

ZONING REGULATIONS

City of Marion

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MARION ZONING ORDINANCE

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SECTION 1

GENERAL PROVISIONS

Sections:

- 1-1 Title and Scope
- 1-2 Authority
- 1-3 Purpose
- 1-4 Applicability
- 1-5 Administration
- 1-6 Rules of Interpretation
- 1-7 Activities Covered by these Regulations
- 1-8 Miscellaneous Requirements

Section 1-1 Title and Scope

- 1-1.01 These zoning regulations and the maps depicting zoning district boundaries shall be known as the Marion Zoning Regulations.

Section 1-2 Authority

- 1-2.01 Except as otherwise provided for herein, these zoning regulations are adopted by the Governing Body of Marion under powers conferred by K.S.A. 12-741 et. seq.

Section 1-3 Purpose

- 1-3.01 These zoning regulations and districts as herein established have been made in accordance with a land use study to promote, in accordance with present and future needs, the safety, morals, order convenience, prosperity, and general welfare of the citizens of Marion, Kansas, and to provide for efficiency and economy in the process of development, for the appropriate and best use of land, for convenience of traffic and

circulation of people and goods, for the use and occupancy of buildings, for healthful and convenient distribution of population, and to protect individuals and property from flood hazards or flooding by providing for the orderly and safe development of flood prone areas for the most advantageous uses which are consistent with the health, safety and welfare of the general public, and for adequate public utilities and facilities by regulating the location and use of buildings, structures, and land for trade, industry, and residence, by regulating and limiting or determining the height and bulk of buildings and structures, and area of yards and other open spaces, and the density of use. These regulations have been made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the territory of Marion, Kansas.

Section 1-4 Applicability

- 1-4.01 These zoning regulations shall apply to the land located within the boundaries of Marion, Kansas.
- 1-4.02 These zoning regulations shall not apply to the use of land for agriculture, as defined by these regulations, nor for the erection or maintenance of building so long as such land and buildings are used for agricultural purposes and not otherwise.
- 1-4.03 These zoning regulations shall not apply to poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water, but not including utility substations located on or above the surface of the ground.
- 1-4.04 These zoning regulations shall not apply to railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right-of-way and maintenance and repair work on such facilities and equipment.

Section 1-5 Administration

- 1-5.01 Except as otherwise provided herein, these zoning regulations shall be administered by the City Zoning Official as designated by the City Commission. Such person may be referred to in these regulations as the “Zoning Administrator”.

Section 1-6 Rules of Interpretation

- 1-6.01 Where the conditions imposed by the provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- 1-6.02 Effect on Existing Permits. Nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any structure in the event that:
1. A building permit and/or a zoning permit for such structure was lawfully issued prior to the effective date of these regulations, or the effective date of any amendment thereof; and
 2. Such permit had not by its own terms expired prior to such effective date; and
 3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
 4. There has been a substantial change of position, substantial expenditure, substantial work performed or incidence of substantial obligations by the permit holder in reliance on such permits other than purchase of land or preparation of design plans; and

5. Such issuance of a permit and change of position expenditures, work or incidence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
 6. Construction pursuant to such permit is completed prior to the expiration of such permit.
- 1-6.03 Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

Section 1-7 Activities Governed by These Regulations

- 1-7.01 All structures built hereafter shall comply with all the provisions of these regulations. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty of 50% or more of its fair market value shall be considered to be a structure built hereafter, unless these regulations otherwise permits such structures to be rebuilt or restored.
- 1-7.02 If a use of any structure is hereafter changed to another, then the new use must comply with the use regulations of these regulations unless otherwise permitted by these provisions. The mere establishment of the new use does not require the existing structure to conform to the lot size requirements or the bulk regulations.
- 1-7.03 If any structure is hereafter structurally altered as defined in these regulations:
1. The entire structure as altered shall comply with the use regulations of these regulations.

2. Any alterations of, enlargements of or additions to the structure shall comply with the bulk regulations of these regulations, except as permitted by these regulations for non-conforming structures.
3. The off-street parking facilities shall not be reduced below or, if already less than, shall not be further reduced below the requirements applicable to a similar new structure or use.

Section 1-8 Miscellaneous Requirements

- 1-8.01 No more than one principal structure and use may be located upon one lot.
- 1-8.02 All land which may hereafter be annexed to the city shall be placed in the least restrictive zoning district currently in effect in the city's zoning ordinance at the time of the annexation.
- 1-8.03 The Governing Body after receiving a recommendation from the Planning Commission, may require the dedication of additional street rights-of-way and/or easements for utilities as a condition related to a change in zoning by either requiring that the land be platted or re-platted according to any subdivision regulations of the city or, in lieu of platting, by a legal document making such required dedications. The following street standards shall apply: Sixty (60) feet for local streets, eight (80) feet for collector streets, and one hundred (100) feet for arterial streets. Easements shall be a maximum of fifteen (15) feet on side yards and twenty (20) feet on all other yards.
- 1-8.04 Location or Replacement of Manufactured Homes:
1. A residential-design manufactured home, as defined by these regulations and meeting the following architectural aesthetic design standards, shall be considered a single-family detached dwelling:
 - a. The roof shall be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles, or fiberglass. The roof

shall have a minimum eave projection and roof overhang of 10 inches, which may include a gutter.

- b. Exterior siding shall be of a material customarily used on site built dwellings, which does not have a high gloss finish, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding materials shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding.
 - c. At the main entrance door there shall be a landing that is a minimum of three feet by three feet.
 - d. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.
 - e. The finished floor of the residential-design manufactured home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
2. Notwithstanding other provisions of these regulations, whenever a manufactured home is moved from a lot within a district in which it is a permitted use, another manufactured home meeting all requirements of the district may be moved onto the lot at any time. In the case of a non-conforming manufactured home use, such a move must take place within six months from the date that the previous manufactured home was moved off the lot, otherwise such use shall not thereafter be reestablished or resumed and, when so moved in, shall be placed on a foundation within 60 days. In reestablishing such a non-conforming manufactured home use, any existing non-conforming lot size requirements or bulk regulations shall not be increased in nonconformity.

1-8.05 On all corner lots in all districts, no use of land shall commence, or no structure or vegetation shall hereafter be constructed, structurally altered, extended, enlarged or moved after the effective date of these regulations unless it also conforms to the requirements of the vision triangle as defined by these regulations. In all residentially zoned districts, the two sides forming the lot line intersection shall be a minimum distance of 30 feet (except that there shall be no vision triangle requirements for lands located in the Central Business District).

1-8.06 Screening and/or landscaping shall be provided on all properties developed for manufactured home park, institutional, governmental, office, commercial or industrial uses by the owners of such properties when such uses are established on property within or adjacent to any district in which single-family dwellings are a permitted use in accordance with standards developed by the zoning administrator.

1. The Planning Commission may, in its discretion, temporarily or permanently waive the requirements for screenings and/or landscaping if:
 - a. The adjacent land use in the single-family residential district may not necessitate nor benefit from such a requirement; or
 - b. The adjacent land use may already have provided adequate screening for which additional screening may be a duplication; or
 - c. The future land use for the adjacent area can not readily be determined at the time and that upon mutual agreement of the Planning Commission and the applicant that the requirements may be waived, and the matter reviewed as a specified date in the future. In the meanwhile, the Planning Commission shall require that either a letter of assurance or a covenant be submitted to run with the land; or a guarantee in the form of a corporate security bond, cashier's check, escrow account or other security be submitted to ensure that such requirements

will be met when a determination is made. The Planning Commission may determine the sufficiency of the assurance based on the length of time anticipated before a decision, the size and cost of the potential work involved, and the need to ensure that the requirement is met regardless of any change in ownership.

1-8.07 All principal structures built hereafter within the city shall be served by and connected to public electric, sewer and water systems if such facilities can feasibly be connected as may be determined by the Governing Body.

1-8.08 Dwellings on Small Lots.

