 + \$500.00 deposit for administrative fees beyond initial review.
- B. Items that will be paid for by the deposit include but are not restricted to the following:
- Newspaper publications;
 - Staff review time;
 - Mailings; and
 - Related costs for application review.

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