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# Zoning Ordinance And Subdivision Regulations

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Updated 12-2016

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**ARTICLE 1**  
**TITLES...PURPOSE...DEFINITIONS...DISTRICTS**  
**AND GENERAL REGULATIONS**

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**1-101 Title:**

This Ordinance, including the Zoning District map(s) and overlay(s) made a part thereof, shall be known and may be cited as the “Zoning Ordinance of Pittsburg, Kansas”, and shall hereafter be referred as “this Ordinance.”

**1-102 Purpose:** This Ordinance is intended to serve the following purposes:

- A. This Ordinance is intended to serve the following purposes:
- B. To promote the health, safety, morals, comfort, and general welfare of the citizens of Pittsburg, Kansas and environs.
- C. To create a variety of zoning districts sensitive to the peculiarities of the various uses; designed to protect and enhance the values inherent in each zone.
- D. To regulate and restrict the height, number of stories, and size of buildings; the percentage of lots that may be occupied by buildings and other structures; size of yards, courts, and other open spaces.
- E. To provide for adequate light and air, and acceptable noise levels.
- F. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
- G. To provide adequate notice on subsequent changes to these regulations and an opportunity for interested parties to be heard.
- H. To provide information regarding possible flood hazards.
- I. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Comprehensive Plan for Pittsburg, Kansas.
- J. To promote the achievement of the Future Land Use Plan for Pittsburg, Kansas inform the public regarding future development in Pittsburg, Kansas, thereby providing a basis for wise decisions with respect to such development.

## 1-103 Definitions:

For the purpose of this Ordinance, words used in the present tense shall include the future; words in the singular number shall include the plural and words in the plural number shall include the singular; the word “building” shall include the word “structure”; the word “dwelling” shall include the word “residence”; the word “lot” shall include the word “plot”; the word “shall” is mandatory and not directory.

1. **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. **ACCESSORY BUILDING:** A subordinate building or portion of the main building, located on the same lot, the use of which is clearly incidental to that of the main building or to the use of the land on which it is located. Customary accessory buildings include, but are not limited to, garages, carports, garden houses, small storage sheds, and children’s playhouses.
3. **ACCESSORY USES:** A subordinate use, which serves an incidental function to that of the principal use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, air conditioners, barbecue ovens, fireplaces, and satellite dish antennas.
4. **ADMINISTRATIVE OFFICER:** See Zoning Administrator.
5. **ADVERTISING SIGN:** Any structure, object, or device erected, maintained or used for advertising purposes related to the permitted principal use of the premises upon which it is located. This definition includes the terms signs, road-sideboards, signboard advertising display, but does not include the word billboard.
6. **AGRICULTURAL USE:** The use of a tract of land for the raising of crops; animal husbandry; dairying; pasturage; general farming; truck farming; cultivation of field crops; orchards; groves; raising fish, birds or poultry; and accessory uses, necessary for the carrying out of farming operations; including structures for storage, processing and sale of products raised on the premises. Agricultural uses shall not include the following:
  - a. The operation or maintenance of greenhouses, nurseries or hydroponics farms operated as retail.
  - b. Wholesale or retail sales as an accessory use unless the same are permitted by this Ordinance.
  - c. The operation or maintenance of a commercial stockyard or feedlot.
  - d. The operation of an auction sales yard.
7. **AIRPORT OR AIRCRAFT LANDING FIELD:** Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie down areas, hangers and other necessary buildings and open spaces.
8. **ALLEY:** A public or private thoroughfare, which provides only a secondary means of access to abutting property.

9. **ALTERATION:** A change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
10. **AMENDMENT:** The process of change or alteration to the Zoning Ordinance in one of the following forms:
  - a. A comprehensive revision or modification of the zoning text and/or map.
  - b. A text change in the zoning requirements.
  - c. A change in the map, i.e., the zoning designation of a particular parcel or parcels. This form is also known as “rezoning”.
11. **AMUSEMENT ARCADE:** A commercially operated business that provides various devices for entertainment and may also provide food and non-alcoholic beverages for consumption on the premises.
12. **ANIMAL HOSPITAL OR CLINIC:** An establishment where a Doctor of Veterinary Medicine admits animals principally for examination, treatment, board or care. This does not include open runs or kennels.
13. **APARTMENT:** A room or a suite of rooms within an apartment complex arranged, intended or designed for a place of residence of a family.
14. **APARTMENT HOUSE:** Building or buildings containing apartments used as a place of residence for more than two families.
15. **APPLICANT:** The owner of a tract of land, or his duly designated representative, for which an amendment has been requested. Consent shall be required from the legal owner of the premises if the applicant is other than the owner.
16. **AUCTION SALES YARD:** A tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise and/or livestock offered on consignment.
17. **AUTOMOTIVE AND MACHINERY REPAIR SHOPS:** A building used for the repair of motor vehicles or machinery. This shall include, but not be limited to, body and paint shops, glass service shops and auto service centers.
18. **AUTOMOTIVE SALES AREA:** An open area, other than a street, used for display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor vehicles to be displayed and sold on the premises.
19. **AUTOMOTIVE SERVICE STATION:** Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair or spray painting.
20. **BABYSITTER:** Any person who provides care for six (6) or less children unrelated to the operator(s), whether with or without compensation, and whether or not registered with the State of Kansas.

21. **BASEMENT:** A space wholly or partially underground and having more than one-half of its total usable space below building grade.
22. **BILLBOARD:** Any structure, object or device erected, maintained or used for advertising purposes not related to a principal use of the premises upon which it is located.
23. **BOARD OF ZONING APPEALS:** That board created herein which has the statutory authority to hear and determine appeals, exceptions and variances to this ordinance.
24. **BOARDING OR ROOMING HOUSE:** A dwelling in which roomers, lodgers and/or boarders are housed but individual cooking facilities are not provided.
25. **BUFFER AREA:** Open and unobstructed ground area of a plot in addition to any required yards or road widening around the perimeter of any plot.
26. **BUILDABLE WIDTH:** The width of that part of a lot not included within any required open space.
27. **BUILDING:** Any structure built for the support, shelter, or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land, exclusive of fences.
28. **BUILDING CODE:** The building code duly adopted by the Governing Body to regulate the construction of buildings or structures in the City of Pittsburg, and including all related or ancillary codes pertaining to the electrical, plumbing, structural, etc. aspects of the construction of buildings or structures.
29. **BUILDING, COMMUNITY:** A building used for noncommercial social, educational, or recreational activities of a neighborhood or community.
30. **BUILDING, COMPLETELY ENCLOSED:** Any building having no outside openings other than ordinary doors, windows and ventilators.
31. **BUILDING HEIGHT:** The vertical distance from the established grade to the highest point on the roof or parapet wall.
32. **BUILDING LINE:** A line, usually fixed parallel to the lot line, beyond which a building cannot extend under the terms of this Ordinance. The building line is equivalent to the setback or yard line.
33. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the plot on which said building is situated. In any residential district, any dwelling shall be deemed to be a principal building on the plot on which it is located.
34. **BUILDING, PUBLIC:** A publicly owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institution and schools. This shall include privately owned buildings used for the same public-type purposes.
35. **CAMP:** Any plot, including its area of land and/or water, on which are located cabins, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other more or less temporary living purposes; but not including a day camp, trailer camp; rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction or nursery school.

36. **CAMPER TRAILER** (Pop-Up): A structure designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle, not to exceed 24 feet in length and 5 feet 6 inches in height in a collapsed condition.
37. **CAMPING BUS**: A self-propelled vehicle designed and built as a bus, which has been designed with or converted into a portable dwelling used for recreation.
38. **CANOPY**: Any structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements; or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
39. **CAR WASH**: An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
40. **CEMETERY**: Land used for burial and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
41. **CHILD CARE CENTER**: A facility licensed by the State of Kansas to provide for the care of thirteen (13) or more children from two (2) weeks to sixteen (16) years of age, and which is maintained for less than twenty-four (24) hours per day. *See also No.'s (20), (59), (76), (92).*
42. **CHURCH**: An establishment, the principal purpose is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday school rooms, assembly rooms, kitchen and/or library.
43. **CIRCUS AND/OR CARNIVAL**: A temporary outdoor amusement center, bazaar or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food services, sales or small-scale games.
44. **CITY**: The City Commission of Pittsburg, Kansas, or its delegated staff, boards, or agencies.
45. **CITY ATTORNEY**: The City Attorney, or such licensed attorney designated by the City Attorney, responsible for the prosecution of all violations of this Ordinance in accordance with the provisions contained herein, and as established by law.
46. **CITY ENGINEER**: The City Engineer, or such licensed engineer designated by the City Engineer or Governing Body, to provide engineering assistance in administering this and other Ordinances governing areas of normal responsibilities assigned to the City Engineer.
47. **CLINIC**: A building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, with no overnight boarding.
48. **CLUB**: Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

49. **CLUB, MEMBERSHIP:** Membership clubs, including private clubs, as defined by K.S.A. 41-2601 et seq and succeeding amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.
50. **CLUSTER HOUSING:** The site planning technique of grouping dwelling units around courts, parking areas, common open spaces and private drives as opposed to fronting all on a public street.
51. **COMMON OPEN SPACE:** An area of land, water or combination thereof, planned for active or passive recreation, but not including areas utilized for streets, alleys, driveways or private roads, off street parking or loading areas, or required yards. The area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
52. **CONDITIONAL USE:** A use of any building, structure or parcel of land 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 used are allowed only after public notice, hearing, and approval as prescribed in this Ordinance and may have special conditions and safeguards attached to assure that the public interest is served.
53. **CONDITIONAL USE PERMIT:** A written document of certification issued by the Zoning Administrator permitting the construction, alteration of establishment or a Conditional Use.
54. **CONDOMINIUM:** A building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A.58-3710 et seq) of the State of Kansas.
55. **CONSTRUCTION / DEMOLITION LANDFILL:** A permitted solid waste disposal area exclusively for the disposal on land of construction and/or demolition waste.
56. **CONSTRUCTION / DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair or demolition operations on houses, commercial buildings, other structures, pavements, curbing, bridges, and tree and brush.
57. **COUNTY HEALTH OFFICER:** The Director of the County Health Department, or such person designated to administer the Health requirements of the County.
58. **COURT:** An unobstructed open area bounded on three or more sides by the walls of a building(s); an OUTER COURT extends to a street or yard, and INNER COURT does not.
59. **DAY CARE HOME:** A facility licensed by the State of Kansas to provide for the care of not more than ten (10) children under fourteen (14) years of age, not more than six (6) of whom are under Kindergarten age, between the hours of 6:00a.m. and 9:00 p.m. This term is further construed to include similar units operated under other names. See also (20), (41), (76) and (92).
60. **DENSITY:** The average number of dwelling units (D/U) per acre of land, expressed in terms of "per acre". (Example: 300 D/U's occupying 40 acres of land is 7.5 units per acre.)

61. **DETENTION CENTER:** A secure residential facility licensed by the State of Kansas, designed specifically for children who require secure custody and which provides temporary living accommodations of alleged delinquent, miscreant, wayward, truant or deprived children pending court disposition or placement in appropriate program.
62. **DISABILITY:** With respect to a person shall include the following: (Sec 1, Ord. G-686, 5/29/92)
- 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 impairment; or
  - c. Being regarded as having such an impairment, Such term does 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).
63. **DOG:** Any canine species over one (1) year of age.
64. **DRINKING ESTABLISHMENT:** A premises, which may be open to the general public, where alcoholic liquor by the individual drink is served.
65. **DRIVE-IN ESTABLISHMENT:** An enterprise which accommodates the patrons automobile and from which occupants of the automobile may make purchases, transact business or view motion pictures or other entertainment.
66. **DRIVE-THROUGH ESTABLISHMENT:** Any restaurant, financial institution, or product vending enterprise where the patron does not necessarily enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building are included in this definition.
67. **DWELLING:** Any building or portion thereof, designed or use primarily for residential purposes, including modular homes and residential-design manufactured homes. (Sec 1 Ord. G-686, 5/29/92)
68. **DWELLING, MULTI-FAMILY:** A building or portion thereof, arranged, intended or designed for occupancy by three or more families.
69. **DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one family.
70. **DWELLING, TWO-FAMILY:** A building or portion thereof, arranged, intended or designed for occupancy by two families.
71. **DWELLING UNIT:** A building or portion thereof, containing complete housekeeping facilities for one family.
72. **EASEMENT:** A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.

73. **EFFICIENCY UNIT:** A dwelling unit, constructed as a part of a residential complex, having a living room of at least 220 square feet; an additional 100 square feet of living area for each occupant of such unit in excess of two (2); a separate closet; a separate bathroom containing a water closet, lavatory and bathtub or shower; and, a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
74. **ESTABLISHED SETBACK:** The average setback on each street on which a lot fronts established by three (3) or more buildings; provided, only those properties that are within the same district and within 300 feet on each side of said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.
75. **FAMILY:** One or more persons related by blood or marriage or adoption, living together as a single housekeeping unit plus their domestic servants; or a group of not more than four unrelated persons living together as a single housekeeping unit. (Sec 1, Ord G-686, 5/29/92)
76. **FAMILY DAY CARE HOME:** A facility licensed by the State of Kansas to provide children under eighteen (18) years of age with food and lodging for less than twenty-four (24) hours per day. This term is further construed to include similar units with different names. *See also No.'s (20), (41), (59), and (92).*
77. **FARMERS MARKET:** The seasonal selling or offering for sale at retail of homegrown vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce, or have taken the same on consignment for retail sale.
78. **FEED LOT, COMMERCIAL:** A livestock feedlot or feed yard as defined by K.S.A. 47-1501 et seq, licensed by and operated under standards set forth by the Kansas Livestock Commission.
79. **FENCE:** An unroofed barrier or unroofed enclosing structure, including retaining walls.
80. **FLOOD PLAIN:** That area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.
81. **FLOOR AREA:** The square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.
82. **FOSTER HOME:** A facility licensed by the State of Kansas for the care of four (4) or fewer persons unrelated to the operator(s).
83. **FRONT:** The part or side of any building or structure facing the street or frontage road which is used as the basis for establishing the permanent address for the building or structure.
84. **FRONTAGE:**
- a. Street Frontage: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

- b. **Lot Frontage:** The distance for which the front boundary line of the lot and the right-of-way are coincident.
85. **GARAGE, PRIVATE:** An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.
86. **GARAGE, PUBLIC:** A building, or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor vehicles.
87. **GARAGE, STORAGE:** A building, or portion thereof, designed or used exclusively for housing motor vehicles, other than trucks and commercial vehicles, pursuant to previous contract or arrangement.
88. **GARDEN APARTMENT BUILDING:** An apartment building located on a lot either individually or together with other similar apartment buildings, such buildings generally being one or two stories in height and having grounds completely landscaped.
89. **GOVERNING BODY:** The City Commission of Pittsburg, Kansas.
90. **GREENHOUSE:** A translucent enclosure used for the cultivation or protection of tender plants.
91. **GROUP BOARDING HOME:** A non-secure facility licensed by the State of Kansas providing residential care for not less than five (5) nor more than ten (10) persons unrelated to the operator(s).
92. **GROUP DAY CARE HOME:** A facility licensed by the State of Kansas for the care of seven (7) to twelve (12) children under fourteen (14) years of age, and which is maintained for less than twenty-four (24) hours per day. *See also No.'s (20), (41), (59), and (76).*
93. **GROUP RESIDENCE:** Any dwelling as defined in KSA 12-736 occupied by not more than 10 persons, including eight or fewer persons with a disability, as defined within this Ordinance, who need not be related by blood or marriage and not to exceed two 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 the State of Kansas. A Group Home also includes state licensed "Home Plus" adult residences. This definition shall not include sexually violent predators as defined in KSA 59-29a01 and 59-29a02. (Sec 1, Ord G-686, 5/29/92)
94. **GUEST HOUSE:** Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.
95. **HAULING TRAILER:** A light-duty utility trailer intended for residential use including open-bed small trailers designed to be towed behind a car or truck.
96. **HAZARDOUS WASTE DISPOSAL FACILITY:** Any facility, which meets the requirements as defined in K.S.A. 65-3402, as amended.
97. **HIGHWAY:** A street designated as a highway by an appropriate local, state or federal agency.