1. A dwelling and customary accessory structures may be erected on any single lot of record at the effective date of these zoning regulations, notwithstanding the limitations imposed by other provisions of these regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.
2. This provision shall not apply if the lot of record is located in the LI Light Industrial District or the HI Heavy Industrial District.
3. For this provision only, the minimum lot area may be reduced up to 30 percent.
4. For this provision, only the minimum width of the lot of record may be reduced up to 20 percent.
5. All front, rear and side yard requirements shall be met unless varied by the board of zoning appeals.
6. All the other requirements of these regulations shall be met.
7. If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are lots of record at the

effective date of the adoption of these regulations and if all or part of the lots with no dwellings do not meet the requirements established in the district for lot area and width, the lands involved shall be considered to be an undivided parcel and lot of record for the purpose of these regulations and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these regulations.

1-8.09 Antennas and Satellite Dish Antennas.

1. The purpose and intent of the following regulations on antennas and microwave dishes is to build, preserve and enhance such community values as the general appearance of neighborhoods, particularly those of residential character. In addition, the regulations are designed to preserve property values, prevent property damage, promote the health, safety and general welfare of all Marion residents and property owners and to protect the legal rights of residents and property owners who reside and own property in areas where antennas are constructed. These regulations are not concerned with “Communications Towers” which require a Conditional Use Permit as prescribed by these regulations.
2. Antennas and satellite dish antennas may be constructed as an accessory use in all zoning districts provided the development standards of this section are met. Each lot may have one antenna and one satellite dish placed within its boundaries as a matter of right. Additional antennas and satellite dish antennas are allowed as Conditional Use under these regulations. These regulations apply to all antennas which are attached to a pole or are placed on the ground.
3. The following development standards shall be applied to the placement and construction of all antennas and satellite ground antennas:
 - a. Television and radio receiving antennas shall not exceed sixty (60) feet in height and shall be located at a distance inside the

nearest property line of the lot at least equal to one third its height.

- b. Ground satellite antennas shall not exceed ten (10) feet in diameter nor thirteen (13) feet in height from the natural ground level. Ground satellite antennas shall be ground mounted and securely attached to a concrete pad.
- c. Ground satellite antennas shall not be placed in a front or side yard and shall not be located closer to any lot line than the distances provided as yard requirements in the zoning district in which the property is located.
- d. Roof mounted satellite antennas shall not exceed four (4) feet in diameter. The applicant shall have the roof inspected and certified by an engineer registered in the State of Kansas as to structural soundness before mounting the satellite antenna.
- e. Taller and larger television antennas, satellite antennas, radio receiving antennas and roof mounted antennas may be permitted in non-residential zoning districts, only if the larger antennas are approved as a Conditional Use under these regulations.
- f. All antennas shall be placed to not interfere nor damage utility lines.

1-8.10 Permitted Obstruction in Required Yards.

- 1. The following shall not be considered to be obstructions when located in a required yard:

- a. In all yards

1. Open terraces not over four feet above the average level of the adjoining ground but not including a permanent roof over a terrace or open or closed porches;
 2. awnings or canopies;
 3. setups four feet or less above grade which are necessary for access to permanent structure or for access to a lot or to a lot from a street or alley;
 4. one story bay windows, chimneys, and overhanging eaves and gutters projecting 36 inches or less;
 5. window wells projecting 36 inches or less;
 6. arbors and trellises;
 7. flagpoles, ornamental light and gas fixtures;
 8. signs, when permitted by the sign regulations.
- b. In any yard except a front yard and a side yard adjoining a street: Accessory uses when permitted by these regulations, recreational equipment and laundry drying equipment; and open and closed fences not exceeding six feet in height.
- c. Fences in a front yard: On lots with single or two-family dwellings, fences not exceeding four feet in height are permitted. In all other circumstances for all other land uses, open and closed fences not exceeding six feet in height are permitted.
- d. Construction standard for fences: No fence shall be constructed which will constitute a hazard to traffic or a danger to persons or animals.

- e. The Building Inspector may approve the construction of higher fences and/or less open space in all yards and in any district if the Building Inspector finds that the public welfare is preserved.
 - 2. Permitted obstructions shall not interfere with the vision triangle or shall not interfere with safe ingress and egress from required yards or shall not present an endangerment to pedestrians.
- 1-8.11 Platted Building and Setback Lines. If a recorded subdivision plat imposes a building or setback line in the front yard for a lot which is different from the minimum setback or front yard required by the applicable section of these regulations, then, notwithstanding any other provision of these regulations, the minimum setback or minimum front yard shall be the same as that shown on such subdivision plat provided that it has been recorded prior to the effective date of these regulations and not otherwise been officially vacated.
- 1-8.12 Average Setback in Existing Residential Districts.
- 1. On streets where a front yard is more than that required by these regulations and has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of the street line between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the existing structures; provided, that these regulations shall not be interpreted to require a front yard setback of more than 50 feet.
 - 2. On streets where a front yard is less than that required by these regulations and has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two intersecting streets, the front yard setback need not be greater than the average setback of the existing structures; provided, that these regulations shall not be interpreted to permit a front yard setback of less than 20 feet.

- 1-8.13 Lot Size Requirements and Bulk Regulations for Public Utility Facilities. Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located, except as may be determined by the Planning Commission where a conditional use permit is required in certain districts:
- a. Electric and telephone substations.
 - b. Gas regulator stations.
 - c. Pumping stations.
 - d. Radio, television and micro-wave transmitting or relay stations and towers, excluding communications towers.
 - e. Water towers and standpipes.
- 1-8.14 Access to Business and Industrial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any business or industrial district.
- 1-8.15 Sewer and Water Facilities. All principal structures built hereafter within the city limits shall be served by and connected to public sewer and water systems, if such facilities can feasibly be connected as may be determined by the City Commission.
- 1-8.16 Mobile Homes. Any manufactured home which is not a residential design manufactured home shall be located in a manufactured home park. No additional mobile homes may be located on a parcel within the city limits. When a mobile home which is currently located in the city is removed from its existing site, it must be replaced by a site built structure or a residential-design manufactured home if it is located within zoning districts where single-family dwellings are

permitted uses, excluding manufactured home parks. If the existing mobile-home park is located in a manufactured home park, it must be replaced by a manufactured home. Mobile homes which are currently located in the city zoning districts were single-family homes are not a permitted use or which are not located in a manufactured home park may not be replaced until after they are moved, except by a site-built structure.

- 1-8.17 **Moving Structures.** No structure shall be moved into the city, nor from one location to another location within the city unless such structure shall, when relocated, be made to conform fully with these regulations and other codes of the city including any building code. No permit shall be issued unless in the opinion of the zoning administrator the height, age, architectural style and texture of the materials pertaining to the outward appearance of such structure reasonably conform to other buildings in the block to which it is to be moved and in the block opposite, to such an extent that its relocation shall not be detrimental to the appearance or have no substantial adverse effect on property values to the adjacent properties. If after six (6) months from the date of such move and permit issuance, the structure does not conform to these regulations, including the building code, the zoning administrator shall levy a fine not to exceed two hundred (\$200.00) dollars for each day the structure is not in compliance, consistent with these regulations.
- 1-8.18 **Salvage Yards.** In salvage yards in residential districts, there shall not be the storing of any more than two inoperable or unlicensed motor vehicles for a period of more than 72 hours which are in the process of restoration to operating condition, unless such vehicles are stored inside a structure or screened from public view.
- 1-8.19 **Permitted Accessory Uses.** Any structure may be allowed as an accessory use or structure if it meets the definition of accessory use or building contained in these regulations. Such uses, may include, but are not limited, to the following:

1. Structures exclusively for storage not exceeding 1,200 square feet. (Zoning approval for accessory structures exclusively for storage in excess of 1,200 square feet may be sought by variance to be considered by the Board of Zoning Appeals).
2. Storage of major recreational equipment and vehicles such as boats, camping trailers or motor homes; provided that they shall not be utilized for living purpose, except for the convenience of temporary lodging only and, when stored on a residential lot as personal property of the occupant, shall not be located less than five feet from the front lot line.
3. Fallout shelters; detached, rack mounted solar equipment; and satellite antennas consistent with the provisions of Section 1-8.09.
4. Guest houses (without kitchen facilities) or rooms for guests in an accessory building; provided that such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
5. Children's playhouses, statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, bathhouses, and swimming pools which are enclosed by a security-type fence as approved by the zoning administrator regardless of whether the pool is above or below ground.
6. Outdoor storage shall not be permitted as an accessory use, except as specifically permitted in the district regulations.
7. Except for wind energy conversion systems which are used solely for pumping water, all wind energy conversion systems are proposed to be located inside the city must have a conditional use permit.

1-8.20 The following uses of land are permitted in each district unless specifically restricted to particular districts and are subject to the

regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted.

1. Permits for carnivals or circuses may be approved with conditions by the City Commission. Such uses need not comply with the bulk or lot size requirements; provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within 30 feet of the intersection of the curb line of any two streets.
2. Christmas tree sales in any commercial or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with yard and setback requirements of these regulations; provided that no trees shall be placed in such a manner as to obstruct the vision of traffic within 30 feet of the intersection of the curb line of any two streets.
3. Contractor's office and equipment sheds or mobile homes accessory to a construction project and to continue only during the duration of such project.
4. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Structures incidental to such sale need not comply with the applicable front yard requirements.
5. Periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than three days at any one sale and no more than one sale at any one location during any three-month period.
6. Promotional activities of retail merchants involving the display of merchandise may be conducted outside of enclosed buildings for a period of not more than two consecutive weeks in any three-month period subject to the following conditions:

- a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the city.
- b. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, used appliances, used plumbing, used house wares, used building material or similar display or sale in the Central Business Overlay District and only in other commercial and industrial districts as may be authorized by the Planning Commission as a conditional use, unless permitted by other sections of these regulations.

1-8.21 Accessory Dwelling Units are only allowed in the Low-Density Residential Zoning District in Jex Addition, with these following conditions:

- a. An Accessory Dwelling Unit shall not be installed on a foundation system, reinstalled, or altered without obtaining a variance.
- b. A building permit must be on file before construction or installation occurs. All construction, installation, or work shall be subject to inspection by the building inspector and zoning administrator, and certain types of construction shall have continuous inspection per the Building Inspection Checklist.
- c. All suspension/axle components, towing/tongue components, wheels and tires must be removed from the accessory dwelling unit before installation occurs.
- d. Chassis must be permanently attached on a permanent footer and foundation.
 - 1. Footings and foundations shall be constructed of materials for the intended use and in all cases, shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting untreated wood shall extend at least 8 inches above the adjacent finished grade.

Footings shall have a minimum depth below finished grade of 30 inches.

2. Steel strapping, cable, chain or other approved materials shall be used for ties. All ties shall be fastened to the foundation and drawn tight with turnbuckles or other adjustable tensioning devices.
-
- e. Construction which is required for the installation of an accessory dwelling unit, including the construction of the foundation system, required structural connections thereto and the installation of on-site water, gas, electrical and sewer systems and connections thereto which are necessary for the normal operation of the accessory dwelling unit.
 - f. Must comply with the International Residential Code 2000, Appendix E, Manufactured housing used as dwellings.

SECTION 2

DEFINITIONS

Sections:

2-1 Definitions

Section 2-1 Definitions

2-1.01 Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations their most reasonable application.

ACCESS: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A secondary detached building which is customarily minor incident to or subordinate to the main building located on the same tract or incidental or subordinate to the use of the land on which it is located.

ACCESSORY DWELLING UNIT: A single family dwelling of minimum 240 square feet and maximum 500 square feet.

ACCESSORY USE: The use of a building which is customarily incident to and located on the same lot or premises as the main use of the premises.

ADULT ENTERTAINMENT USE DEFINITIONS

ADULT: Persons who have attained the age of at least eighteen (18) years

ADULT ENTERTAINMENT ESTABLISHMENT: An establishment having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other

presentations characterized by emphasis on depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas” as defined by these regulations.

ADULT BOOK STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting or describing or to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined by these regulations, or an establishment or section devoted to the sale or display of such material.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as defined by these regulations, for observation by patrons therein.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of less than 50 persons used for presenting material depicting or describing or relating to “Specified Sexual Activities: or “Specified Anatomical Areas” as defined by these regulations, or observation by patrons therein.

SPECIFIED SEXUAL ACTIVITIES

- a. Human genitals in a state of sexual stimulation or arousal
- b. Acts of human masturbation, sexual intercourse or sodomy; and
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast

SPECIFIED ANATOMICAL AREAS

- a. Less than completely and opaquely covered

1. human genitals and pubic regions
2. buttock, and
3. female breast below a point immediately above the top of the areola; and
4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

AGRICULTURE: Land in excess of ten (10) acres which is devoted to the production of plants, animals or horticultural products, including but not limited to: forages, grain and feed crops; dairy animals and dairy products; poultry and poultry products' beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products, fruits, nuts and berries; vegetables; or nursery, floral ornamental and greenhouse products. Land devoted to agricultural purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purpose even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition. Agricultural uses shall not include the following:

- a. The operation or maintenance of greenhouses where nothing is grown on the premises, or nurseries, or hydroponic farms operated as retail.
- b. Wholesale or retail sales as an accessory use unless the same are permitted by these regulations.
- c. The operation or maintenance of a commercial feedlot.
- d. The feeding of garbage to animals.

Farm residences are to be used as single-family dwellings.

AIRPORT: The Marion Airport

AIRPORT DISTRICT STRUCTURE: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

AIRPORT ELEVATION: The highest point of an airport's usable landing area as measured in feet from sea level.

AIRPORT HAZARD: Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at any airport or is otherwise hazardous to such landing or taking-off aircraft.

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided in these regulations.

AIRPORT LAYOUT PLAN: A plan showing existing a future improvements and feature on the airport property.

AIRPORT OVERLAY HEIGHT: For the purpose of determining the height limits in all airports overlay districts in these regulations and shown on the "Airspace Plan" incorporated herein by reference, the datum shall be mean sea level elevation unless otherwise specified.

AIRSPACE PLAN: The plan map in the Marion Airport Master Plan that identifies height limitation areas. Said map is incorporated by reference and made a part of these zoning regulations.

ALLEY: A dedicated public right-of-way which provides a secondary means of access to and from streets and lots.

ANIMAL HOSPITAL OR CLINIC: An establishment where animals are admitted principally for examination, treatment, board or care by a Doctor of Veterinary Medicine. This includes kennels which are

totally enclosed within the establishment and which have no outdoor facilities.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach overlay district height limitation slope set forth in these regulations. In the master plan, the perimeter of the approach surface coincides with the perimeter of the approach overlay district.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor sub grade (below ground level) on all sides.

BED AND BREAKFAST HOME OR INN: A dwelling where for compensation one or more rooms are available for lodging and breakfast served to lodgers only. When conducted as a home occupation, such facilities are designated as “homes”. When designated as an “inn”, such facilities may be operated as a home occupation or as a business enterprise. When specifically permitted, tea rooms for a limited number of customers may be operated in conjunction with bed and breakfast inns.

BOARD OF COUNTY COMMISSIONERS: The Marion County Board of County Commissioners.

BOARD OF ZONING APPEALS: The Marion Board of Zoning Appeals.

BUILDING: A structure having a roof supported by columns or walls whether or not completely enclosed and when separated by party walls without openings, it shall be deemed a separate building.

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point on the flat roof; to the deck line of a mansard roof;

and to the average height between the plate and ridge of a gable or hip roof. Chimneys, antennae, and other similar extensions above any of the above roof types shall not be considered part of a building height.

BUSINESS AND PROFESSIONAL OFFICE: The office of a dentist, doctor, attorney, real estate or insurance agent, architect, engineer and other similar professional person and any office used primarily for accounting, correspondence, research, editing or administration.

CAMPGROUNDS: Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers, tents or similar recreational vehicles. The term campgrounds do not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

CAMPING TRAILER: Any vehicular portable dwelling unit designed especially for short-term occupancy such as: travel trailers, tent trailer, truck or auto-mounted camping units, converted buses and trucks, and all other similar units whether self-propelled, pulled, or hauled, and designed primarily for highway travel without the necessity of a special permit.