98. **HIGHWAY, LIMITED ACCESS:** A freeway or expressway providing for through traffic in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.
99. **HOME OCCUPATION:** Any occupation or activity, which is clearly incidental and secondary to the use of the premises for dwelling.
100. **HOSPITAL:** A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the in-patient medical and surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.
101. **HOTEL:** A building, or portion thereof, or a group of buildings, which provides sleeping accommodations for transients with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.
102. **INDUSTRIAL LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of industrial solid waste.
103. **INDUSTRIAL PARK:** A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.
104. **INDUSTRIAL SOLID WASTE:** Non-toxic, non-hazardous solid waste generated from industrial processing and acceptable as material for disposal in an industrial landfill as determined by the Kansas Department of Health and Environment.
105. **INTENSITY:** The degree or level of concentration to which land is used for commercial, industrial or any other nonresidential purpose.
106. **KENNEL, BOARDING:** Any place, area, building or structure where dogs (including those less than one year of age) are boarded, housed, cared for, fed or trained by other than the owner.
107. **KENNEL, BREEDER:** Any place, area, lot, building or structure where more than four dogs are kept for any purposes.
108. **KINDERGARTEN:** A facility licensed by the State of Kansas to provide educational programs for children during the school year immediately preceding their entrance into First Grade, and connected with a public, private or parochial elementary school system.
109. **LABORATORY, MEDICAL:** An establishment, which provides bacteriological, biological, medical, x-ray, pathological and other similar analytical or diagnostic services.

110. **LANDSCAPING**: The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
111. **LAUNDRY**: An establishment where commercial laundry and dry cleaning work is undertaken.
112. **LAUNDRY, SELF-SERVICE**: An establishment equipped with individual coin-operated washing, drying and/or dry cleaning machines.
113. **LIGHT TRUCK**: A motor vehicle designed, used and maintained primarily for the transportation of property and materials, but which has a manufacturer's gross weight of three-fourths (3/4) ton or less and does not at any point exceed seven (7) feet in height or twenty-one (21) feet in length.
114. **LIGHT VAN**: A van, otherwise meeting the definition of a van, but which has a manufacturer's gross weight rate of three-fourths (3/4) ton or less and does not at any point exceed seven (7) feet in height or twenty-one (21) feet in length.
115. **LIVESTOCK SALES YARD**: An enclosure or structure designed or used for holding livestock for purpose of sale or transfer by auction, consignment, or other means.
116. **LOADING SPACE OR LOADING BERTH**: A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.
117. **LOT**: A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one (1) main building or unit group of buildings together with permitted accessory buildings and required yard areas and parking spaces, having its principal frontage upon a street or officially approved place. A lot may include one (1) or more plotted lots or metes and bounds described tract, but must be under single ownership and, when more than one (1) parcel, be contiguous. The term LOT applies to FARM UNIT where applicable.
118. **LOT AREA**: The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any road right-of-way.
119. **LOT, CORNER**: A lot abutting upon two or more streets at their intersection.
120. **LOT COVERAGE**: The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.
121. **LOT, DEPTH OF**: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
122. **LOT, DOUBLE FRONTAGE**: A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.
123. **LOT, INTERIOR**: A lot whose side line or lines do not abut upon any street.
124. **LOT LINES**: The lines bounding a lot as defined herein.

125. **LOT OF RECORD**: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds, or a parcel of land, the deed of which was recorded prior to the adoption of this Ordinance.
126. **LOT, WIDTH OF**: The distance, measured on a horizontal plane, between the side lot lines, measured at right angles to the lot depth at the established front building line.
127. **LOT, ZONING**: A parcel or tract of land used, developed, or built as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
128. **MANUFACTURE**: Any method of processing, developing, fabricating or assembling raw material, semi-finished materials, or parts into semi-finished or finished products.
129. **MANUFACTURED HOME**: A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code established pursuant to 42 U.S.C. §5403. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term "manufactured home", when used by itself, shall not include a "residential-design manufactured home" as defined in these regulations. Manufactured home shall be permitted anywhere where mobile homes are permitted. (Sec.1, Ord. G-686, 5/29/92). *See also (166).*
130. **MOBILE HOME**: Any prefabricated structure composed of one or more units designed for full-time occupancy, which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place in essentially a complete condition ready for occupancy, except for minor and incidental unpacking and assembly operations. This shall NOT include prefabricated dwelling units that require extensive on-site work to complete, such as modular homes, panelized homes and prefab homes, and that meet adopted construction codes as amended or revised by the Governing Body from time-to-time.
131. **MOBILE HOME ACCESSORY BUILDING OR STRUCTURE**: A subordinate building or structure which is an addition to or supplements the facilities provided by a mobile home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.
132. **MOBILE HOME LOT**: A plot of ground within a mobile home park for the placement of one mobile home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, sewage and electricity.
133. **MOBILE HOME PAD**: That portion of the mobile home lot on which the mobile home unit, and any attached awning, is placed.
134. **MOBILE HOME PARK**: An area, parcel, tract, or plot of ground equipped as required for support of mobile homes and used or intended to be used by two or more occupied mobile homes provided the mobile home spaces shall not be sold or offered for sale individually. The term "mobile home park" does not include sale lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection or sale.

135. **MOBILE HOME PARK PERMIT**: A written document of certification issued by the Zoning Administrator permitting the construction, alteration or extension of a Mobile Home Park.
136. **MOBILE HOME SALES AREA**: An open space, other than a street, used for display or sale of new or used mobile homes and where no repair work is done except minor incidental repair of mobile homes to be displayed and sold on the premises.
137. **MOBILE HOME SKIRTING**: The enclosing of the area between the mobile home and the ground with a material designed to obscure from view the chassis of a mobile home.
138. **MOBILE HOME SUBDIVISION**: Any area, piece, parcel, tract or plot of ground used or intended to be used for the purpose of selling lots for occupancy by mobile homes.
139. **MOBILE HOME UNIT, DOUBLE WIDE**: A mobile home which exceeds 20 feet in width when affixed to a mobile home pad.
140. **MOBILE HOME UNIT, SINGLE WIDE**: A mobile home which measures 20 feet or less in width when affixed to a mobile home pad.
141. **MODULAR HOME**: A structure existing of one or more components manufactured off-site in conformance to the standards of the building code and related technical codes adopted by the City and moved to the construction site for final assembly as a dwelling unit. (Sec 1, Ord. G-686, 5/29/92)
142. **MOTOR HOME**: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.
143. **MOTOR VEHICLE**: A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.
144. **NONCONFORMING BUILDINGS, LAND AND/OR USE**: The use of a building, land or use which was lawful at the time this Ordinance became effective but which, because of the passage of this Ordinance, does not conform to the regulations of the district in which it exists.
145. **NONCONFORMING LOT**: An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.
146. **NOXIOUS MATTER**: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
147. **NURSERY**: Any land used to raise trees, shrubs, flowers and other plants for sale or for transporting.
148. **NURSING OR CONVALESCENT HOME**: An institution or agency licensed by the State for the reception, board, care or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.
149. **OPEN SPACE**: Useable open space designed and intended for the use of all residents or a residential development, including space dedicated to the public.

150. **OUTDOOR STORAGE**: The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.
151. **OVERLAY DISTRICT**: A district which acts in conjunction with the underlying zoning district or districts.
152. **OWNER**: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
153. **PACKAGE LIQUOR STORE**: An establishment in which alcoholic beverages are sold for consumption off the premises.
154. **PARKING LOT**: An area, other than a private parking area, street or alley, used for parking of motor vehicles and available for public or semi-public use.
155. **PARKING SPACE**: Any area surfaced for all-weather use, including gravel, sand, or comparable materials, used for the purpose of storing one parked motor vehicle.
156. **PERSON**: Any individual, partnership, joint venture, corporation, or other business or legal entity.
157. **PICKUP TRUCK CAMPER**: A structure designed primarily to be mounted on a pickup truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
158. **PLANNING COMMISSION**: The Planning and Zoning Commission of Pittsburg, Kansas.
159. **POLE BUILDING**: A structure built with no foundation or footings, using poles embedded directly in the ground as its primary support, to hold metal, plastic, fiberglass or wood covering to form the building.
160. **PRESCHOOL**: A facility licensed by the State of Kansas to provide daytime care and instruction for children between the age of thirty (30) months and the age at which the children are eligible to attend kindergarten. This term is further construed to include "Day Nursery School" and other similar uses.
161. **RECREATIONAL EQUIPMENT**: That which an occupant or owner may desire for convenience to store of his/her lot, but which item is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hand gliders, ski jets, houseboats, pontoons, and boats over fourteen (14) feet in length which require a trailer for transportation.
162. **RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES**: Any lot, plot, parcel or tract of land and/or water; and/or any building or structure, or combination thereof; planned, intended or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses, golf driving ranges, miniature golf courses, swimming pools, natatoriums, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.

163. **RECREATIONAL VEHICLE**: A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.
164. **RECREATIONAL VEHICLE CAMPGROUND**: A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
165. **RESIDENTIAL CENTER**: A non-secure facility licensed by the State of Kansas providing residential care for more than ten (10) persons unrelated to the operator(s).
166. **RESIDENTIAL-DESIGN MANUFACTURED HOME**: A manufactured home on a permanent foundation which has minimum dimensions of 22 body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes. A residential-design manufactured home shall be considered a one-family dwelling. (Sec 1, Ord G-686, 5/29/92)
167. **RESTAURANT**: A building wherein food is prepared and sold to the public for human consumption. Restaurant includes, but is not limited to, cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop and steak house.
168. **RIDING STABLES**: Structures in which saddle horses are kept, maintained and/or boarded, and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.
169. **RIGHT-OF-WAY**: A strip of land dedicated or reserved for use as a public way which normally includes streets, sidewalks, or other public utility or service area.
170. **SALE, RETAIL**: The sale of goods, merchandise and/or commodities to the ultimate consumer.
171. **SALE, WHOLESALE**: The sale of goods for resale, or the sale of goods produced or processed from raw materials which require bulk delivery of the product.
172. **SALVAGE YARD**: An area of land, with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as, but not limited to, 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 deposit or the storage on a plot of two or more wrecked or broken-down motor vehicles or parts of two or more such motor vehicles for one week in a residential district, or for three weeks or more in any other district, shall be deemed a salvage yard.
173. **SANITARY LANDFILL**: A lot or parcel of land used primarily for the disposal and burial of garbage, sewage, trash, refuse, junk, discarded machinery or motor vehicles or parts thereof, or other no hazardous or nontoxic waste.
174. **SCHOOL**: Any public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

175. **SCREENING**: Fencing or vegetation maintained for the purpose of concealing from view.
176. **SETBACK**: The distance between a building and the lot line, or road easement line, whichever provides the desired minimum distance?
177. **SLIDE-IN CAMPER**: A structure designed to be mounted temporarily or permanently in the bed of a pickup or light truck to provide enclosed storage space for transportation of property or quarters for recreational camping, including shells and truck cabs.
178. **STOCKYARD, COMMERCIAL**: A penned enclosure, or structure, where livestock are maintained temporarily for the purpose of slaughtering, marketing or shipping.
179. **STORY**: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.
180. **STORY, HALF**: A story under a gable, hip or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than 2 feet above the floor of such story.
181. **STREET**: An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
182. **STRUCTURE**: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground.
183. **SWIMMING CLUB**: A pool and accessory building operated for members and their guests, whether or not operated for gain.
184. **SWIMMING POOL, PRIVATE**: A pool, which is an accessory use to a residence and for the exclusive use of the occupants of the residential building and their guests.
185. **SWIMMING POOL, PUBLIC**: A pool and accessory buildings, generally owned and operated by a governmental entity, whether open or enclosed, and for use by the general public.
186. **TAVERN**: An establishment in which cereal malt beverages are sold or served to customers.
187. **TOWNHOUSE**: A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.
188. **TRAVEL TRAILER**: A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.
189. **TRAILER PARK**: A tract, lot, or parcel of land upon which temporary accommodations are provided for two or more trailers; such park being open to the public either free or for a fee.
190. **USE**: The specific purpose for which land or a building is used.

191. **USEABLE OPEN SPACE:** Land or water which is free of buildings, structures and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.
192. **VISIBILITY TRIANGLE:** The triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right -of-way lines at points which are thirty (30) feet distant from the point of intersection, measured along said right-of-way lines.
193. **YARD:** A required open space, other than a court, unoccupied and unobstructed by any portion of a structure from the general ground level of the graded lot upward; provided, however; 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.
194. **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.
195. **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 least distance between the rear lot line and the rear building line.
196. **YARD, SIDE:** A yard between the side building line and the side line of the lot 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.
197. **ZONE OR DISTRICT:** A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open space about buildings are herein established.
198. **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of this Ordinance.

## 1-104 Districts:

In order to regulate and restrict the use of land and the location of buildings erected or altered for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit population density and the intensity of the use of lot areas, and to regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the City of Pittsburg, Kansas, is hereby divided into districts of which they shall be in number, known as:

R-1A	Single-Family Residential District
R-1B	Single-Family Residential District
R-1C	Single-Family Residential District
R-2	Two-Family Residential District
RP-3	Planned Medium Density Residential District
RP-4	Planned Apartment House District
UO	University Overlay District
DO	Downtown Overlay District
CP-O	Planned Commercial Office District
CP-1	Planned Neighborhood Commercial District

CP-2	Planned General Commercial District
CP-3	Planned Highway Service Commercial District
CP-4	Planned Central Business District
IP-1	Planned Light Industrial District
IP-2	Planned Medium Industrial District
IP-3	Planned Heavy Industrial District
AP	Planned Airport Industrial District
AO	Airport Overlay District
FP	Floodplain District

1. Such land, and the district classification thereof, shall be shown on the official map designated as the "Zoning District Boundary Map of Pittsburg, Kansas." Such Zoning District Boundary Map, and all symbols, notations, dimensions, and references shown thereon pertaining to such districts shall be as much a part of this Ordinance as if fully they were described herein, and shall be filed as part of this Ordinance with the Zoning Administrator of the City of Pittsburg. Said Map shall be available for inspection in the office of the Zoning Administrator and any later alterations of this Map, adopted by amendment as provided by this Ordinance, shall be filed and made available for public reference. The above stated maps shall hereinafter be referred to as the "map" in this document.
2. When uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Ordinance, the following rules shall apply:
  - a. In cases where a boundary line is given a position within a street or alley, or navigable or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream; and if the actual location of such street, alley, or stream varies slightly from the location as shown on the map, then the actual location shall control.
  - b. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
  - c. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of such right-of-way.
  - d. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Ordinance are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map or by Ordinance.
  - e. In unsubdivided property, unless otherwise indicated, the district boundary line on the map accompanying and made a part of this Ordinance shall be determined by the use of the scale contained on such map.
  - f. When a district boundary line divides a lot held in one ownership on the effective date of this Ordinance, the entire lot shall be construed to be within the less restrictive district.
  - g. Where a district boundary follows a street, alley, watercourse or other right-of-way, in case of the vacation of said street, alley, watercourse or other right-of-way, the

abutting zoning classification of each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse or right-of-way.

- h. Two districts shall be deemed to adjoin even though separated by a public way or portion thereof.

### **1-105 General Regulations Governing All Zoning Districts:**

1. **Except as hereinafter provided:** No land may be used except for a purpose permitted in the district in which it is located. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height, area and bulk regulations, the parking regulations, or the off-street loading regulations herein established for the district in which the building is located. If a use in any structure is hereafter changed to another, then the new use must comply with the use regulations of this Ordinance. The minimum yards, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of this Ordinance, or of any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on one lot. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and loading spaces required by Articles 25 and 26 are provided. No structure or use already established on the effective date of this Ordinance shall be enlarged unless the minimum off-street parking and loading spaces, which would be required, by Articles 25 and 26 are provided for the whole structure or use as enlarged.
2. **Zoning of Annexed Lands:** Unless land is rezoned at the time of its annexation into the City, the land shall retain its zoning status under county zoning until such time as the property is rezoned pursuant to the provisions of this Ordinance. The City shall have the authority to secure civil remedies for violations of such county zoning regulations to the same extent that it may secure civil remedies for violations of this Ordinance pursuant to Section 38-102, herein.

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**ARTICLE 2**  
**TITLES...**

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**ARTICLE 3**  
**TITLES...**

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**ARTICLE 4**  
**"R-1A" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

<b>4-101 APPLICATION:</b>	<b>29</b>
<b>4-102 USE REGULATIONS:</b>	<b>29</b>
<b>4-103 PARKING REGULATIONS:</b>	<b>30</b>
<b>4-104 OFF-STREET LOADING REGULATIONS:</b>	<b>30</b>
<b>4-105 SIGN REGULATIONS:</b>	<b>30</b>
<b>4-106 HEIGHT, AREA, AND BULK REGULATIONS:</b>	<b>30</b>
<b>4-107 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>31</b>
<b>4-108 SUPPLEMENTARY USE REGULATIONS:</b>	<b>31</b>

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**4-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "R-1A" Single-Family Residential District. The purpose of this District is to provide for single-family residential development of a moderately spacious character where public utilities are present to support the development. The District is also designed to protect and preserve existing development of a similar character.

**4-102 Use Regulations:**

In District "R-1A," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Residential-design manufactured homes. (Sec 1, Ord G-686, 5/29/92)
3. Group Homes (as defined in KSA 12-736).
4. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
5. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, but not for use as a residence; and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of one year from the time of erection of such temporary buildings, whichever is sooner.

**4-103 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

#### 4-104 Off-Street Loading Regulations:

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

#### 4-105 Sign Regulations:

The Sign Regulations are contained in Article 27 of this Ordinance.

#### 4-106 Height, Area, and Bulk Regulations:

In the "R-1A" Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 75 feet. The minimum depth of a lot shall be 100 feet.
6. **Lot Area per Family:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 10,000 square feet per family.
7. **Minimum Floor Area of Dwelling:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 1,500 square feet.
8. **Maximum Lot Coverage:** Maximum lot coverage in the "R-1A" Single-Family Residential District shall be 50% of the square footage of the lot. This includes the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface. (Ord. G-1088; 3/9/10)
9. **Accessory Structures:** Accessory structures may be located in a required side or rear yard setback; however, no accessory building may be located closer than 5 feet from the rear lot line and no closer than 10 feet from a side lot line. No accessory structure or use (except flag poles and fences as permitted) shall occupy a required front yard. No alley may be used in meeting this requirement. No accessory structure is to be located inside an easement. No accessory building shall be larger than the main structure. Some accessory structure such as radio tower or flagpole may be taller than the main structure.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

#### **4-107 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

#### **4-108 Supplementary Use Regulations:**

Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 5**  
**"R-1B" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

<b>5-101 APPLICATION:</b>	<b>33</b>
<b>5-102 USE REGULATIONS:</b>	<b>33</b>
<b>5-103 PARKING REGULATIONS:</b>	<b>34</b>
<b>5-104 OFF-STREET LOADING REGULATIONS:</b>	<b>34</b>
<b>5-105 SIGN REGULATIONS:</b>	<b>34</b>
<b>5-106 HEIGHT, AREA, AND BULK REGULATIONS:</b>	<b>34</b>
<b>5-107 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>35</b>
<b>5-108 SUPPLEMENTARY USE REGULATIONS:</b>	<b>35</b>

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**5-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "R-1B" Single-Family Residential District. The purpose of this District is to provide for single-family residential development of a higher density, serviced by public utilities, and accessible to public infrastructure capable of supporting the development. The District is also designed to protect and preserve existing development of a similar character.

**5-102 Use Regulations:**

In District "R-1B," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Residential-design manufactured homes. (Sec 1, Ord G-686, 5/29/92)
3. Group Homes (as defined in KSA 12-736).
4. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.
5. Temporary buildings, the uses of which are incidental to construction operations or sale of lots during development being conducted on the same or adjoining tract or subdivision, but not for use as a residence; and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period or one year from the time of erection of such temporary buildings, whichever is sooner.

**5-103 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### 5-104 Off-Street Loading Regulations:

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### 5-105 Sign Regulations:

The Sign Regulations are contained in Article 27 of this Ordinance.

### 5-106 Height, Area, and Bulk Regulations:

In the "R-1B" Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 5 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 65 feet. The minimum depth of a lot shall be 100 feet.
6. **Lot Area per Family:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 7,000 square feet per family.
7. **Minimum Floor Area of Dwelling:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 1,200 square feet. (Sec 1, Ord G-837, 10/29/99)
8. **Maximum Lot Coverage:** Maximum lot coverage in the "R-1B" Single-Family Residential District shall be 55% of the square footage of the lot. This includes the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface. (Ord. G-1088; 3/9/10)
9. **Accessory Structures:** Accessory structures may be located in a required side or rear yard setback; however, no accessory building may be located closer than 5 feet from the rear lot line and no closer than 3 feet from a side lot line. No accessory structure or use (except flag poles and fences as permitted) shall occupy a required front yard. No alley may be used in meeting this requirement. No accessory structure is to be located inside an easement. No accessory building shall be larger than the main structure. Some accessory structure such as radio tower or flagpole may be taller than the main structure.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**5-107 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

**5-108 Supplementary Use Regulations:**

Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 6**  
**"R-1C" SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

<b>6-101 APPLICATION:</b>	<b>37</b>
<b>6-102 USE REGULATIONS:</b>	<b>37</b>
<b>6-103 PARKING REGULATIONS:</b>	<b>37</b>
<b>6-104 OFF-STREET LOADING REGULATIONS:</b>	<b>37</b>
<b>6-105 SIGN REGULATIONS:</b>	<b>37</b>
<b>6-106 HEIGHT, AREA, AND BULK REGULATIONS:</b>	<b>38</b>
<b>6-107 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>38</b>
<b>6-108 SUPPLEMENTARY USE REGULATIONS:</b>	<b>39</b>

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**6-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "R-1C" Single-Family Residential District. The purpose of this District is to protect and preserve existing single-family development on small lots. Creation of new developments of densities allowed within this district is prohibited, except in Planned Unit Developments. This district is not to be used except to accommodate existing development.

**6-102 Use Regulations:**

In District "R-1C," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Single-family dwellings.
2. Residential-design manufactured homes. (Sec 1, Ord G-686, 5/29/92)
3. Group Homes (as defined in KSA12-736).
4. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

**6-103 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

**6-104 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

**6-105 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

## 6-106 Height, Area, and Bulk Regulations:

In the "R-1C" Single-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 5 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 40 feet. The minimum depth of a lot shall be 100 feet.
6. **Lot Area per Family:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 5,600 square feet per family.
7. **Minimum Floor Area of Dwelling:** Every dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 800 square feet.
8. **Maximum Lot Coverage:** Maximum lot coverage in the "R-1C" Single-Family Residential District shall be 55% of the square footage of the lot. This includes the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface. (Ord. G-1088; 3/9/10)
9. **Accessory Structures:** Accessory structures may be located in a required side or rear yard setback; however, no accessory building may be located closer than 5 feet from the rear lot line and no closer than 3 feet from a side lot line. No accessory structure or use (except flag poles and fences as permitted) shall occupy a required front yard. No alley may be used in meeting this requirement.  
No accessory structure is to be located inside an easement. No accessory building shall be larger than the main structure. Some accessory structure such as radio tower or flagpole may be taller than the main structure.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

## 6-107 Supplementary Height, Area and Bulk Regulations:

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **6-108 Supplementary Use Regulations:**

Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 7**  
**"R-2" TWO-FAMILY RESIDENTIAL DISTRICT**

<b>7-101 APPLICATION:</b> .....	<b>41</b>
<b>7-102 USE REGULATIONS:</b> .....	<b>41</b>
<b>7-103 PARKING REGULATIONS:</b> .....	<b>41</b>
<b>7-104 OFF-STREET LOADING REGULATIONS:</b> .....	<b>41</b>
<b>7-105 SIGN REGULATIONS:</b> .....	<b>41</b>
<b>7-106 HEIGHT, AREA, AND BULK REGULATIONS:</b> .....	<b>42</b>
<b>7-107 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b> .....	<b>43</b>
<b>7-108 SUPPLEMENTARY USE REGULATIONS:</b> .....	<b>43</b>

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**7-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "R-2" Two-Family Residential District. The purpose of this District is to maintain a generally spacious residential environment of existing single-family neighborhoods, and at the same time permit two-family dwellings and accessory dwelling units within those neighborhoods as in-fill development. Also, it is intended to accommodate new developments of two-family dwellings and accessory dwelling units adjacent to, or near areas within the community planned for higher density development.

**7-102 Use Regulations:**

In District "R-2," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "R-1B" Single-Family Residential District.
2. Two-family dwellings.
3. Group Residence (Article 1, Sec 1, Ord G-686, 5/29/92)

**7-103 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

**7-104 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

**7-105 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

## 7-106 Height, Area, and Bulk Regulations:

In the "R-2" Two-Family Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 2-1/2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard shall be less than 5 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 40 feet. The minimum depth of a lot shall be 100 feet.
6. **Lot Area per Family:** Every single-family dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum lot area of 7,000 square feet per family. Every two-family dwelling hereafter erected, constructed, re-constructed, moved or altered, shall provide a minimum lot area of 3,500 square feet per family or 7,000 square feet per building.
7. **Minimum Floor Area of Dwelling:** Every single-family, detached dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 800 square feet. Every two-family dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 600 square feet per family.
8. **Maximum Lot Coverage:** Maximum lot coverage in the "R-2" Two-Family Residential District shall be 55% of the square footage of the lot. This includes the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface.

Maximum lot coverage for every single-family dwelling unit with an accessory dwelling unit in the "R-2" Two-Family Residential District shall be 58% of the square footage of the lot. This includes the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface.

Maximum lot coverage for every two-family dwelling unit (duplex) with an accessory dwelling unit in the "R-2" Two-Family Residential District shall be 58% of the square footage of the lot. This includes the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface. (Ord. G-1088; 3/9/10)

9. **Accessory Structures:** Accessory structures may be located in a required side or rear yard setback; however, no accessory building may be located closer than 5 feet from the rear lot line and no closer than 3 feet from a side lot line. No accessory structure or use (except flag poles and fences as permitted) shall occupy a required front yard. No alley may be used in meeting this requirement.  
No accessory structure is to be located inside an easement. No accessory building shall be larger than the main structure. Some accessory structure such as radio tower or flagpole may be taller than the main structure.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

**7-107 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

**7-108 Supplementary Use Regulations:**

Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 8**  
**"RP-3" PLANNED MEDIUM DENSITY RESIDENTIAL DISTRICT**

<b>8-101 APPLICATION:</b>	<b>45</b>
<b>8-102 USE REGULATIONS:</b>	<b>45</b>
<b>8-103 PLAN APPROVAL GUIDELINES:</b>	<b>45</b>
<b>8-104 PERFORMANCE STANDARDS:</b>	<b>45</b>
<b>8-105 PARKING REGULATIONS:</b>	<b>46</b>
<b>8-106 OFF-STREET LOADING REGULATIONS:</b>	<b>46</b>
<b>8-107 SIGN REGULATIONS:</b>	<b>46</b>
<b>8-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>46</b>
<b>8-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>47</b>
<b>8-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>47</b>

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**8-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "RP-3" Planned Medium Density Residential District. The purpose of this District is to provide for medium density, residential development opportunities in areas where it is deemed necessary and appropriate according to the Comprehensive Plan.

**8-102 Use Regulations:**

In District "RP-3," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "R-2" Two-Family Residential District.
2. Condominiums.
3. Low Rise Apartment Buildings.
4. Townhouses.
5. Group Homes (as defined in KSA 12-736).

**8-103 Plan Approval Guidelines:**

No building permits shall be issued and no construction shall begin until the site plan has been reviewed and approved by the Planning and Zoning Commission. The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

**8-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **8-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **8-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **8-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **8-108 Height, Area and Bulk Regulations:**

In the "RP -3" Planned Medium Density Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 45 feet and/or 3 stories in height. In addition to these setback requirements, on lots adjoining any R-1 or R-2 residential district, structures shall be setback an additional 2 feet for every one (1) foot in height that the structure exceeds 35 feet.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be at least 65 feet. The minimum depth of a lot shall be at least 100 feet.
6. **Lot Area per Family:** Every residential building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 3,500 square feet per family for the first two dwelling units, and 2,000 square feet per family for each additional dwelling unit over two.
7. **Minimum Floor Area of Dwelling:** Every single-family, detached dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 800 square feet. Every two-family dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 600 square feet per family when constructed as attached dwelling units.

When constructed as two separate structures (such as a house and detached "garage apartment"), the main house shall provide a minimum floor area of 800 square feet, and the accessory dwelling unit shall meet or exceed the minimum requirements of an efficiency unit as defined in Section 1-103 of this Ordinance.

Multi-family dwellings shall comply with the provisions of the International Building Code.

8. **Maximum Lot Coverage:** Maximum lot coverage in the "RP-3" Planned Medium Density Residential District shall be 60% of the square footage of the lot. This includes

the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface.