CHILD CARE FACILITIES: Standards and requirements for facilities which provide care for children are established by State law and promulgated by regulations of the Kansas Department of Health and Environment. They are not to be construed as Group Homes.

CITY: Marion, Kansas

CITY COMMISSION: The City Commission of Marion, Kansas. Also known as the “Governing Body”.

COMMON OPEN SPACE: A parcel of land or an area of water, or combination of both land and water, and designed and intended for the use and enjoyment of the residents of the development. Common open space does not include streets, alleys, parks, off-street parking or loading area, publicly open space or other facilities dedicated by the

developer for public use. Common open space must be substantially free of structures.

CONDITIONAL USE: A use of any building, structure or parcel of land by the Planning Commission that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses may have special conditions and safeguards to assure that the public interest is served.

CONDOMINIUM: A building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the State of Kansas.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand (4,000) feet.

COUNTY: Marion County, Kansas

DEVELOPER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of rezoning or seeking a conditional use on land.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DISABILITY: A condition, with respect to a person, which means:

- a. A physical or mental impairment which substantially limits one or more of such person's major life activities;
- b. A record of having such an impairment; or

- c. Being regarded as having such impairment. Such terms do not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

DRIVE-IN ESTABLISHMENT: An enterprise which accommodates the patrons' automobiles and from which the occupants of the automobiles may make purchases, transact business or view motion pictures or other entertainment.

DUMP: A lot or land or part thereof used primarily for the disposal, abandonment, dumping, burial, burning, or storage of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, or parts thereof, or waste material of any kind.

DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes. For the purposes of these zoning regulations, residential-designed manufactured homes, modular homes, and group homes shall be considered single-family dwellings; mobile homes shall not be considered single-family dwellings.

DWELLING, ATTACHED: A residential building which is joined to another dwelling at one or more sides by all or a substantial portion of a party wall or walls including walls of an attached garage.

DWELLING, DETACHED: A residential building which is entirely surrounded by open space on the same lot.

DWELLING, FARM: Any building or portion thereof which is designed and used exclusively for residential purposes and which is located on land used exclusively for agricultural purposes. A farm dwelling shall be considered use of the land for agricultural purposes.

DWELLING, MULTI-FAMILY: A building designed for or occupied exclusively by three (3) or more families living independently of each other.

DWELLING, SINGLE-FAMILY: A detached dwelling designed for or occupied by one single family.

DWELLING, TWO-FAMILY: A building designed for or occupied by two families living independently of each other.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by a community.

FAMILY: One (1) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than five (5) unrelated persons living together as a single housekeeping unit.

FEEDLOT, COMMERCIAL: Any tract of land or structure, pen or corral wherein cattle, horses, sheep, goats or swine not raised on the tract of land and/or not owned by the owner of the land, structure, pen or corral are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

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

FLOODPROOFING: Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOR AREA: For computing off-street parking requirements, floor area shall mean the gross floor area of the building measured from the

exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include all floors, except that space which is used for storage.

FRATERNAL AND/OR SERVICE CLUBS: An association formally organized for either fraternal, social, educational, philanthropic or other similar purposes, including union and professional organizations, and operated not for profit persons who are bona fide members paying annual dues, which owns, hires, or leases premises, when food and beverages may be served, and the use of such premises is restricted to such members and their guests.

FRONTAGE: That part of a lot or tract of land which borders along any given access to public street or public right-of-way with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street. Such public street or right-of-way shall not include an alley or access to the rear of such lot or tract.

GROUP HOME: Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS WASTE DISPOSAL FACILITY: Any facility which meets the requirements of such a facility as defined in K.S.A. 653402, as amended.

HISTORIC STRUCTURE: Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for

individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in State without approved programs.

HOME OCCUPATION: Any occupation or business activity conducted for financial gain which results in a product or service and is conducted in whole or in part in the dwelling unit, and is clearly subordinate to the residential use of the dwelling unit.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal overlay district.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, iron, steel, and other old or scrap ferrous or nonferrous material.

JUNK YARD: Premises or a building which is maintained, operated, or used for storing, keeping, buying, or selling junk, and the term shall include garbage dumps.

KENNEL: A commercial operation that a) provides food, shelter and care for more than three (3) dogs of six (6) months of age or older for purposes not related to medical care, or b) regularly engages in the breeding of animals for sale.

LOT: A parcel of land occupied or intended for occupancy by one main building or a complex of buildings together with the accessory

structures and including the open spaces and parking required by these regulations, which may include more than one (1) lot of record or metes and bounds described tract having its principal frontage upon a public street.

LOT AREA: The total area within the property line of a lot or tract.

LOT, DEPTH OF: The mean (average) horizontal distance between the front and rear lot lines.

LOT LINES: The boundary lines of a lot. If a zoning lot has two or more front lot lines, the owner shall designate the yard which is to be the rear yard.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Marion County Register of Deeds, or a lot which is described by metes and bounds, the description of which has been recorded in the office of the Marion County Register of Deeds.

LOT, WIDTH OF: The horizontal distance between the side lots as measured at the front building line.

LOWEST FLOOR: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and which is subject to federal manufactured home construction and safety standards. For the purposes of these regulations, a mobile home is not a manufactured home. For flood plain management purposes, the term "manufactured home" also

includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME, RESIDENTIAL DESIGN: A manufactured home on a permanent foundation which has: a) minimum dimensions of 22 body feet width, b) a pitched roof, and c) siding and roofing materials which are customarily used on site-built homes.

MOBILE HOME: A structure, transportable in one or more sections, which has a body width of 8 feet or more and a body length of 36 feet or more and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, and air-conditioning and electrical systems contained therein. The definition “mobile home” does not include any structure which is subject to the Federal Manufactured Housing Construction and Standards. For purposes of these zoning regulations, a mobile home is not considered a single-family dwelling.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MODULAR HOME: A dwelling structure located on a permanent foundation and connected to public utilities, consisting of preselected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom-built on the site of its permanent location; and also in contradistinction to a manufactured home, either single-width, double-width or multi-width, located on a permanent foundation. In general, such modular homes shall have exterior building materials and somewhat similar appearance to custom-built single-family dwellings.

NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a flood plain management regulation adopted by the city and includes any subsequent improvements to such structures.

NONCONFORMING AIRPORT USE: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of enacting airport zoning regulations or an amendment thereto.

NONCONFORMING LOT: An unimproved lot which does not comply with the lot requirements for any permitted use in the zoning district in which it is located.

NONCONFORMING USE: Any land occupied by a use at the time of the effective date of these zoning regulations which does not conform with the provisions of the same.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in enacted airport zoning regulations.

OVERLAY ZONING DISTRICT: A zoning district that is described in the zoning regulations text, mapped, and imposed in addition to those in the underlying zoning district. Developments within an overlay zoning district must conform to the requirements of both

zoning districts. If the requirements conflict, the more restrictive requirements apply.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRIVATE CLUB: An association organized and operated either for or not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, where food and beverages may be served, and the use of which premises is restricted to such members and their guests.

RECREATIONAL VEHICLE: A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towed by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION: The water surface elevation of the 100-year flood.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SALVAGE YARD: An area of land with or without building, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as wastepaper, rags or scrap material; or used building materials, house furnishings, machinery, motor vehicles or parts thereof with or

without dismantling, processing, salvage, sale or other use or disposition of the same. A salvage yard shall also include the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power or from which parts have been or are to be removed for reuse or sale shall be considered to be a salvage yard.

SIGN: A presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or color publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid or other type of advertising. This includes the board, metal or surface upon which the sign is painted, included or attached. Each display surface of a sign shall be considered to be a sign.

SIGN, PORTABLE: Any sign or signs mounted on any frame, trailer, or moveable portable object.

SPECIAL FLOOD HAZARD AREA: The land within a community, subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

START OF CONSTRUCTION: (for other than new construction), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the

erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground. The term does not include fences or public items such as utility poles, street light fixtures and street signs.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of these regulations, the following shall not be considered a structural alteration:

- a. Attachment of a new front where structural supports are not changed.
- b. Addition of fire escapes where structural supports are not changed.
- c. New windows where lintels and support walls are not materially changed.
- d. Repair or replacement on non-structural members.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction,

rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” or the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state and local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

TAVERN: An establishment in which cereal malt beverages are offered for sale and for consumption on the premises.