9. **Accessory Structures:** Accessory structures may be located in a required side or rear yard setback; however, no accessory building may be located closer than 5 feet from the rear lot line and no closer than 10 feet from a side lot line. No accessory structure or use (except flag poles and fences as permitted) shall occupy a required front yard. No alley may be used in meeting this requirement.  
No accessory structure is to be located inside an easement. No accessory building shall be larger than the main structure. Some accessory structure such as radio tower or flagpole may be taller than the main structure.
10. **Screening:** For developments containing more than four (4) dwelling units, screening shall be erected along any property line adjacent to or adjoining any single-family or two-family residence to eliminate the passage of light from vehicles.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

### **8-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **8-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 9**  
**"RP-4" PLANNED APARTMENT HOUSE DISTRICT**

<b>9-101 APPLICATION:</b>	<b>49</b>
<b>9-102 USE REGULATIONS:</b>	<b>49</b>
<b>9-103 PLAN APPROVAL GUIDELINES:</b>	<b>49</b>
<b>9-104 PERFORMANCE STANDARDS:</b>	<b>49</b>
<b>9-105 PARKING REGULATIONS:</b>	<b>50</b>
<b>9-106 OFF-STREET LOADING REGULATIONS:</b>	<b>50</b>
<b>9-107 SIGN REGULATIONS:</b>	<b>50</b>
<b>9-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>50</b>
<b>9-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>51</b>
<b>9-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>51</b>

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**9-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "RP-4" Planned Apartment House District. The purpose of this District is to provide for high density, residential development opportunities in areas where it is deemed necessary and appropriate according to the Comprehensive Plan.

**9-102 Use Regulations:**

In District "RP-4," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "RP -3" Planned Medium Density Residential District, except single-family dwellings.
2. Apartment houses or complexes.
3. Multi-family dwellings.
4. Group Homes (as defined in KSA 12-736).

**9-103 Plan Approval Guidelines:**

No building permits shall be issued and no construction shall begin until the site plan has been reviewed and approved by the Planning and Zoning Commission. The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

**9-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **9-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **9-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **9-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **9-108 Height, Area and Bulk Regulations:**

In the "RP-4" Planned Apartment House District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 45 feet and/or 3 stories in height. In addition to these setback requirements, on lots adjoining any R-1 or R-2 residential district, structures shall be setback an additional 2 feet for every one (1) foot in height that the structure exceeds 35 feet.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be at least 65 feet. The minimum depth of a lot shall be at least 100 feet.
6. **Lot Area per Family:** Every residential building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 3,500 square feet per family for the first two dwelling units, and 1,000 square feet per family for each additional dwelling unit over two.
7. **Minimum Floor Area of Dwelling:** Every two-family dwelling hereafter erected, constructed, reconstructed, moved or altered, shall provide a minimum floor area of 600 square feet per family. Multi-family dwellings shall comply with the provisions of the International Building Code.
8. **Maximum Lot Coverage:** Maximum lot coverage in the "RP-4" Planned Apartment House District shall be 69% of the square footage of the lot. This includes the main structure, accessory structures, swimming pools, driveways, parking areas, pavement, and any other impervious surface.
9. **Accessory Structures:** Accessory structures may be located in a required side or rear yard setback; however, no accessory building may be located closer than 5 feet from the rear lot line and no closer than 10 feet from a side lot line. No accessory structure or use (except flag poles and fences as permitted) shall occupy a required front yard. No alley may be used in meeting this requirement.

No accessory structure is to be located inside an easement. No accessory building shall be larger than the main structure. Some accessory structure such as radio tower or flagpole may be taller than the main structure.

10. **Screening:** For developments containing more than four (4) dwelling units, screening shall be erected along any property line adjacent to or adjoining any single-family or two-family residence to eliminate the passage of light from vehicles.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

### **9-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **9-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 10**  
**"UO" UNIVERSITY OVERLAY DISTRICT**

<b>10-101 APPLICATION:</b>	<b>53</b>
<b>10-102 USE REGULATIONS:</b>	<b>53</b>
<b>10-103 PLAN APPROVAL GUIDELINES:</b>	<b>54</b>
<b>10-104 PERFORMANCE STANDARDS:</b>	<b>54</b>
<b>10-105 PARKING REGULATIONS:</b>	<b>54</b>
<b>10-106 OFF-STREET LOADING REGULATIONS:</b>	<b>54</b>
<b>10-107 SIGN REGULATIONS:</b>	<b>54</b>
<b>10-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>54</b>
<b>10-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>55</b>
<b>10-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>55</b>

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**10-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "UO" University Overlay District. The University Overlay District is designed to function in combination with any one or more of the zoning districts. The two principal functions of this district are: (1) to give the University oriented functions more flexibility than they would have if mapped in another district; and (2) to permit the establishment of the types of uses which ordinarily cluster about a university, but which are not located on university property.

**10-102 Use Regulations:**

In District "UO," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the underlying District; subject to the requirements of the underlying District.
2. Boarding or rooming houses.
3. Colleges, universities and theological schools, including their buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, and dormitories.
4. Fraternities and Sororities.
5. Offices, meetings rooms, laboratories and other facilities for educational, fraternal and research organizations and institutions.

6. Parking lots for motor vehicles accessory to uses permitted in the University Overlay District.
7. Structures providing lodging rooms for unmarried students.

### **10-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **10-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **10-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **10-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **10-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **10-108 Height, Area and Bulk Regulations:**

In the "UO" University Overlay District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:**
  - a. Colleges, universities and theological school structures: No maximum regulations.
  - b. All other permitted uses shall comply with the height restrictions of the underlying district.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:**
  - a. Colleges, universities and theological school structures: No minimum regulations.
  - b. All other permitted uses shall comply with the lot dimension restrictions of the underlying district.
6. **Lot Area:**

- a. Colleges, universities and theological school structures: No minimum regulations.
- b. All other permitted uses shall comply with the lot area restrictions of the underlying district.

#### **10-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

#### **10-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 11**  
**"CP-0" PLANNED COMMERCIAL OFFICE DISTRICT REGULATIONS**

<b>11-101 APPLICATION:</b>	<b>57</b>
<b>11-102 USE REGULATIONS:</b>	<b>57</b>
<b>11-103 PLAN APPROVAL GUIDELINES:</b>	<b>58</b>
<b>11-104 PERFORMANCE STANDARDS:</b>	<b>58</b>
<b>11-105 PARKING REGULATIONS:</b>	<b>58</b>
<b>11-106 OFF-STREET LOADING REGULATIONS:</b>	<b>58</b>
<b>11-107 SIGN REGULATIONS:</b>	<b>58</b>
<b>11-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>58</b>
<b>11-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>59</b>
<b>11-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>59</b>

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**11-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "CP-O" Planned Commercial Office District. The purpose of this District is to provide for office and non-retail business developments that provide a service or support a neighborhood or the community. This District is intended to be used to transition, where deemed appropriate, from residential developments to more intensive types of commercial and/or retail business activity.

**11-102 Use Regulations:**

In District "CP-O" Planned Commercial Office District, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Medical clinics, including supporting laboratories and accessory drug stores, pharmacies and optical shops.
2. Offices and office buildings for the administrative functions of companies, corporations, social or philanthropic organizations or societies, or for professional activities including, but not limited to:

Accountants	Engineers
Architects	Insurance
Brokers	Lawyers
Consultants	Planners
Dentists	Real Estate
Doctors	
3. Barber shop or beauty shop. (Sec 1, Ord G-811, 7/31/98)
4. Photographic studios.

5. Radio and television studios, provided no broadcast towers are located on the premises.
6. Savings and loan institutions, credit union offices, and banks, including drive through facilities.
7. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

### **11-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **11-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **11-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **11-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **11-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **11-108 Height, Area and Bulk Regulations:**

In the "CP-O" Commercial-Highway District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 30 feet and/or 2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be at least 65 feet. The minimum depth of a lot shall be at least 100 feet.
6. **Lot Area:** Every building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 7,000 square feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

#### **11-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

#### **11-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 12**  
**"CP-1" PLANNED NEIGHBORHOOD COMMERCIAL DISTRICT REGULATIONS**

<b>12-101 APPLICATION:</b>	<b>61</b>
<b>12-102 USE REGULATIONS:</b>	<b>61</b>
<b>12-103 PLAN APPROVAL GUIDELINES:</b>	<b>62</b>
<b>12-104 PERFORMANCE STANDARDS:</b>	<b>62</b>
<b>12-105 PARKING REGULATIONS:</b>	<b>62</b>
<b>12-106 OFF-STREET LOADING REGULATIONS:</b>	<b>62</b>
<b>12-107 SIGN REGULATIONS:</b>	<b>62</b>
<b>12-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>62</b>
<b>12-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>63</b>
<b>12-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>63</b>

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**12-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "CP -1" Planned Neighborhood Commercial District. The purpose of this District is to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods.

**12-102 Use Regulations:**

In District "CP-1," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "CP-O" Planned Commercial Office District.
2. Automotive service stations, provided bulk storage of flammable liquids is underground; and further provided that no repair services are conducted on the premises.
3. Convenience food stores provided it shall not exceed 5,000 square feet in area.
4. Retail stores and shops which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, including but not limited to, the following:

Artist materials, supply, studio  
Baby shop  
Bakery goods store  
Barber shop  
Beauty shop  
Book and stationery store

Camera shop

Candy shop  
Cleaning, pressing, laundry collection agency  
Dairy products or ice cream store  
Delicatessen  
Florist shop  
Messenger or telegraph service  
Newspaper or magazine sales  
Optical sales and service  
Package liquor store  
Pharmacy  
Self-service laundry or dry cleaning  
Shoe store or repair shop  
Tailor shop

### **12-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **12-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **12-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **12-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **12-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **12-108 Height, Area and Bulk Regulations:**

In the "CP-1" Planned Neighborhood Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 30 feet and/or 2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be at least 65 feet. The minimum depth of a lot shall be at least 100 feet.

6. **Lot Area:** Every building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 7,000 square feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

#### **12-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

#### **12-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 13**  
**"CP-2" PLANNED GENERAL COMMERCIAL DISTRICT REGULATIONS**

<b>13-101 APPLICATION:</b>	<b>65</b>
<b>13-102 USE REGULATIONS:</b>	<b>65</b>
<b>13-103 PLAN APPROVAL GUIDELINES:</b>	<b>66</b>
<b>13-104 PERFORMANCE STANDARDS:</b>	<b>66</b>
<b>13-105 PARKING REGULATIONS:</b>	<b>66</b>
<b>13-106 OFF-STREET LOADING REGULATIONS:</b>	<b>67</b>
<b>13-107 SIGN REGULATIONS:</b>	<b>67</b>
<b>13-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>67</b>
<b>13-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>67</b>
<b>13-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>67</b>

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**13-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "CP-2" Planned General Commercial District. The purpose of this District is to provide sufficient space in appropriate locations for certain commercial and service activities while at the same time affording protection of surrounding properties from heavier types of commercial activity.

**13-102 Use Regulations:**

In District "CP-2," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "CP-1" Planned Neighborhood Commercial District.
2. Auditorium or theater, but no open-air drive-in theaters.
3. Bowling alleys and amusement arcades.
4. Drive-in and drive-through establishments, except as otherwise prohibited herein.
5. Food storage lockers.
6. Hotels, motels, and motor hotels.
7. Lawn and garden supply sales and service, including storage yards.
8. Membership clubs, including private clubs as defined by K.S.A. 41-2601 et seq, and subsequent amendments.
9. Printing, publishing, and engraving firms, including newspaper publishing; provided said operations are principally retail businesses.
10. Reupholstering.

11. Warehousing, not exceeding 20,000 square feet in any single building.
12. All other commercial or retail stores and activities not otherwise prohibited or restricted by this Ordinance, including but not limited to, the following:
  - Antique shop
  - Appliance store and/or repair shops
  - Art school, gallery or museum
  - Auto supply store
  - Building materials sales
  - Car wash
  - Catering establishment
  - Clothing and apparel store
  - Curio or gift shop
  - Department store
  - Drinking establishment
  - Dry goods store
  - Dyeing and cleaning works
  - Furniture store
  - General service and repair establishment
  - Grocery store or supermarket
  - Hardware store
  - Lumber yard
  - Meat market, including processing facilities
  - Motor vehicle sales, service and/or repair
  - Painting and/or decorating shop
  - Parking lots operated as a business
  - Plumbing and heating shop
  - Radio and television sales and/or service
  - Restaurant
  - Sewing machines sales, service and/or instruction
  - Sporting goods sales
  - Taverns
  - Tire sales and service including vulcanizing, but not manufacture
  - Toy store
  - Used car sales
  - Variety store

### **13-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **13-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **13-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **13-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **13-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **13-108 Height, Area and Bulk Regulations:**

In the "CP-2" Planned General Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 3 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 10 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 65 feet. The minimum depth of a lot shall be 100 feet.
6. **Lot Area:** Every building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 7,000 square feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

### **13-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **13-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 14**  
**"CP-3" PLANNED HIGHWAY SERVICE COMMERCIAL DISTRICT REGULATIONS**

<b>14-101 APPLICATION:</b>	<b>69</b>
<b>14-102 USE REGULATIONS:</b>	<b>69</b>
<b>14-103 PLAN APPROVAL GUIDELINES:</b>	<b>69</b>
<b>14-104 PERFORMANCE STANDARDS:</b>	<b>69</b>
<b>14-105 PARKING REGULATIONS:</b>	<b>70</b>
<b>14-106 OFF-STREET LOADING REGULATIONS:</b>	<b>70</b>
<b>14-107 SIGN REGULATIONS:</b>	<b>70</b>
<b>14-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>70</b>
<b>14-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>70</b>
<b>14-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>70</b>

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**14-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "CP -3" Planned Highway Service Commercial District. The purpose of this District is to provide space in appropriate locations, particularly along the existing major highways where a general mixture of commercial and service activity now exists, for those uses of a more intensive nature that are clearly commercial in nature but which require more land area to function efficiently.

**14-102 Use Regulations:**

In District "CP-3," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "CP-2" Planned Neighborhood Commercial District.
2. Boat sales and service, including storage yard.
3. Farm machinery sales and service, including storage yard.
4. Mobile home and trailer sales and service, including display yard.

**14-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

**14-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

#### **14-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

#### **14-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

#### **14-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

#### **14-108 Height, Area and Bulk Regulations:**

In the "CP-3" Planned Highway Service Commercial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 35 feet and/or 3 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 30 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 20 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.
5. **Lot Dimensions:** The minimum width of a lot shall be 150 feet. The minimum depth of a lot shall be 150 feet.
6. **Lot Area:** Every building hereafter erected, constructed, reconstructed, moved or altered shall provide a minimum lot area of 25,000 square feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

#### **14-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

#### **14-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

**ARTICLE 15**  
**"CP-4" PLANNED CENTRAL BUSINESS DISTRICT REGULATIONS**

<b>15-101 APPLICATION:</b>	<b>71</b>
<b>15-102 USE REGULATIONS:</b>	<b>71</b>
<b>15-103 PLAN APPROVAL GUIDELINES:</b>	<b>71</b>
<b>15-104 PERFORMANCE STANDARDS:</b>	<b>71</b>
<b>15-105 PARKING REGULATIONS:</b>	<b>72</b>
<b>15-106 OFF-STREET LOADING REGULATIONS:</b>	<b>72</b>
<b>15-107 SIGN REGULATIONS:</b>	<b>72</b>
<b>15-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>72</b>
<b>15-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>72</b>
<b>15-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>72</b>

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**15-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "CP-4" Planned Central Business District. This District encompasses the shopping and office core of the central business district of the City of Pittsburgh. Appropriate uses are the same as for the "CP-2" General Commercial District, but with altered off-street parking and off-street loading requirements in recognition of the practical difficulty of providing off-street parking and loading spaces in the core district, and in recognition of the collective responsibility to provide other parking and loading for the district.

**15-102 Use Regulations:**

In District "CP-4," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use permitted in the "CP-2" Planned General Commercial District.
2. Residential uses, except on the ground floor on properties that face Broadway and/or 4th Street.

**15-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

**15-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **15-105 Parking Regulations:**

None required.

### **15-106 Off-Street Loading Regulations:**

None required.

### **15-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **15-108 Height, Area and Bulk Regulations:**

In the "CP -4" Planned Central Business District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall be as follows:

1. **Height:** None.
2. **Front Yard:** None.
3. **Side Yard:** None.
4. **Rear Yard:** None.
5. **Lot Dimensions:** None.
6. **Lot Area:** None.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

### **15-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **15-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

**ARTICLE 16**  
**"IP-1" PLANNED LIGHT INDUSTRIAL DISTRICT REGULATIONS**

<b>16-101 APPLICATION:</b>	<b>73</b>
<b>16-102 USE REGULATIONS:</b>	<b>73</b>
<b>16-103 PLAN APPROVAL GUIDELINES:</b>	<b>74</b>
<b>16-104 PERFORMANCE STANDARDS:</b>	<b>74</b>
<b>16-105 PARKING REGULATIONS:</b>	<b>74</b>
<b>16-106 OFF-STREET LOADING REGULATIONS:</b>	<b>74</b>
<b>16-107 SIGN REGULATIONS:</b>	<b>74</b>
<b>16-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>74</b>
<b>16-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>74</b>
<b>16-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>74</b>

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**16-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "IP -1" Planned Light Industrial District. This District is intended primarily for light manufacturing, fabricating, warehousing, and wholesale distributing in low buildings with off-street loading and off-street parking for employees, and with access by major streets and/or railroads. This district is intended to be established mainly as an Industrial Park and not for use on individual lots or tracts.

**16-102 Use Regulations:**

In District "IP-1," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Manufacturing, processing, fabrication and assembling of any commodity except junk or salvage and except the uses enumerated as permitted in District "IP-2" and "IP -3".
2. Warehousing, wholesaling and storage of any commodity except junk or salvage and except the uses enumerated as permitted in District "IP-2" and "IP-3".
3. Dwellings for resident night watchmen and caretakers employed on the premises.
4. Laboratories, research, experimental, or testing.
5. Offices and office buildings.
6. Restaurants and automatic food and beverage vending machines.
7. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

### **17-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **16-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **16-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **16-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **16-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **16-108 Height, Area and Bulk Regulations:**

In the "IP-1" Planned Light Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area of any lot shall be as follows:

1. **Height:** Buildings and structures shall not exceed 45 feet in height. (Sec 2, Ord G-811, 7/31/98)
2. **Front Yard:** The depth of the front yard shall be at least 40 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 15 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

### **16-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **16-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

**ARTICLE 17**  
**"IP-2" PLANNED MEDIUM INDUSTRIAL DISTRICT REGULATIONS**

<b>17-101 APPLICATION:</b>	<b>75</b>
<b>17-102 USE REGULATIONS:</b>	<b>75</b>
<b>17-103 PLAN APPROVAL GUIDELINES:</b>	<b>76</b>
<b>17-104 PERFORMANCE STANDARDS:</b>	<b>76</b>
<b>17-105 PARKING REGULATIONS:</b>	<b>76</b>
<b>17-106 OFF-STREET LOADING REGULATIONS:</b>	<b>76</b>
<b>17-107 SIGN REGULATIONS:</b>	<b>76</b>
<b>17-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>76</b>
<b>17-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>76</b>
<b>17-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>77</b>

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**17-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "IP -2" Planned Medium Industrial District. This District provides for industrial operations that are more intensive in nature and, as a result, require more consideration in siting, and greater access to major facilities and services such as highways, railroads, utilities, etc.

**17-102 Use Regulations:**

In District "IP-2," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1. Any use permitted in "IP-1" Planned Light Industrial District.
2. Book or publishing plants.
3. Bus barns or lots.
4. Cold storage and ice plants.
5. Creameries and dairy product processing.
6. Food and beverage products, canning and preserving, processing and packaging of products.
7. Furniture refinishing.
8. Industrial machinery sales and service.
9. Machine shops.
10. Metal fabrication.
11. Physical processing of chemicals, (i.e., mixing), but not including processing involving chemical reactions.

12. Planning mills.
13. Plastic extrusion.

### **17-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **17-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **17-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **17-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **17-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **17-108 Height, Area and Bulk Regulations:**

In the "IP-2" Heavy Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area of any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 45 feet in height. (Sec 3, Ord G-811, 7/31/98)
2. **Front Yard:** The depth of the front yard shall be at least 40 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 15 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 25 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

### **17-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **17-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 18**  
**"IP-3" PLANNED HEAVY INDUSTRIAL DISTRICT REGULATIONS**

<b>18-101 APPLICATION:</b>	<b>79</b>
<b>18-102 USE REGULATIONS:</b>	<b>79</b>
<b>18-103 PLAN APPROVAL GUIDELINES:</b>	<b>80</b>
<b>18-104 PERFORMANCE STANDARDS:</b>	<b>80</b>
<b>18-105 PARKING REGULATIONS:</b>	<b>81</b>
<b>18-106 OFF-STREET LOADING REGULATIONS:</b>	<b>81</b>
<b>18-107 SIGN REGULATIONS:</b>	<b>81</b>
<b>18-108 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>81</b>
<b>18-109 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>81</b>
<b>18-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>81</b>

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**18-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "IP-3" Planned Heavy Industrial District. This District provides for those industrial operations that have certain potentially hazardous characteristics and are allowed only after special consideration to assure protection of public interest and surrounding property and persons.

**18-102 Use Regulations:**

In District "IP-3," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses:

1. Any use permitted in "IP-2" Planned Medium Industrial District.
2. The manufacture, compounding, processing, packaging or treatment of the following uses:

Chemical, Petroleum, Coal or Allied Products:  
Acids and derivatives  
Acetylene, generation or storage  
Alcohol, industrial  
Ammonia  
Caustic soda  
Cellulose and cellulose storage  
Chlorine  
Coke oven products (including fuel gas) and coke oven products storage  
Creosote  
Distillation, manufacture, or refining of coal, tar or bones  
Fertilizer (organic or non-organic)  
Fish oils or meal  
Fuel briquettes

Glue, gelatin, or size  
Hydrogen and oxygen  
Nylon

Petroleum, gasoline, and lubricating oil refining, and wholesale storage  
Plastic materials and synthetic resins  
Potash  
Pyroxylin  
Rayon  
Rendering and storage of dead animals, offal, garbage, or waste products

Food and Beverage:  
Casin  
Cider and vinegar  
Distilleries, breweries and alcoholic spirits (non-industrial)  
Fat rendering  
Fish curing  
Slaughtering of animals  
Starch manufacture

Metals and Metal Products:  
Aircraft and aircraft parts  
Automobile, truck trailer, mobile home, motorcycle and bicycle assembly  
Blast furnace, cupolas  
Blooming mill  
Metal and metal ores, reduction, refining, smelting and alloying  
Scrap metal reduction  
Steel works and rolling mill (ferrous)

Wood and Paper Products:  
Match manufacture  
Wood preserving treatment  
Wood pulp and fiber, reduction and processing

Unclassified Industries and Uses:  
Bag cleaning  
Cotton seed oil refining  
Hair, hide, and raw fur curing, tanning, dressing, dyeing and storage  
Leather tanning and curing  
Natural or synthetic rubber, gutta perchas, and balata processing  
Rubber tire and tube  
Storage battery (wet cell)

### **18-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **18-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance.

### **18-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **18-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **18-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **18-108 Height, Area and Bulk Regulations:**

In the "IP-3" Planned Heavy Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area of any lot shall be as follows:

1. **Height:** Buildings or structures shall not exceed 55 feet in height. (Sec 4, Ord G-811, 7/31/98.
2. **Front Yard:** The depth of the front yard shall be at least 40 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 15 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 25 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein.

### **18-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **18-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

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**ARTICLE 19**  
**"AP" PLANNED AIRPORT INDUSTRIAL DISTRICT**

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<b>19-110 SUPPLEMENTARY USE REGULATIONS:</b>	<b>84</b>

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**19-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "AP" Planned Airport Industrial District. This District is intended to provide for industrial uses on lands designated for non-airport development at Atkinson Municipal Airport. These uses are primarily intended to be of light manufacturing, fabricating, warehousing, and wholesale distributing types, in low buildings, with no activities capable of causing interference with airport operations. This district is restricted to Atkinson Municipal Airport only.

**19-102 Use Regulations:**

In District "AP," no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following uses:

1. Any use in the "IP-1," Planned Light Industrial District.

**19-103 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

**19-104 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance. In addition, no use or activity shall cause any electrical, smoke, vibration, dust, odor, noise, glare, or other effect that will interfere or otherwise cause problems with the operation of the airport or any aircraft using the airport.

**19-105 Parking Regulations:**

The Parking Regulations for permitted uses are contained in Article 25 of this Ordinance.

### **19-106 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance.

### **19-107 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance.

### **19-108 Height, Area and Bulk Regulations:**

In the "AP," Planned Airport Industrial District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area of any lot shall be as follows:

1. **Height:** Buildings and structures shall not exceed 30 feet and/or 2 stories in height.
2. **Front Yard:** The depth of the front yard shall be at least 50 feet.
3. **Side Yard:** There shall be a side yard on each side of a building. No side yard shall be less than 15 feet.
4. **Rear Yard:** The depth of the rear yard shall be at least 20 feet.

The Height, Area and Bulk Regulations are also set forth in the chart of Article 28. Said chart, and all notations and requirements shown therein, shall have the same force and effect as if all the notations and requirements were fully set forth or described herein. In addition, no building or structure shall encroach into the airport zones as established in Article 20 of this Ordinance.

### **19-109 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

### **19-110 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

**ARTICLE 20**  
**"AO" AIRPORT OVERLAY DISTRICT**

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**20-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "AO" Airport Overlay District. The Airport Overlay District is designed to establish airport zones surrounding Atkinson Municipal Airport to protect those using the airport from hazards that might be erected or constructed on surrounding properties. To this end, the District establishes additional restrictions on uses of property that may be stricter than those of the underlying district. When this occurs, the more strict requirements apply.

**20-102 Definitions:**

As used in this Article, unless the context otherwise requires, the following words or phrases shall have the meanings herein defined

1. **AIRPORT:** Atkinson Municipal Airport.
2. **AIRPORT ELEVATION:** An elevation of 949 feet above mean sea level.
3. **AIRPORT HAZARD:** Any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft in landing and taking off at any airport, or is otherwise hazardous to such landing or taking off of aircraft.
4. **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 zone height limitation slope set forth in Section 20-104 hereof. The perimeter of the approach surface coincides with the perimeter of the approach zone.
5. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES:** The zones established in this article.
6. **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 4,000 feet.
7. **HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

8. **HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Article and shown on the Airport Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
9. **HORIZONTAL SURFACE:** A horizontal plane 150 feet above the established airport elevation, the perimeter of which coincides with the perimeter of the horizontal zone.
10. **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight, and jet-powered aircraft.
11. **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Article, or any amendment thereto.
12. **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.
13. **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 20-104 hereof.
14. **PERSON:** Any individual, firm, co-partnership, company, association, joint stock association, or government entity, and includes any trustee, receiver, assignee, or other similar representative thereof.
15. **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section 20-103 hereof. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. **RUNWAY:** A defined area on an airport prepared for landing and taking off of aircraft along its length.
18. **STRUCTURE:** Any object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, tanks, cranes, smokestacks, earth formation, and overhead transmission lines.
19. **TRANSITIONAL SURFACES:** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each 1 foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

20. **TREE:** Any object of natural growth.
21. **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
22. **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

## **20-103 Establishment of Airport Zones:**

In order to carry out the provisions of this section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Atkinson Municipal Airport. Such zones are shown on the Atkinson Airport Zoning Map consisting of 1 page, prepared for the City of Pittsburg Planning and Engineering Department, dated February 2, 1979, which is hereby made a part of this Ordinance. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Utility Runway Visual Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Utility Runway Nonprecision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runway 4-22.)
3. **Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (This zone applies to Runway 16-34.)
4. **Transitional Zones:** The transitional zones are the areas beneath the transitional surfaces.
5. **Horizontal Zone:** The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual, and 10,000 feet for all others, from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
6. **Conical Zone:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

## 20-104 Airport Zone Height Limitations:

Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. **Utility Runway Visual Approach Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. **Utility Runway Nonprecision Instrument Approach Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. **Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Nonprecision Instrument Approach Zone:** Slopes 34 feet outward for each 1 foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
4. **Transitional Zones:** Slopes 7 feet outward for each 1 foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition to the foregoing, there are established height limits sloping 7 feet outward for each 1 foot upward beginning at the sides of, and the same elevation as, the approach surface and extending to where they intersect the conical surface or horizontal surface.
5. **Horizontal Zone:** Established at 150 feet above the airport elevation.
6. **Conical Zone:** Slopes 20 feet outward for each 1 foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.
7. **Excepted Height Limitations:** Except in the Approach Zones, nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height up to 50 feet above the surface of the land.

## 20-105 Use Restrictions:

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport. No sanitary landfill may be established, operated, maintained within 2 miles of the airport boundary

## 20-106 Nonconforming Uses:

1. **Regulations not Retroactive:** The regulations prescribed in this Article shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations at the effective date of this Ordinance, or otherwise interfere with the continuation of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance and is diligently pursued.
2. **Marking and Lighting:** Notwithstanding the preceding provision of this Article, the owner or any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Pittsburgh.

## 20-107 Permits:

1. **Future Uses:** Except as specifically provided in A., B., and C. hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit there for shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with Section 20-107 (4.)

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Article, except as set forth in Section 20-104 (7.).

- a. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground; except when, because of terrain, land contour, or topographical features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones but a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet height above the ground; except when such tree or structure would extend above the height limit prescribed for such approach zone.
- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground; except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

2. **Existing Uses:** No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. **Nonconforming Uses Abandoned or Destroyed:** Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the Zoning Ordinance.
4. **Variances:** Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in the Article, may apply to the Board of Zoning Appeals for a variance from such regulations. Each application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship, and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Article. Additionally, no application for variance to the requirements of this Article may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Manager and/or Airport Advisory Committee for advice as to the aeronautical effects of the variance. If the Airport Manager and/or Airport Advisory Committee do not respond to the application within 30 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.
5. **Obstruction Marking and Lighting:** Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article and be reasonable in circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals and approved by the Governing Body, this condition may be modified to require the owner to permit the City of Pittsburgh, at its own expense, to install, operate, and maintain the necessary markings and lights.

## **20-108 Enforcement:**

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed in this Article. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this Article to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the Zoning Administrator.

## **20-109 Conflicting Regulations:**

Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**ARTICLE 21**  
**"FP" FLOODPLAIN DISTRICT REGULATIONS**

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**21-101 Purpose:**

It is the purpose of this Article to promote the public health, safety and general welfare; to minimize those losses described in Section 21-102; to maintain the City of Pittsburg's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4 by applying provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause increased flood height beyond 1 foot rise in the 100- year surface elevation or cause increases in water velocities.
2. Require that uses vulnerable to floods, including public facilities which service such uses, be provided with flood protection at the time of initial construction.
3. Provide public information for evaluating land purchases of flood prone ground within the city.
4. Assure that eligibility is maintained for property owners in the city to purchase flood insurance in the Federal Flood Insurance Program.