TRAILER: The term “Trailer” shall include a separate vehicle not driven or propelled by its own power, drawn by some independent power. For purposes of these regulations, the term “trailer” shall not include mobile, manufactured, or modular homes.

TRAILER CAMP: Any piece, parcel, tract, or plot of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers. The term “trailer camp” does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection, or sale.

USE: The specific purpose for which land or a building is used.

UTILITY: Any governmental utility, nonprofit organization, corporation, or any entity defined as a utility for any purpose by Kansas state law engaged in the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas oil or electronic signals.

VIOLATION: The failure of a structure or other development to be fully compliant with the community’s flood plain management

regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required in these regulations is presumed to be in violation until such time as that documentation is provided.

VISION TRIANGLE: A triangular area at a street intersection in which nothing shall be erected, place (including automobiles, trucks and other large vehicles or trailers), planted, or allowed to grow in such a manner as to materially impede vision and, therefore, the safety of vehicles and pedestrians, between the height of 33 inches and eight feet above the grades of the bottom of the curb of the intersecting streets. Such area on a corner lot shall have two sides which are measured from the center of the lot line intersection and a third side across the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the ground upward; provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the least distance between the lot line or road easement or right-of-way line and the front building line.

YARD, REAR: A yard extending across the full width of the lot between the rear building line and the rear lot line, the depth of which is the distance between the rear lot line and the rear building line.

YARD, SIDE: A yard between the side building line and the side lot line and extending from the front yard to the rear yard and being the least distance between the side lot line and the side building line.

SECTION 3

DISTRICTS AND DISTRICT MAP

Sections:

3-1 Zoning Districts and Zoning District Map Established

Section 3-1 Zoning Districts and Zoning District Map Established

3-1.01 Zoning Districts: In order to regulate and restrict the location of trades, callings, industries, commercial enterprises, and the location of buildings in designated “Zoning Districts”, there are established eleven (11) zoning districts known as:

1. Agriculture District (A)
2. Estate Residential District (ER)
3. Low-Density Residential District (RL)
4. Medium-Density Residential District (RM)
5. Manufactured Home Parks Residential District (RMH)
6. Elderly Housing District (RE)
7. Limited Commercial District (LC)
8. General Commercial District (GC)
9. Light Industrial District (LI)
10. Heavy Industrial District (HI)
11. Airport Zone District (AP)

3-1.02 Zoning District Map: The incorporated territory of Marion, Kansas, shall be divided into eleven (11) districts, aforesaid, and the boundaries of such districts shall be shown upon the Zoning District Map of the territory of Marion, Kansas, marked “official copy of Zoning District Map incorporated into zoning regulations by adoption of the ordinance by the governing body of the City of Marion” and incorporated herein by reference as authorized by K.S.A. 12-753. Such map shall be on file in the office of the City Clerk.

3-1.03 Overlay Zoning Districts: In addition to the aforesaid zoning districts, there shall be eight (8) “Overlay Zoning Districts” known as:

1. Airport Approach Zone Overlay District 1 (AP-A1)
2. Airport Approach Zone Overlay District 2 (AP-A2)
3. Airport Transitional Zone Overlay District (AP-T)
4. Airport Horizontal Zone Overlay District (AP-H)
5. Airport Conical Zone Overlay District (AP-C)
6. Central Business District Overlay District (CBD)
7. High-Density Residential Development Overlay District (RH)
8. Flood Plain Overlay District (FP)

The boundaries of the AP-A1, AP-A2, AP-T, AP-H, and AP-C Districts are shown on the “Approach Plan” map of the Marion Airport Master Plan which is incorporated by reference in these zoning regulations. The boundaries of the Central Business Overlay District (CBD) are contained on the Zoning District Map adopted as part of these regulations. The boundaries of the Flood Plain Overlay District shall include only those areas of special flood hazard as designated by the Federal Insurance Administration’s “Flood Hazard Boundary Map” and any revisions thereto.

3-1.04 Boundaries: In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map(s), the following rules shall apply:

1. The District boundaries are the center lines of streets or alleys, unless otherwise indicated.
2. Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
3. Where the district boundaries do not coincide with the location of streets, alleys or lot lines, the district boundaries shall be determined by the use of the scale shown on the zoning map unless an exact distance is shown.

4. When a lot held in one ownership on the effective date of these regulations is divided by a district boundary line, the entire lot shall continue to be within both districts until the zoning administrator notifies the property owner to declare in which zoning district the lot is located. If such declaration is not filed within 90 days after receipt of the notification, the Planning Commission may rezone any or all of the lot in accordance with these regulations.

SECTION 4

AGRICULTURE DISTRICT (A)

Sections:

- 4-1 Application
- 4-2 Use Regulations
- 4-3 Parking Regulations
- 4-4 Height, Area and Yard Regulations

Section 4-1 Application

- 4-1.01 The regulations set forth in this section, or set forth elsewhere in these regulations; when referred to in this section, are the regulations in the Agriculture District (A). The purpose of this district is to provide for agricultural and related uses; and to preserve and protect agricultural resources.

Section 4-2 Use Regulations

- 4-2.01 In an Agriculture District no building, land, or premises shall be used and no building or structure shall be hereafter be erected or altered unless otherwise provided for in these regulations, except for the following uses:
1. Single-family dwellings. All single-family dwellings shall have a permanent foundation.
 2. Farming, dairy farming, livestock, poultry raising, game birds, pasturing of livestock, and all uses commonly classed as agricultural, with no restrictions as to operation of such vehicles or machinery as are customarily incidental to such uses and with no restrictions as to the sale or marketing of products raised on the premises, provided that any building, structure or yard for the raising, feeding, pasturing, housing or sale of livestock or poultry shall be located at least 100 feet from any residential district designated by an R in the title; further provided that the breeding or boarding of dogs, including greyhounds,

shall only be permitted if there shall be a distance of at least 1,000 feet between the outer perimeter of the breeding or boarding operation and the nearest residence, church, school, public meeting place, commercial business, or confined livestock operation.

3. Fish hatcheries, apiaries, aviaries.
4. Fishing lakes and picnic groves; provided no concession or retail sales shall be permitted.
5. Forests and wildlife reservations, or similar facilities.
6. Fur farming for the raising of fur bearing animals, excluding skunks and civet cats.
7. Mushroom barns and caves.
8. Nurseries, greenhouses and truck gardens.
9. Public and private schools: primary, elementary, junior high and senior high including recreational facilities and bus garages.
10. Churches, chapels, temples and synagogues.
11. Golf courses including accessory club houses, but not golf driving ranges, pitch and putt or miniature golf courses.
12. Public buildings erected or land used by any agency of the city township, county or state government.
13. Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses.

Section 4-3 Parking Regulations

- 4-3.01 Three (3) off-street parking spaces shall be provided for each dwelling.

Section 4-4 Height, Area and Yard Regulations

- 4-4.01 Height: No maximum structure height, with the exception of height limits for signs as contained elsewhere in these regulations.
- 4-4.02 Front Yard: The depth of the front yard shall be at least thirty-five (35) feet on all sides abutting a street.
- 4-4.03 Side Yard: There shall be a side yard of at least ten (10) feet on each side of a dwelling. All detached accessory structures shall provide a minimum side yard of ten (10) feet.
- 4-4.04 Rear Yard: The depth of the rear yard shall be at least twenty-five (25) feet. All detached accessory buildings shall provide a minimum rear yard of twenty-five (25) feet.
- 4-4.05 Lot Dimensions: The minimum width and depth of a lot shall be three hundred and thirty (330) feet.
- 4-4.06 Lot Area Per Structure: Every structure or residence established shall provide a minimum lot area of 435,600 square feet or ten (10) acres.