**21-102 Findings of Fact:**

1. The flood hazard areas of Pittsburg, Kansas, are subject to inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by:
  - a. The cumulative effect of obstruction in floodways, causing increases in flood heights and velocities.
  - b. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others and which are inadequately elevated or otherwise protected from flood damages.
3. The Flood Insurance Study (FIS) that is the basis for this Article uses a standard engineering method of analyzing flood hazards which consists of a series of inter-related steps, as follows:
  - a. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this Ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials to become effective June 16, 1995, and any future revision thereto.(Sec 1, Ord G-755, 8/4/95)
  - b. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
  - c. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
  - d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
  - e. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

## **21-103 General Provisions:**

1. **Land to which Regulations Apply:** This Article shall apply to all lands within the jurisdiction of Pittsburg, Kansas, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones, AE Zones, and within the Zoning Districts "FW" and "FF" established in Section 21-105 herein and any future revisions thereto. In all areas covered by this Article, no development shall be permitted except upon a permit granted by the Zoning Administrator under the provisions established in Section 21-106 of this Article.
2. **The Enforcement Officer:** The Zoning Administrator of Pittsburg, Kansas, is designated as the enforcement officer to administer and implement the provisions of this Article. Duties of the Floodplain Administrator shall include, but not be limited to:
  - a. Review all applications for floodplain development permits to assure the sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied.

- b. Review all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State or local governmental agencies from which prior approval is required by Federal, State, or local law.
  - c. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
  - d. Issue floodplain development permits for all approved applications.
  - e. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
  - f. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
  - g. Verify and maintain a record of the actual (in relation to mean sea level) of the lowest floor, including basement, or all new or substantially improved structures.
  - h. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed.
  - i. When flood proofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.
3. **Rules for Interpretation of District Boundaries:** The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the Flood Insurance Rate Map (FIRM). Where interpretation is needed to the exact location of the boundaries of the districts as shown on the FIRM, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires. (Sec 2, Ord. G-724, 12/31/93)
4. **Compliance:** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Article and other applicable regulations, except as established under Section 21-109.
5. **Abrogation and Greater Restrictions:** It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other regulations inconsistent with this Article are hereby repealed to the extent of the inconsistency only, except as established under Section 21-109.
6. **Interpretation:** The provisions of this Article shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statute.

7. **Warning and Disclaimer of Liability:** The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Article does not imply that areas outside boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Article shall not create liability on the part of the City of Pittsburg or any officer or employee thereof for any flood damages that may result from reliance on this Article or any administrative decision lawfully made thereunder.
8. **Adoption of Studies:** The Flood Insurance Study dated April 16, 2009, and the accompanying Flood Insurance Rate Map and Floodway are hereby adopted and are incorporated by reference in this Article. (Ord. G-1061, April 14, 2009).
9. **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.

## **21-104 Building or Land Use Permit:**

1. **Permit Required:** A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in 21-103.1 No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate flood development permit for each structure or other development as required in this Article.
2. **Application for a Permit:** To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every application shall:
  - a. Identify and describe the work to be covered by the permit for which application is made.
  - b. Describe the land on which the proposed work is to be done by legal description and house address, or similar description that will readily identify and definitely locate the proposed structure or work.
  - c. Indicate the use or occupancy for which the proposed work is intended.
  - d. Indicate the assessed value of the structure and the fair market value of the improvement.
  - e. Specify whether development is located in designated flood fringe or floodway.
  - f. Be accompanied by plans and specifications for the proposed construction.
  - g. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
  - h. Within designated flood prone areas, be accompanied by the existing base flood elevations and elevations of the lowest floor including basement or, in the case of flood-proofed nonresidential structures, the elevation to which it has been flood-

proofed. Documentation or certification of such elevations will be maintained by the Zoning Administrator.

- i. Give such additional information as may be required by the Zoning Administrator, such as:
  1. Typical valley cross-sections and profile showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be affected by the proposed development, and the elevation of the 100-year flood.
  2. Plans; surface view, showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, and other data that will assist the Zoning Administrator to make a determination of flooding. The Zoning Administrator shall review all permit applications to determine if the site of the proposed development meets the provisions of this Article and that all necessary permits have been received as required by federal or state law.

## **21-105 Establishment of Zoning Districts:**

The mapped floodplain areas within the jurisdiction of this Article are hereby divided into the two following districts a floodway overlay district "FW", and a floodway fringe overlay district "FF" identified in the Flood Insurance Study (Flood Boundary and Floodway Map(s)). Within these districts all uses not meeting the standards of this Article and those standards of underlying zoning districts shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones and AE Zones, as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

## **21-106 Standards for the Floodway Overlay District and the Floodway Fringe Overlay District:**

1. **Compliance Required:** No permit shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within all numbered and unnumbered A Zones and AE Zones unless the conditions of this Article are satisfied.
2. **Undesignated Areas Comply:**
  - a. All areas identified as unnumbered A Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this Article. If Flood Insurance Study data is not available, the City shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
  - b. Until a floodway is designated, no new construction substantial improvements, or other development, including fill, shall be permitted within any unnumbered or numbered A zones, or AE zones on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

3. **Standards:** New construction, substantial improvements, subdivision proposals, prefabricated buildings, placement of manufactured homes and other developments shall require:
- a. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. New or replacement water supply systems and/or sanitary sewage systems be designed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment of them or contamination.
  - c. Construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage.
  - d. All utility and sanitary facilities shall be flood proofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight, with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - e. Any grading changes within the area estimated to be inundated by the 100-year frequency flood, or alterations, modifications or relocations of a watercourse within the jurisdiction of the Division of Water Resources, State Board of Agriculture rules and regulations, as authorized by K.S.A. 74-2611, and any subsequent revisions thereof, shall ensure that the water carrying capacity is maintained. The plans for such changes, modifications, alterations or relocations shall be submitted to and approved by the Division of Water Resources, State Board of Agriculture, concurrent with City approval. In addition, the City shall notify, in riverine situations, adjacent communities prior to the performance of the work and submit copies of such notification to the local office of the Administrator of the Federal Insurance Administration.
  - f. Storage of Material and Equipment:
    - 1. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
    - 2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
  - g. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, are required to assure that:
    - 1. All such proposals are consistent with the need to minimize flood damage.
    - 2. All public utilities and facilities, such as sewer, gas, electrical, telephone and water systems are located, elevated and constructed to minimize or eliminate flood damage.
    - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.

4. All proposals for development, including new subdivisions, manufactured home parks and subdivisions, include within such proposals the regulatory flood elevation.
- h. Recreational Vehicles placed on sites within all unnumbered and numbered A, AE, AH, and AO Zones shall either:
  1. Be on the site for fewer than 180 consecutive days; OR
  2. Be fully licensed and ready for highway use\*. (\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.)

### **21-107 Floodway Overlay District "FW":**

1. **Permitted Uses:** Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway Overlay District to the extent they are not prohibited by any other provision of this ordinance, and provided they do not require structures or storage of materials or equipment. No use shall increase the flood level of the regulatory flood protection elevation. Permitted uses shall meet the standards established in Section 21-106. The following uses are permitted:
  - a. Agricultural uses.
  - b. Non-building residential accessory uses such as lawns, gardens, parking, play and yard areas.
  - c. Nonresidential uses such as loading areas, parking, landing strips.
  - d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
  - e. Placement of mobile homes is prohibited in the floodway. (Sec 3, Ord. G-724, 12/31/93)
  - f. Placement of detached garages, sheds and similar structures is prohibited in the floodway. (Sec 3, Ord G-724, 12/31/93)

### **21-108 Floodway Fringe Overlay District "FF":**

1. **Permitted Uses:** Any use permitted in Section 21-107 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 21-106 are met.
2. **Standards for the Floodway Fringe Overlay District:**
  - a. No fill dirt or other material to be used for fill shall be transported in from outside the property. Portions of the Floodway Fringe may be filled only with fill material located inside the existing Floodway Fringe on the same property and/or Floodway Fringe on adjoining property. This is to prevent displacement of flood waters on other properties located in the Floodway Fringe.

- b. Require new construction or substantial improvements of residential structures, including manufactured homes, to have the finished grade of the lowest floor, including basement, elevated to at least 18 inches above the base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.
- c. Require new construction or substantial improvements of nonresidential structures, including manufactured homes, to have the finished grade of the lowest floor, including basement, elevated to at least 18 inches above the base flood elevation or, together with attendant utility and sanitary facilities, to be flood-proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Zoning Administrator. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. Such certification shall be provided to the floodplain administrator as set forth in Section 21-103.2.
- d. Require for all new construction or substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
  - 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area.
  - 2. The bottom of all openings shall be no higher than one (1) foot above grade.
  - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- e. Within AH zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

### **3. Manufactured Homes:**

- a. All manufactured homes to be placed within all unnumbered and numbered A zones, AE zones, and AH zones shall be required to be installed and elevated using methods and practices that minimize flood damage, resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- b. All manufactured homes shall be elevated on a permanent foundation such that the finished grade of the lowest floor of the manufactured home is at or above 18 inches above the base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines, whichever is stricter. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met. (Sec 4, Ord G-724, 12/31/93)

1. Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
  2. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
  3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
  4. Any additions to the manufactured home shall be similarly anchored.
- c. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones, AE and AH zones that are not subject to the provisions of this Section shall be elevated so that either:
1. The lowest floor of the manufactured home is a minimum of eighteen (18) inches above the base flood level; or
  2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.

**4. Detached Garages and Accessory Structures: (Sec 4, Ord G-724, 12/31/93):**

- a. Detached garages, sheds and similar structures, which constitute a minimal investment and are used for parking or limited storage, may be constructed at-grade and wet-floodproofed provided it is constructed in compliance with the following, and has been granted a variance in accordance with Section 21-111 of this Article:
1. The structure shall be limited to parking or limited storage and not used for human habitation.
  2. The structure shall be built using unfinished and flood damage resistant material.
  3. The structure shall be adequately anchored to prevent flotation, collapse, or lateral movement.
  4. The structure is of single-wall design.
  5. Any mechanical and utility equipment in the structure must be elevated to or above the base flood elevation or floodproofed.
  6. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

7. The structure shall not exceed 400 square feet.
8. The accessory structures must meet all NFIP opening requirements. The NFIP requires that enclosure of foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of flood waters in accordance with this Ordinance.
9. No variances may be issued for accessory structures within any designated "FW" floodway designated district.
10. **NO DISASTER RELIEF ASSISTANCE UNDER ANY PROGRAM ADMINISTERED BY ANY FEDERAL AGENCY SHALL BE PAID FOR ANY REPAIR OR RESTORATION COSTS OF THE ACCESSORY STRUCTURES.**
11. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.
12. The community shall notify the applicant in writing over the signature of the community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for every \$100 of insurance coverage, and, (2) such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Ordinance.

5. **Cumulative Improvements:**

A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five (5) calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement exceeds fifty (50) percent of the structure's current market value, the structure must be brought into compliance with the standards of this Article which requires elevation of all structures to at least 18 inches above the base flood elevation (BFE).

## **21-109 Certification of Floodproofing:**

1. For the floodproofing of nonresidential structures, applicants shall provide certification by a licensed professional engineer or architect that the floodproofing plans are adequate to be watertight, with walls impermeable to the passage of water and can withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood.
2. In addition, the applicant shall provide information identifying the specific elevation in relation to mean sea level to which such structures are floodproofed.
3. This information shall be submitted to the Zoning Administrator at the time a permit is requested and shall be maintained by that official.

## 21-110 Nonconforming Use and Restoration:

In addition to the requirements established in Article 33, the following requirements shall apply:

1. A structure or use of a structure or premises which was lawful before the passage of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
  - a. No such use or substantial improvement of that use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity.
  - b. If such use is discontinued for six months or more, any future use of the building, structure or premises shall conform to the provisions established in this Ordinance, provided this regulation shall not prevent the occupancy of a residential unit following a period of vacancy.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of its actual cash value before the damage occurred, unless it is reconstructed in conformity with the provisions and standards established in this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health codes, sanitary, building or safety codes or regulations, or the costs of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

## 24-111 Variances and Variance Procedures:

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Article. All requests for appeals and variances shall follow the procedures established in Article 34.

1. **Variances for Historic Places:** Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
2. **General Conditions for Variances:** In addition to the conditions established in Article 34, the Board of Zoning Appeals, in passing upon variance applications, shall consider all technical evaluations, all relevant factors, standards specified in the sections of this Article, and:
  - a. The danger that materials may be swept onto other lands to the injury of others.
  - b. The danger to life and property due to flooding or erosion damage.
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - d. The importance of the services provided by the proposed facility to the community.
  - e. The necessity to the facility of a waterfront location, where applicable.
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
  - g. The compatibility of the proposed use with existing and anticipated development.

- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- l. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- m. Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause.
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
  - 3. A determination that the granting of a variance will not result in increased flood heights, additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or regulations.
- n. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- o. Upon consideration of the factors listed above and the purpose of this Article, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Article.
- p. The community shall notify that applicant in writing over the signature of the community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for every \$100 of insurance coverage and (2) such construction follow the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Ordinance.

### **3. Reporting of Variances:**

- a. Any applicant to whom a variance is granted shall be given a written notice containing the following information. That the structure will be permitted to be built with a lowest floor elevation \_\_\_\_\_ feet below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- b. The Zoning Administrator shall maintain the records of all appeal actions and report all variances to the Federal Insurance Administration at the time the annual report is submitted.

## 21-112 Penalties for Violation:

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided.

## 21-113 Amendments:

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Pittsburgh. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

## 21-114 Definitions:

Unless specifically defined below, or defined elsewhere in these Regulations, words or phrases used in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application.

1. **Accessory Structure / Appurtenant Structure:** Structures that are on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.
2. **Actuarial or Risk Premium Rates:** Those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act, and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.
3. **Area of Shallow Flooding:** A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
4. **Area of Special Flood Hazard:** The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.
5. **Base Flood (aka 100-Year flood):** The flood having one percent chance of being equaled or exceeded in any given year.

6. **Development:** Any man-made change to improved or unimproved real estate, including but limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or material.(Sec 5, Ord G-724, 12/31/93)
7. **Elevated Building:** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
8. **Existing Construction:** (For the purposes of determining rates) structures for which the "start construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures".
9. **Flood or Flooding:** A general and temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff of surface waters from any source.
10. **Flood Elevation Determination:** A determination of the water surface elevations of the 100-year flood; that is, the level of flooding that has a one percent chance of occurrence in any given year.
11. **Flood Insurance Rate Map (FIRM):** An official map of the City on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the City.(Sec 5, Ord G-724, 12/31/93)
12. **Flood Insurance Study (FIS):** The official report provided by the Federal Insurance Administration that contains flood profiles and water surface elevations for various flood frequencies, as well as the boundaries and water surface elevations of the 100-year flood.
13. **Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.
14. **Flood Protection System:** Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.
15. **Floodproofing:** Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
16. **Floodway or Regulatory Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
17. **Floodway Fringe:** That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

18. **Freeboard:** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.
19. **Habitable Floor:** Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "habitable floor."
20. **Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
21. **Historic Structures:** Any structure that is: (Sec 5, Ord G-724, 12/31/93)
- (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 historical district or a 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 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 states without approved programs.
22. **Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a buildings lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable flood-proofing design requirements of this ordinance.
23. **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. For floodplain management purposes the term "manufactured home" does not include "recreational vehicles". This definition shall apply to the requirements of Article 21 only and shall not have a bearing on any other requirements of these Regulations. (Sec 5, Ord G-724, 12/31/93)
24. **Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. These types of activities are also referred to in these Regulations as Mobile Home Park and Mobile Home Subdivision and, as such, must comply with all the other requirements of these Regulations.

25. **New Construction:** Structures for which the "start of construction" or substantial improvement is commenced on or after the effective date of the initial FIRM. (Sec 5, Ord. G-724, 12/31/93)
26. **One Hundred (100) Year Flood (aka Base Flood):** The base flood having a 1 percent chance of annual occurrence.
27. **Overlay District:** A district which acts in conjunction with the underlying zoning district or districts. The original zoning district designation does not change.
28. **Recreational Vehicles:** A vehicle which is: (Sec 5, Ord G-724, 12/31/93)
- (a) Built on a single chassis;
  - (b) 400 square feet or less when measured at the largest horizontal projection;
  - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. This definition shall apply to the requirements of Article 21 only and shall not have a bearing on any other requirements of these Regulations.
29. **Regulatory Flood Elevation:** An elevation 1 foot higher than the water surface elevation of the regulatory flood.
30. **Start of Construction (Including Substantial Improvements):** The date the building permit, or other authorization granted by the City, was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit or authorization date. The actual start means the first placement of permanent construction of a structure on a site such as the pouring of the 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, sheds or agricultural accessory buildings not occupied as dwelling units or not part of the main building or structure. (Sec 5, Ord G-724, 12/31/93)
31. **Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the fair market value of the structure before the damage occurred.
32. **Substantial Improvement:** Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage regardless of the actual repair work performed. The term does not include:
- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the

Building Official (or his/her designee) and which are the minimum necessary to assure safe living conditions; or

- b. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

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**ARTICLE 22**  
**“DO” DOWNTOWN OVERLAY DISTRICT**

<b>22-101 APPLICATION:</b>	<b>109</b>
<b>22-102 BOUNDARY:</b>	<b>109</b>
<b>22-103 USE REGULATIONS:</b>	<b>109</b>
<b>22-104 PLAN APPROVAL GUIDELINES:</b>	<b>109</b>
<b>22-105 PERFORMANCE STANDARDS:</b>	<b>110</b>
<b>22-106 PARKING REGULATIONS:</b>	<b>110</b>
<b>22-107 OFF-STREET LOADING REGULATIONS:</b>	<b>110</b>
<b>22-108 SIGN REGULATIONS:</b>	<b>110</b>
<b>22-109 HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>110</b>
<b>22-110 SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS:</b>	<b>110</b>
<b>22-111 SUPPLEMENTARY USE REGULATIONS:</b>	<b>110</b>
<b>22-112 SPECIAL EVENTS:</b>	<b>111</b>

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**22-101 Application:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "DO" Downtown Overlay District. The Downtown Overlay District overlays and is designed to function in combination with the underlying District. The two principal functions of this district are: (1) to give the Downtown oriented functions more flexibility than they would have if mapped in another district; and (2) to permit the establishment of the types of uses which ordinarily occur in a city center environment.

**22-102 Boundary:**

The boundaries of the Downtown Overlay District “DO” shall be 14th Street on the north, Euclid Street on the south, Pine Street on the west, and Elm Street on the east. Properties on each sides of the boundary streets shall be included in the “DO” District.

**22-103 Use Regulations:**

In District "DO," no building, structure, land or premises shall be used and building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except according to any use permitted in the underlying District, subject to the requirements of the underlying District.

**22-104 Plan Approval Guidelines:**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance, subject to any advisory review as defined through subsequent Ordinance.

## **22-105 Performance Standards:**

The Performance Standards for permitted uses are contained in Article 24 of this Ordinance with the following exceptions:

1. Merchandise and temporary signage which may appropriately be displayed outside a building may be kept on public sidewalks and streets to the extent that it is readily moveable and does not prohibit safe pedestrian traffic. Such merchandise and signage is to be displayed only during business hours.
2. Furnishings intended for the use of the public (including, but not limited to tables, chairs, benches, and bike racks) may be kept on public sidewalks and streets to the extent that they do not pose a threat to public safety or inhibit safe pedestrian traffic. Furnishings cannot be permanently attached to the public right-of-way without approval of the Governing Body.

## **22-106 Parking Regulations:**

The Parking Regulations for permitted uses in District DO are contained in Article 25 of this Ordinance. Parking requirements for any building or structure hereafter erected or structurally altered within this district will be reviewed, amended and approved as part of the development plan.

## **22-107 Off-Street Loading Regulations:**

The Off-Street Loading Regulations for permitted uses are contained in Article 26 of this Ordinance. Off-street loading requirements for any building or structure hereafter erected or structurally altered within this district will be reviewed, amended and approved as part of the development plan.

## **22-108 Sign Regulations:**

The Sign Regulations are contained in Article 27 of this Ordinance and pertain to article 27-106, section 5 Central Business District with the exception of temporary signs allowed under 22-104 Performance Standards.

## **22-109 Height, Area and Bulk Regulations:**

In the "DO" Downtown Overlay District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall follow regulations contained in Article 28 of this Ordinance equivalent to the regulations for the underlying District.

## **22-110 Supplementary Height, Area and Bulk Regulations:**

The Supplementary Height, Area and Bulk Regulations are contained in Article 29 of this Ordinance.

## **22-111 Supplementary Use Regulations:**

The Supplementary Use Regulations, including permitted Conditional Uses and Accessory Uses, are contained in Article 30 of this Ordinance.

## **22-112 Special Events:**

Regulations for temporary use of land for special events in the DO District are contained in Article 36 of this Ordinance. Section 2. This Ordinance shall take effect upon its passage and publication in the official.

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**ARTICLE 23**  
**PLAN APPROVAL GUIDELINES**

<b>23-101 PURPOSE:</b> .....	<b>113</b>
<b>23-102 APPLICATION, REVIEW, APPROVAL PROCEDURE:</b> .....	<b>113</b>
<b>23-103 DEVELOPMENT PLAN:</b> .....	<b>114</b>
<b>23-104 DEVELOPMENT PLAN-REVIEW, APPROVAL:</b> .....	<b>115</b>
<b>23-105 DEVELOPMENT PLAN - PHASING, TIME RESTRICTIONS:</b> .....	<b>116</b>
<b>23-106 APPEALS OF PLANNING COMMISSION ACTION ON DEVELOPMENT PLANS:</b> ....	<b>116</b>
<b>23-107 REMEDIES FOR NONCOMPLIANCE:</b> .....	<b>117</b>

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**23-101 Purpose:**

The procedures and requirements set forth in this Article, or the requirements set forth elsewhere in this Ordinance when referred to in this Article, are for the "P" Planned zoning districts, a "PUD" Planned Unit Development, or Conditional Use Permits designated elsewhere in this Ordinance. These requirements are specifically intended to accommodate:

1. The fully planned, coordinated, and orderly development of relatively large tracts of land into a "PUD" Planned Unit Development.
2. The planned, coordinated, and orderly development of properties to a use in the "P" Planned zoning districts.
3. The redevelopment or change in use of a tract of land that was zoned in a "P" Planned zoning district at the time of the adoption of this Ordinance but which has never had an approved development plan.
4. The consideration of an application for a Conditional Use under the provisions of this Ordinance.

The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family, two-family, or three-family residential unit shall not be subject to the provisions of this Article, regardless of the zone in which such unit is placed. The requirements and regulations herein prescribed pertaining to height, open space, setbacks, parking, loading, and signs may be adjusted or modified so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and the interests of the community, but in keeping with the general intent and spirit of this Ordinance. Such adjustments or modifications may be made as a part of the rezoning or Conditional Use process, or may be allowed after approval by the Planning Commission upon request of the applicant.

**23-102 Application, Review, Approval Procedure:**

In order to assure that proposed rezoning to a "P" Planned zoning district or "PUD" Planned Unit Development and proposed uses requiring Conditional Use permits meet the requirements of this Ordinance and will be compatible with surrounding properties and uses, it is hereby required that all applications for one of the "Planned" districts, a "PUD" Planned Unit Development, or a Conditional Use permit, except those uses exempted in Section 23-101, above, include a development plan which must be approved as specified

within this Article prior to any construction on the property. The "Planned" Districts subject to this Article are:

"RP-3"	Planned Medium Density Residential District
"RP-4"	Planned Apartment House District
"CP-O"	Planned Commercial Office District
"CP-1"	Planned Neighborhood Commercial District
"CP-2"	Planned General Commercial District
"CP-3"	Planned Highway Service Commercial District
"CP-4"	Planned Central Business District
"IP-1"	Planned Light Industrial District
"IP-2"	Planned Medium Industrial District
"IP-3"	Planned Heavy Industrial District
"AP"	Planned Airport Industrial District

The procedure for approval of a development plan shall consist of the following:

1. Application for a:
  - a. "P" Planned district, designating which zone or zones to be utilized, or
  - b. Conditional Use permit, or
  - c. "PUD" Planned Unit Development, and;
2. A development plan.

For proposals for new construction, the development plan shall be submitted at the time the application is submitted for the "P" Planned zoning district, a "PUD" Planned Unit Development, or a Conditional Use and no application shall be deemed complete nor set for public hearing until said development plan is submitted. No building permit shall be issued for property in a "P" Planned Zoning District, in a "PUD" Planned Unit Development, or for a Conditional Use Permit until the property has been zoned and the development plan for the entire property and / or each phase of development has been approved in accordance with the provision of this Ordinance. Properties classified in a "P" Planned zoning district at the time of the initial adoption of the Ordinance may change users or construct additions to existing buildings without the necessity of obtaining a development plan approval if the Zoning Administrator deems such improvements are within the spirit and intent of the underlying zoning classification. Any construction for the first time on the properties classified in a "P" Planned zoning district at the time of adopting of this ordinance must have a development plan approved as provided herein prior to any building permit being issued, provided that such approval shall not require a public hearing but be acted upon by the Planning Commission consistent with all other provisions of this Ordinance.

### **23-103 Development Plan:**

Application for a "P" Planned zoning district, "PUD" Planned Unit Development, or a Conditional Use, and development plan approval shall be made in accordance with the procedures outlined in Article 37 of this Ordinance. The application shall include a development plan which describes the applicant's intentions for the use and development of the property. The development plan shall include and/or display the following information:

1. Property site map drawn to scale of 1" = 20' or greater, indicating the legal description, property boundary, existing utilities and easements, and natural and man-made features of the property.

- a. A certified topographic survey at no more than 2-foot contour drawn to same scale as the property site map shall be provided when either the Zoning Administrator or the City Engineer determines the development will substantially increase the runoff coefficient, alter the direction of drainage flow from the property or might obstruct traffic visibility.
2. A development plan, drawn to the same scale as the property site map, indicating:
  - a. Existing contours (shown as dashed lines);
  - b. Proposed contours (shown as solid lines);
  - c. Location and orientation of all existing and proposed buildings;
  - d. Areas to be used for parking, including the number and arrangement of stalls;
  - e. Areas to be developed for screening, including the location of plant materials, and screening structures and features;
  - f. Pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way;
  - g. Points of ingress and egress;
  - h. Location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines);
  - i. Drainage controls (retention or detention ponds);
  - j. Location, size and characteristics of identification and business signs;
  - k. Lighting layout, appurtenances, and intensity of illumination;
  - l. Proposed finished floor elevations of all buildings and structures.
3. A statement of intent shall accompany the preliminary development plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures. Such a statement of intent will also address the anticipated schedule of development, including any phasing of development over time.

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

### **23-104 Development Plan-Review, Approval:**

The Planning Commission shall review the application along with the development plan and may recommend approval or denial of the development plan, or request modifications to the development plan as deemed necessary to carry out the spirit and intent of this Ordinance. Approval by the Planning Commission shall constitute approval and permanency of the development plan, thereby establishing the criteria for construction of the proposed development. In the process of reviewing any development plan, the Planning Commission may provide approval of the development plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest and surrounding properties, including, if any, the following:

1. Limitations on the type, illumination and appearance of any signs or advertising structures.
2. Direction and location of outdoor lighting.
3. Arrangement and location of off-street parking and off-street loading spaces.
4. The type of paving, landscaping, fencing, screening and other such features.
5. Limitations on structural alterations to existing buildings.
6. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
7. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
8. Such other conditions and/or limitations that are deemed necessary.

The total number of dwelling units and level of nonresidential development allowed within a "PUD" shall not exceed the level that can be adequately served by public facilities. To provide information on the capacity of the streets and other facilities serving the "PUD", the Zoning Administrator, Planning Commission, and/or Governing Body may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis to provide information on the proposed development's expected impacts on existing and planned facilities.

### **23-105 Development Plan - Phasing, Time Restrictions:**

The applicant may proceed with construction based on the entire development plan, or may elect to develop the property in phases. The applicant may submit the development plan separately for the first and each successive phase of construction, or for the entire project with a depiction of the phasing sequence; however, all "P" Planned zoning districts, "PUD" Planned Unit Development, and conditional uses approved with a development plan shall have construction begun within one (1) year of said approval by the Planning Commission. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Planning Commission stating the reasons construction has not begun and at what time construction is expected to begin. If the Planning Commission agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Planning Commission shall review the development plan and shall act on said plan in a reasonable time period following the submission of the plan. Upon approval by the Planning Commission, the development plan shall be filed for record in the office of the Zoning Administrator.

After the development plan has been approved, and when in the course of carrying out the development plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved development plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such adjustments may be made by the Zoning Administrator. If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established by the approved development plan, the revised development plan must be submitted and approved by the Planning Commission before

any further work can proceed. At no time shall the zoning or conditional use previously approved be subject to disapproval. The only issue in said review shall be the requested revisions to the previously approved development plan.

### **23-106 Appeals of Planning Commission Action on Development Plans:**

Any decision of the Planning Commission regarding development plans may be appealed to the Governing Body, whose decision shall be final. An appeal shall be filed in writing with the Zoning Administrator not later than fifteen (15) days following the date of the Planning Commission's final action. If no appeal is taken within that time, the decision of the Planning Commission shall be final. The appeal shall set forth the basis for the appeal and the relief sought by the applicant. The Zoning Administrator shall schedule the appeal before the Governing Body no later than thirty (30) days following the filing of the appeal. The Zoning Administrator shall notify all interested persons in writing of the time and place of the Governing Body's meeting at least ten (10) days prior to said meeting.

### **23-107 Remedies for Noncompliance:**

If the applicant fails to comply with the time requirements herein established, the approved development plan shall be declared null and void and no permit for construction shall be issued until a new development plan has been approved following the procedures previously cited. The "P" Planned zoning district, "PUD" Planned Unit Development, or Conditional Use permit shall remain in effect but shall do so without an approved development plan. If the approved development plan is violated and then voided, either the Planning Commission or the Governing Body may initiate an action to have the zoning changed to the previous zoning classification, or to have the Conditional Use permit revoked, or may seek some other more restrictive zoning classification by following the procedures outlined in this Ordinance.