SECTION 5

ESTATE RESIDENTIAL DISTRICT (ER)

Sections:

- 5-1 Application
- 5-2 Use Regulations
- 5-3 Parking Regulations
- 5-4 Height, Area and Yard Regulations

Section 5-1 Application

- 5-1.01 The regulations set forth in this section, or set forth elsewhere in these regulations; when referred to in this section, are the regulations in the Estate Residential District (ER). The purpose of this district is to provide for low-density residential development that retains the character of the basically rural area. This district is located to insure that development of land not served by approved public sewer facilities will be on a low density basis.

Section 5-2 Use Regulations

- 5-2.01 In an Estate Residential District no building, land, or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following uses:
1. Single-family dwellings. All single-family dwellings shall have a permanent foundation.

Section 5-3 Parking Regulations

- 5-3.01 Three (3) off-street parking spaces shall be provided for each dwelling unit.

Section 5-4 Height, Area and Yard Regulations

- 5-4.01 Height: Buildings or structures shall not exceed thirty-five (35) feet and/or two and one-half (2 ½) stories in height.
- 5-4.02 Front Yard: The depth of the front yard shall be at least thirty (30) feet on all sides abutting a street.
- 5-4.03 Side Yard: There shall be a side yard of at least eight (8) feet on each side of a dwelling. All detached accessory structures shall provide a minimum side yard of eight (8) feet.
- 5-4.04 Rear Yard: The depth of the rear yard shall be at least twenty (20) feet. All detached accessory buildings shall provide a minimum rear yard of twenty (20) feet.
- 5-4.05 Lot Dimensions: The minimum width of a lot shall be two hundred fifty (250) feet. Lots fronting a cul-de-sac with a sixty (60) foot radius may have a width of the front lot line of not less than sixty (60) feet. The minimum depth of a lot shall be one hundred fifty (150) feet.
- 5-4.06 Lot Area Per Family: Every dwelling or residence established shall provide a minimum lot area of 130,680 square feet or three (3) acres, per family.

SECTION 6

LOW-DENSITY RESIDENTIAL DISTRICT (RL)

Sections:

- 6-1 Application
- 6-2 Use Regulations
- 6-3 Parking Regulations
- 6-4 Height, Area and Yard Regulations

Section 6-1 Application

- 6-1.01 The regulations set forth in this section, or set forth elsewhere in these regulations; when referred to in this section, are the regulations in the Low-Density Residential District (RL). The purpose of this district is to provide for single-family residential development of relatively more spacious character, together with such other uses as may be necessary, or are typically compatible with residential surroundings. This district is also designed to protect and preserve existing development of a similar character.

Section 6-2 Use Regulations

- 6-2.01 In the Low-Density Residential District no building, land, or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these zoning regulations, except for the following uses:
1. Any use permitted in the Estate Residential District (ER).
 2. Two-family dwellings, commonly referred to as duplexes.
 3. Churches, chapels, temples and synagogues.
 4. Golf courses, for daytime use only, including accessory club houses, but not golf driving ranges, pitch and putt or miniature golf courses.

5. Public and private schools: primary, intermediate and secondary including administrative centers, transportation centers, recreation areas, spectator sports facilities and related uses.

Section 6-3 Parking Regulations

- 6-3.01 Three (3) off-street parking spaces shall be provided for each dwelling unit.

Section 6-4 Height, Area and Yard Regulations

- 6-4.01 Height: Buildings or structures shall not exceed thirty-five (35) feet and/or two and one-half (2 ½) stories in height.

- 6-4.02 Front Yard: The depth of the front yard shall be at least twenty-five (25) feet on all sides abutting a street.

Exception: In Low Density Residential zones a landowner shall have the option to retain existing front yard setbacks of the subject property or of neighboring Low Density Residential properties if an existing setback is unable to be determined.

- 6-4.03 Side Yard: There shall be a side yard of at least eight (8) feet on each side of a dwelling. All detached accessory buildings shall provide a minimum side yard of eight (8) feet.

- 6-4.04 Rear Yard: The depth of the rear yard shall be at least ten (10) feet without an alley. All detached accessory structures shall provide a minimum rear yard of ten (10) feet without an alley. If an alley abuts a rear yard, the minimum rear yard shall be at least ten (10) feet.

- 6-4.05 Lot Dimensions: The minimum width of a lot shall be fifty (50) feet. The minimum depth of a lot shall be one hundred (100) feet. Lots fronting a cul-de-sac with at least fifty (50) foot radius may have a width at the front lot line of not less than thirty-five (35) feet.

- 6-4.06 Lot Area Per Family: Every single-family dwelling or residence established shall provide a minimum lot area of five thousand (5,000) square feet per family. Every two-family dwelling or residence established shall provide a minimum lot area of four thousand five

hundred (4,500) square feet per family or nine thousand (9,000) square feet per building site.

SECTION 7

MEDIUM-DENSITY RESIDENTIAL DISTRICT (RM)

Sections:

- 7-1 Application
- 7-2 Use Regulations
- 7-3 Parking Regulations
- 7-4 Height, Area and Yard Regulations

Section 7-1 Application

- 7-1.01 The regulations set forth in this section, or set forth elsewhere in these regulations; when referred to in this section, are the regulations in the Medium Density Residential District (RM). The purpose of this district is to provide quality apartment development in a higher density setting, while ensuring that livability, property values, open spaces, safety, and the general welfare will be sustained.

Section 7-2 Use Regulations

- 7-2.01 In Medium Density Residential District no building, land, or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following uses:
1. Multi-family buildings.
 2. Condominium dwelling houses, townhomes or attached row houses. The declaration and all details of covenants, by-laws and administrative provisions pertinent to the maintenance of all buildings, structures, land and other physical facilities shall be reviewed and approved by the Planning Commission prior to the issuance of a building permit.
 3. Single family dwellings on a permanent foundation, built in accordance with the standards contained in Section 6 of these regulations.

4. Two family dwellings, commonly referred to as duplexes, built in accordance with the standards contained in Section 6 of these regulations.

Section 7.3 Parking Regulations

- 7-3.01 Two (2) off-street parking spaces shall be provided for each duplex dwelling unit, apartment dwelling unit, condominium dwelling houses, townhomes or attached row houses. Three (3) off-street parking spaces shall be provided for every single-family dwelling unit. The declaration and all details of covenants, by-laws and administrative provisions pertinent to the maintenance of all buildings, structures, land and other physical facilities shall be reviewed and approved by the Planning Commission prior to the issuance of a building permit.

Section 7-4 Height, Area and Yard Regulations

- 7-4.01 Height: Buildings or structures shall not exceed three (3) stories in height.
- 7-4.02 Front Yard: The depth of the front yard shall be at least twenty-five (25) feet on all sides abutting the street.
- 7-4.03 Side Yard: There shall be a side yard of at least eight (8) feet on each side of a building. All detached accessory buildings shall provide a minimum side yard of eight (8) feet.
- 7-4.04 Rear Yard: The depth of the rear yard shall be at least twenty (20) feet. All detached accessory buildings shall provide a minimum rear yard of twenty (20) feet.
- 7-4.05 Lot Area Per Family: The minimum lot area for apartment units shall be two thousand (2,000) square feet per family or six thousand (6,000) square feet per building.

SECTION 8

MANUFACTURED HOME PARK RESIDENTIAL DISTRICT (RMH)

Sections:

- 8-1 Application
- 8-2 Use Regulations
- 8-3 Parking Regulations
- 8-4 Height, Area and Yard Regulations

Section 8-1 Application

- 8-1.01 The regulations set forth in this section, or set forth elsewhere in these regulations; when referred to in this section, are the regulations in the Manufactured Home Park Residential District (RMH). The purpose of this district is to provide a controlled environment for the placement of manufactured homes and travel trailers. After the effective date of these regulations, no mobile home shall be allowed to locate in Marion, other than those mobile homes already located in the city on the effective date of these regulations. Any mobile home removed from a lot in the city after the effective date of these regulations must be replaced with a manufactured home or a residential-design manufactured home located in conformity with these regulations.

Section 8-2 Use Regulations

- 8-2.01 In a Manufactured Home Park Residential District (RMH) no building, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following use of a manufactured home park and/or a trailer camp, either permanent or temporary subject to the following conditions:
1. The applicant for the manufactured home park must satisfy the Governing Body that the applicant is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of

one (1) year following approval by the Governing Body and shall be completed within a period of two (2) years, as to the original five-acre or larger tract for a manufactured home park or the original three-acre or larger tract for a trailer park.

2. The applicant for a manufactured home park shall prepare or cause to be prepared a development plan and shall present ten (10) copies of said plan for review by the Planning Commission and the Governing Body. This plan shall show the proposed development which shall conform with the following requirements:
 - a. All manufactured home spaces shall front upon a private roadway of not less than forty (40) feet in width, which shall have unobstructed access to a public street, alley or highway. The manufactured home park owner may dedicate all streets in a manufactured home park for public use if such dedication is approved by the Planning Commission and the Governing Body. Internal roadways and walkways shall be durable and well drained under normal use and weather conditions, and adequately lighted at night. Unless they are dedicated to public use, all internal streets shall be owned and maintained by the manufactured home park owner. No manufactured home space shall be designed for or allow direct access to a public road outside the boundaries of the manufactured home park unless all roads within the manufactured home park are dedicated to the public.
 - b. At least one (1) electrical outlet supplying at least 220 volts shall be provided for each manufactured home space.
 - c. A recreational area of not less than one (1) acre shall be provided at a central location in said park area.
 - d. Skirting of a durable type of material and construction shall be installed on each manufactured home floor and the grade level of the manufactured home pad. Such skirting shall be constructed of non-combustible material consistent with the exterior surface of the manufactured home and maintained in a manner to enhance the appearance of the manufactured home park. No shirting shall be required for travel trailers.

- e. The area of the manufactured home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home or manufactured home, thereby securing the superstructure against uplift, sliding, rotation, and overturning. Such tie-down connections shall conform to the requirements of all state laws and any applicable administrative regulations. No travel trailers need to be tied down.
 - f. Each manufactured home space within the manufactured home park shall be numbered in an orderly fashion and in a manner secure and consistent throughout the mobile home park. The lot number shall be displayed on the lot and be visible at all times. Travel trailer spaces need not be numbered.
 - g. Permanent foundations are not required for manufactured homes located in a manufactured home park or for travel trailers.
 - h. A storm shelter shall be provided in a central location and shall have the capability of sheltering three (3) persons for each established manufactured home park or trailer space.
3. Proper provisions shall be made for adequate water supply, fire protection and refuse collection as follows:
- a. Application for rezoning to Manufactured Home Park Residential District for a manufactured home park shall include engineering plans and specifications of the water supply and distribution system approved by the water supplier and/or the Kansas Department of Health and Environment.
 - b. Application for rezoning to Manufactured Home Park Residential District for a manufactured home park shall include engineering plans and specifications of sewage disposal facilities and sewer lines approved by the appropriate Sanitarian and/or the Kansas Department of Health and Environment.
 - c. Where disposal service is not available, the manufactured home park operator shall dispose of the refuse by transporting it to a

disposal site approved by an authority having jurisdiction over such disposal areas.

4. The proposed manufactured home park shall comply with all provisions of this section and state and local laws and regulations.
5. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
6. No owner or person in charge of any dog, cat, or other pet or animal shall permit it to run at large or commit any nuisance within the limits of any manufactured home park.
7. All manufactured home parks shall have an area or areas set aside for the storage of items owned by residents such as boats, boat trailers, hauling trailers, automobiles and other equipment for seasonal or periodic use. Such area shall be provided for the exclusive use of residents of the manufactured home park. Such equipment shall not be stored upon a manufactured home space nor upon the streets within the manufactured home park. Such storage area shall be screened from the remainder of the manufactured home park by a combination of a solid or semi-solid fence or minimum of six (6) feet high.
8. No private signs shall be allowed except those which identify the Manufactured Home Park by name; identify administrative areas within the park; and identify the roadways and individual lots.
9. A responsible attendant shall be in charge of the park at all times. Such attendant shall supervise the park, and, together with the owner of the property, shall be responsible for any violation of the provisions of this section which may occur in the operation of such manufactured home park.
10. It shall be unlawful for any person to maintain or operate a manufactured home park or travel trailer park on any property unless such person shall first rezone such property into the Manufactured Home Park Residential District Use Permit or unless the

manufactured home park or travel trailer park is a legal non conforming use as provided for in these regulations.

Section 8-3 Parking Regulations

- 8-3.01 Off Roadway parking shall be provided at the rate of two (2) parking spaces for each manufactured home space. In addition, on-roadway parking shall be maintained for guests in the amount of at least one (1) parking space for every three (3) manufactured home spaces. No off-roadway parking areas need be provided for trailer parks.

Section 8-4 Area and Yard Regulations

- 8-4.01 Yards: Manufactured homes shall be so located on each space that there shall be at least a twenty (20) foot clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end to end, the end-to-end clearance shall not be less than fifteen (15) feet. Accessory uses shall not be located closer than five (5) feet to the principle structure on the lot. No manufactured home shall be located closer than twenty-five (25) feet from any building within the park or from any property line bounding the park. Camping trailers shall be located on each space so that there shall be at least a five (5) foot clearance between camping trailers.
- 8-4.02 Lot Width: Each manufactured home space shall be at least fifty (50) feet wide and clearly defined. Each camping trailer space shall be at least thirty (30) feet wide and clearly defined.
- 8-4.03 Lot Area Per Family: Manufactured home parks hereafter approved shall be at least five (5) acres in size and shall not exceed seven (7) units per gross acre and space shall be provided for each manufactured home consisting of a maximum of 4,500 square feet. Trailer camp parks hereafter approved shall be at least three (3) acres in size and shall have a maximum density of twelve (12) camping trailers per gross acre.

SECTION 9

ELDERLY HOUSING RESIDENTIAL DISTRICT (RE)

Sections:

- 9-1 Application
- 9-2 Use Regulations
- 9-3 Parking Regulations
- 9-4 Height, Area and Yard Regulations

Section 9-1 Application

- 9-1.01 The regulations set forth in this section, or set forth elsewhere in these regulations; when referred to in this section, are the regulations in the Elderly Housing Residential District (RE). This residential district is intended to provide appropriate sites for the development of elderly housing opportunities and related facilities in locations convenient to public facilities, shops and other needs of its senior citizens. The densities allowed in the district should provide for adequate light, air, privacy and open space for passive recreation and landscaping amenities. In addition, such developments in this zone should contain ample-sized meeting rooms and recreational facilities for the comfort and convenience of the occupants. This zone is designed to provide for the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons. The principle use of land may be for one or several building types ranging from elderly housing, congregate living facilities, residential retirement developments, life care facilities for elderly people and nursing homes.

Section 9-2 Eligibility

- 9-2.01 Housing which qualifies for inclusion in this zone is a development providing living units specifically designed for the needs of elderly persons. To qualify as elderly housing, the total number of units located in the Elderly Housing Residential District must meet one of the following conditions:

1. The units are intended for, and occupied by, persons 62 years of age or older per unit; or
2. At least 80 percent of the units are intended for, and occupied by, at least one person 55 years of age or older per unit; or
3. A unit is occupied by the surviving member(s) of a household, regardless of age, if at least one person in the household met the age requirements of either 9-2.01.1 or 9-2.01.2, provided that person was a resident of the district at the time of that person's death; or
4. A unit is occupied by the owner or management personnel, including a family, which has demonstrated an intent to provide housing for persons 55 years of age or older.

Section 9-3 Use Regulations

9-3.01 In an Elderly Residential Housing District, no building, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these zoning regulations, except for the following uses:

1. Single-family dwellings.
2. Two-family dwellings.
3. Townhouses not exceeding eight units per building.
4. Multiple family dwelling units.
5. Nursing homes.
6. Accessory buildings and uses, which are customarily incidental to providing on-site services for residents and guests of the developments in the Elderly Housing Residential District, including without limitation:
 - a. Barber or beauty shop
 - b. Curio or gift shop
 - c. Food store
 - d. Pharmacy
 - e. Restaurant, enclosed
 - f. Self-service laundry or dry cleaning

Section 9-4 Minimum Safety Standards

- 9-4.01 All structures shall be constructed to the following minimum safety standards, where appropriate;
1. An accessible rout into and through the dwelling.
 2. All doors shall be of sufficient width to accommodate wheel chairs.
 3. All areas of public use shall have doors of sufficient width to accommodate wheel chairs.
 4. Wherever steps are located, ramps or elevators shall be provided in addition.
 5. Cooking units shall have no open flame.
 6. Emergency signal facilities shall be provided in each residential unit and shall register a signal at a central location.
 7. Electric outlets shall be located at least 24 inches above floor level; in general, light switches, electrical outlets, thermostats and other environmental controls shall be located in accessible locations.
 8. Grab bars shall be located around all tubs and showers.
 9. Toilet areas shall be adaptable for the installation of grab bars; in general, the structure shall have reinforcements in bathroom walls to allow later installation of grab bars.
 10. All floor surfaces shall be nonskid.
 11. Central heating and air conditioning units shall be individually adjustable for each residential unit.
 12. Usable kitchens and bathrooms shall be constructed such that an individual in a wheelchair can maneuver about the space.
- 9-4.02 Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirement of this section, unless a more specific standard applies.
- 9-4.03 A storm shelter shall be provided in a central location or in each unit of adequate space which shall have the capability of sheltering all residents of the elderly housing district.

Section 9-5 Parking Standards

- 9-5.01 One parking space per separate dwelling unit;
- 9-5.02 One parking space per six dwelling units for guest parking;
- 9-5.03 One parking space per three non-resident employees on the maximum working shift;
- 9-5.04 One parking space for each 50 square feet of floor area used for assembly or recreation in the building;
- 9-5.05 One parking space for each 100 square feet of gross floor area in the building used for a restaurant exclusive of the area used for utilities and building service;
- 9-5.06 One parking space for each 150 square feet of floor space in the building used for retail trade, or used by the public whichever is greater;
- 9-5.07 At least 5% of all parking spaces shall be van accessible parking spaces meeting the standards of the American with Disabilities Act.

Section 9-6 Height, Area and Yard Requirements

- 9-6.01 Height: Buildings or structures shall not exceed forty-five (45) feet and/or three (3) stories in height.
- 9-6.02 Front Yard: The depth of the front yard shall be at least twenty-five (25) feet on all sides abutting a street.
- 9-6.03 Side Yard: There shall be a side yard of at least eight (8) feet on each side of a dwelling. All detached accessory structures shall provide a minimum side yard of at least eight (8) feet.
- 9-6.04 Rear Yard: The depth of the rear yard shall be at least thirty (30) feet. All detached accessory buildings shall provide a minimum rear yard of at least thirty (30) feet.

9-6.05 Lot Dimensions: The minimum width of a lot shall be sixty (60) feet. The minimum depth of a lot shall be one hundred (100) feet.

9-6.06 Lot Area Per Dwelling Unit:

1. Single Family: 6,000 sq. ft.
2. Two-Family Unit: 3,000 sq. ft.
3. Multi-Family Unit: 1,500 sq. ft.

9-6.07 Minimum District Size: The minimum district size shall be 2 acres.

Section 9-7 Other Regulations

9-7.01 Additional standards to be utilized in the conceptual plan approval process include:

1. All development of structures shall occur in conformance with an approved plan of development showing the phases of construction.
2. All width, depth and yard requirements for each structure shall be shown on the site plan.
3. All minimum land area per dwelling unit requirements shall be shown on the site plan.

SECTION 10

LIMITED COMMERCIAL DISTRICT (LC)

Sections:

- 10-1 Application
- 10-2 Use Regulations
- 10-3 Parking Regulations
- 10-4 Height, Area and Yard Regulations

Section 10-1 Application

- 10-1.01 The regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations in the Limited Commercial District (LC). This commercial district is designed to accommodate commercial activities that draw business from, provide services to and would benefit from a location easily accessible to a highway or arterial street. The zoning of commercial property to this district shall be for the purpose of encouraging and requiring appropriate business development and redevelopment on a quality level generally equal to or exceeding that which prevails in the city. Normally, all commercial development will occur in property zoned for General Commercial District (GC). However, the zoning of land into this district, which ordinarily will occur only upon application of the landowner, is intended to encourage efficient use of small tracts, innovative and imaginative planning, conservation of natural resources and minimum waste of land. Commercial areas are to be planned and developed so as to result in attractive, viable and safe centers and clusters. Control of vehicular access, circulation, landscaping and signs should soften the impact on any nearby residential neighborhoods and to assure minimum adverse effects on the street system and other public services.

Section 10-2 Use Regulations

- 10-2.01 In a Limited Commercial District no building, land or premises shall be used and no building or structure shall be hereafter erected or

altered unless otherwise provided for in these regulations, except for the following uses:

1. The following retail stores and services:
 - a. Appliance Store
 - b. Automobile Sales and Supplies
 - c. Automobile Service Station
 - d. Automobile Wash or Self-Service Wash
 - e. Bakery Goods Store and Bakery
 - f. Boat Sales
 - g. Department Store and Discount House
 - h. Drive-In Theater
 - i. Financial Institutions
 - j. Funeral Parlor or Mortuary
 - k. Furniture Sales and Service
 - l. Grocery Store
 - m. Grocery Store Selling Gasoline
 - n. Hospital
 - o. Hotel or Motel
 - p. Key Shop
 - q. Motorcycles Sales and Service
 - r. Nursery or Garden Supply Store
 - s. Pharmacy, Including Medical Supplies
 - t. Public or Private Entertainment and Recreation Center
 - u. Restaurants
 - v. Shopping Center (commercial uses of greater than 5,000 sq. ft. in one structure)
2. Office and office buildings to be used only for administrative functions of companies, corporations, social or philanthropic organizations or societies.
3. Other offices limited to the following:
 - a. Accountants.
 - b. Architects, landscape architects, planners, and other similar professions.
 - c. Brokers.
 - d. Engineers, surveyors.

- e. Dentists, dental laboratories.
 - f. Lawyers.
 - g. Physicians, osteopaths, chiropractors.
 - h. Real Estate.
 - i. Insurance.
- 4. Radio and television studios, provided no broadcasting towers are located on the premises.
 - 5. Mini-warehouses which may include the accessory outdoor storage of boats and vehicles.
 - 6. Accessory buildings and uses customarily incidental to the above uses if they are constructed in a style and manner similar and sympathetic to a principal building or use.
 - 7. If such land placed in this district is adjacent to a district in which a single family home is permitted, no article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the confines of a building unless it is so screened by permanent ornamental walls, fences or planting that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level.
 - 8. No screening in excess of 10 feet in height shall be required and shall not present a danger to traffic and pedestrians.
 - 9. In automobile sales and automobile service stations engaged in the sale of gasoline and oil, open display may be permitted of merchandize commonly sold by automobile service stations, i.e., oil, batteries, tires, wiper blades, etc. No permanent open display will be permitted on sidewalks or public rights-of-way. Such display will be adequately screened from adjacent residential property.
 - 10. Any such store or shop must not produce noise, odor, dust, vibration, blast or traffic than specifically permitted by these regulations and by City policy.

Section 10-3 Parking Regulations

- 10-3.01 One (1) off-street parking space shall be provided for each two hundred fifty (250) square feet of floor area.

Section 10-4 Height, Area and Yard Regulations

- 10-4.01 Height: Buildings or structures shall not exceed thirty-five (35) feet and/or two and one-half (1 ½) stories in height.
- 10-4.02 Front Yard: The depth of the front yard shall be at least twenty-five (25) feet on all sides abutting a street.
- 10-4.03 Side Yard: The depth of the side yard shall be at least ten (10) feet.
- 10-4.04 Rear Yard: The depth of the rear yard shall be at least ten (10) feet.
- 10-4.05 Lot Dimensions: The minimum width of a lot shall be one hundred (100) feet. The minimum depth of a slot shall be one hundred forty (140) feet.
- 10-4.06 Lot Size: The minimum lot size shall be 14,000 square feet.