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**ARTICLE 24**  
**PERFORMANCE STANDARDS**

<b>24-101 PURPOSE:</b>	<b>119</b>
<b>24-102 PERFORMANCE STANDARDS - DISTRICTS "R-1A", "R-1B", R-1C" AND "R-2":</b>	<b>119</b>
<b>24-103 PERFORMANCE STANDARDS - DISTRICTS "RP-3" AND "RP-4":</b>	<b>121</b>
<b>24-104 PERFORMANCE STANDARDS - DISTRICT "UO":</b>	<b>121</b>
<b>24-105 PERFORMANCE STANDARDS - DISTRICTS "CP-0" AND "CP-1":</b>	<b>121</b>
<b>24-106 PERFORMANCE STANDARDS - DISTRICTS "CP-2" AND "CP-3":</b>	<b>121</b>
<b>24-107 PERFORMANCE STANDARDS - DISTRICT "CP-4":</b>	<b>122</b>
<b>24-108 PERFORMANCE STANDARDS - DISTRICT "IP-1":</b>	<b>122</b>
<b>24-109 PERFORMANCE STANDARDS - DISTRICTS "IP-2" AND "IP-3":</b>	<b>123</b>
<b>24-110 PERFORMANCE STANDARDS - DISTRICT "AP":</b>	<b>123</b>

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**24-101 Purpose:**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the performance standards for uses permitted within this Ordinance. The standards established herein are intended to provide guidance in the development or redevelopment of property in Pittsburg for the purpose of encouraging and requiring orderly development at a quality level generally equal to or exceeding that commonly found elsewhere in the community. The standards stated within this Article are the minimum required or maximum permitted, whichever the case may be, for the uses permitted in this Ordinance.

**24-102 Performance Standards - Districts "R-1A", "R-1B", R-1C" and "R-2":**

The following are the performance standards for the "R-1A" Single-Family Residential District, "R- 1B" Single-Family Residential District, "R-1C" Single-Family Residential District, and the "R-2" Two-Family Residential District.

1. No single-family dwelling shall be constructed, reconstructed, moved or altered unless it conforms to the minimum dwelling size requirements set forth herein.
2. No main or accessory building or structure shall project beyond the property line. Nothing shall be allowed to be placed in any public right-of-way without the express permission of the City.
3. Residential real estate sales offices are subject to the following standards:
  - a. There shall be only one residential sales office in any one subdivision.
  - b. All sales shall be limited to the sale of new properties located within that subdivision.
  - c. Any sales office within a subdivision shall be located within a permanent residential structure with a minimum dwelling size equal to or greater than that of the zoning district. Manufactured homes, mobile homes, and construction trailers shall not be permitted.

- d. No additional parking facilities other than adjacent on-street parking or customary driveway parking shall be permitted.
  - e. Upon issuance of any final approval of construction for 90% of the lots within the subdivision, the sales office shall be terminated.
  - f. A mobile home complex operated in conjunction with a residential sales office may include a decorative fence in the front yard enclosing or defining the extent of the complex. To qualify as a decorative fence, the surface of the fence must be at least 50 percent open, the fence cannot be constructed of chain link or other wire materials, and the fence cannot exceed 4 feet in height. The front yard fence shall be removed upon the termination of the sales office.
4. In order for residential-design manufactured homes, when installed, to have substantially the appearance of an on-site, conventionally built, single-family dwelling in this city, the following criteria and standards shall apply:(Sec 1, Ord G-686, 5/29/92)
- a. The pitch of the roof of the home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction in the city.
  - b. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
  - c. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in residential construction in the city.
  - d. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in the most current edition of "Guidelines for Manufactured Housing Installation." A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home, also in accordance with the above-referenced ICBO "Guidelines for Manufactured Housing Installations."
  - e. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the residential-design manufactured home shall be installed or constructed firmly to the primary structure and constructed in compliance with the Building Codes adopted by the Governing Body.
  - f. The moving hitch, wheels and axles, and transporting lights shall be removed.

### **24-103 Performance Standards - Districts "RP-3" and "RP-4":**

The following are the performance standards for uses in the "RP -3" Planned Medium Density Residential District and the "RP-4" Planned Apartment House District.

1. Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide separation from automobile traffic along all public and private streets, drives and parking areas.
2. Site drainage patterns shall be designed, graded and constructed to prevent surface drainage from collecting on or flowing across pedestrian paths, walks and sidewalks.
3. The maximum lot coverage shall be sixty percent (60%) for properties zoned "RP -3" and sixty-nine percent (69%) for properties zoned "RP -4".
4. A minimum of ten percent (10%) of the landscaped open space shall be provided on each site as common or semi-common areas open for use and available to all persons who may reside on the premises.

### **24-104 Performance Standards - District "UO":**

The following are the performance standards for uses in the "UO" University Overlay District.

1. All uses shall comply with the performance standards established for the underlying district.

### **24-105 Performance Standards - Districts "CP-0" and "CP-1":**

The following are the performance standards for uses in the "CP -0" Planned Commercial Office District and the "CP-1" Planned Neighborhood Commercial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

### **24-106 Performance Standards - Districts "CP-2" and "CP-3":**

The following are the performance standards for uses in the "CP-2" Planned General Commercial District and the "CP-3" Planned Highway Service Commercial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

3. Merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that specified in Article 25 herein. In addition, the outdoor storage or display area shall occupy an area no greater than twenty percent (20%) of the ground floor area of the building. Automobiles and trucks for sale may be stored or displayed outside a building, but must maintain a setback of at least 15 feet from a street right-of-way, or 6 feet from a side or rear lot line.
4. Any manufacturing or assembly of products shall be entirely within a totally enclosed building.

#### **24-107 Performance Standards - District "CP-4":**

The following are the performance standards in the "CP-4" Planned Central Business District.

1. Only that property which is designated "CP-4" on the official zoning map shall be subject to the requirements of the "CP-4" Zoning District.
2. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
3. No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
4. Merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, except during special promotional activities and sales approved by the Governing Body with a special event permit.

#### **24-108 Performance Standards - District "IP-1":**

The following are the performance standards in the "IP -1" Planned Light Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq. or amendments thereto, and any administrative regulations adopted thereunder.
3. No activity shall be permitted that creates any off-site electrical disturbance.
4. Areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square feet.

#### **24-109 Performance Standards - Districts "IP-2" and "IP-3":**

The following are the performance standards in the "IP-2" Planned Medium Industrial District and the "IP-3" Planned Heavy Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.
3. No activity shall be permitted that creates any off-site electrical disturbance.
4. Areas devoted to retail sales of commodities manufactured, processed, fabricated, assembled, warehoused, or stored on the premises shall not exceed ten percent (10%) of the gross floor area of the main use, and in no event shall such areas exceed 5,000 square.

#### **24-110 Performance Standards - District "AP":**

The following are the performance standards in the "AP" Planned Airport Industrial District.

1. Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
2. No activity shall be permitted that creates any off-site electrical disturbance, (especially radio transmissions to or from any aircraft).
3. No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq. or amendments thereto, and any administrative regulations adopted there under.

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**ARTICLE 25**  
**PARKING REGULATIONS**

<b>25-101 PARKING REQUIREMENTS:</b> .....	<b>125</b>
<b>25-102 INTERPRETATION OF THE CHART:</b> .....	<b>127</b>
<b>25-103 JOINT USE AND OFF-SITE FACILITIES:</b> .....	<b>127</b>
<b>25-104 DESIGN STANDARDS:</b> .....	<b>127</b>
<b>25-105 PERFORMANCE STANDARDS:</b> .....	<b>129</b>

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**25-101 Parking Requirements:**

When any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by 50 percent or more, or a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, or any building or structure hereafter erected is converted for the uses listed in Column 1 of the chart below in any zoning district, accessory off-street parking spaces shall be provided as required in Column 2 or Column 3 or as required in subsequent sections of this Article or this Ordinance.

USE OR USE CATEGORY	SPACES REQUIRED PER BASIC MEASURING UNIT	ADDITIONAL REQUIREMENTS
One-family and two-family dwellings	2 per dwelling unit	
Apartments (3 or more units)	1 per bedroom	1 additional space per 8 units for visitor parking
Church, temple or similar place of assembly	1 per 5 seats or bench seat spaces (Seats in main auditorium only)	
College or High School	1 per 5 seats in main auditorium or 8 per classroom – whichever is greater.	
Elementary or nursery school	1 per 10 seats - main assembly room or 1 per classroom whichever is greater	
Daycare or similar facilities	1 per employee plus 2 additional spaces for guests	
Country club or golf club	To be determined by the Planning Commission and Governing Body	
Public library, museum art gallery, or community center	5 per building	Plus 1 additional for each 300 sq. ft. of floor area in excess of 1,000 square feet
Private clubs- fraternities, sororities	2 per 3 beds or 1 per active member, whichever is greater	
Sanitarium - nursing or convalescent home - home	1 per 5 patient beds	

for the aged or similar institution		
Hotel	1 per guest room or suite	1 per 2 employees or staff members per shift
Motel, Tourist Court, Motor lodge suite	1 per guest room	1 per 2 employees or staff members per shift
Rooming, Boarding, lodging, house or group home	2 per 3 beds	
Hospital	1 per 3 patient beds	1 per 2 employees or staff members per shift
Office or office building, studio or clinic	1 per 300 square feet of floor area	3 spaces minimum
Funeral home	1 per 5 seats in auditorium or chapel	
Restaurant, tavern, drinking establishment, or other establishment for consumption of food or beverage on the premises	1 per 3 seats or seating spaces	
Retail store or personal service establishment and banks	1 per 250 square feet of retail and customer service floor area	
Furniture or appliance store, machinery, equipment, and auto and boat sales and service	1 per 300 square feet of retail and customer service floor area	2 spaces minimum. Auto sales & service - 10 minimum
Auditorium - theater - gymnasium - stadium - arena or convention hall	1 per 4 seats or seating spaces	
Bowling alley	5 per 1,000 sq. ft of gross floor area	
Food storage locker	1 per 200 sq.ft. customer service area	
Amusement place – dance hall - skating rink - swimming pool – auditorium or exhibition hall without fixed seats	1 per 100 sq. ft. of floor area	Does not apply to accessory uses
General service or repair establishment - printing - publishing - plumbing, heating	1 per 300 sq. ft. of floor area	
Manufacturing or industrial establishment, research or testing lab, wholesale warehouse or similar establishment	2 per 1,000 square feet of floor area	

### **25-102 Interpretation of the Chart:**

1. The use regulations for each District are not affected by arrangement of uses in the chart.
2. The parking requirements in this Article do not limit other requirements in this Ordinance for parking contained in the district regulations.
3. The parking requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses, Article 30.
1. Floor area, as used in the chart, shall be as defined in Article 1, Definitions.
5. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
6. The parking spaces required for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics with similar demands for parking as determined by the Zoning Administrator.
7. In the case of mixed uses (uses with different parking requirements occupying the same building or premises) or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

### **25-103 Joint Use and Off-Site Facilities:**

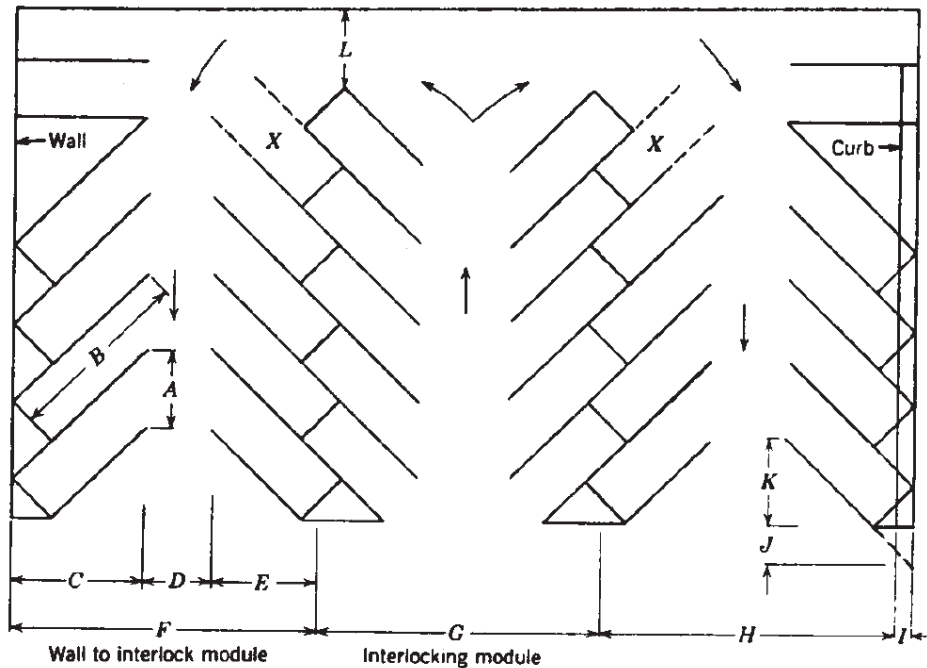
All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 300 feet from the building served.

1. Up to 50 percent of the parking spaces required for (a) theaters, night clubs or cafes, and up to 100 percent of the parking spaces required for a church auditorium may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in (a); provided, however, that a written agreement is properly executed and filed as specified below.
2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the Zoning Administrator.

### **25-104 Design Standards:**

1. An off-street parking space is an area not in a street or alley, being a minimum of 9 feet by 19 feet, exclusive of driveways or access drives, permanently reserved for the temporary storage of one motor vehicle and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for motor vehicles.

2. Entrances or exits for all parking facilities shall comply with Article 3 of Chapter 74 of the Pittsburgh Municipal Code, entitled "Driveway".
3. Screening shall be erected along any property line adjacent to or adjoining any single-family residence, two-family residence or multi-family residence to eliminate the passage of light from vehicles. Screening alongside yards shall not extend nearer to the street than the front yard setback line.



X = stall not accessible in certain layouts

Dimensions	On diagram	45°	60°	75°	90°
Stall width parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length of line	B	25.0	22.0	20.0	19.0
Stall depth to wall	C	17.5	19.0	19.5	19.0
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth, interlock	E	15.3	17.5	18.8	19.0
Module, wall to interlock	F	44.8	52.5	61.3	64.0
Module, interlocking	G	42.6	51.0	61.0	64.0
Module, to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Setback	K	11.0	8.3	5.0	0.0
Cross Aisle (one-way)	L	14.0	14.0	14.0	14.0
Cross Aisle (two-way)	L	24.0	24.0	24.0	24.0

## 25-105 Performance Standards:

1. All off-street parking spaces, and their access drives required for all multi-family residential, commercial and industrial uses shall be paved with an asphalt or concrete surface and shall be maintained in good condition and free of all weeds, dust, trash and other debris. The paving shall be completed before the activity or use can commence.

However, the Planning Commission may waive this requirement in an industrial district upon the applicant's request, provided the applicant can provide sufficient reasons and can show that such action would be in the community's best interest and would be keeping with the spirit and intent of this Ordinance, and would not be detrimental to the applicant's neighborhood. (Sec 5, Ord G-811, 7/31/98)

2. All off-street parking spaces, and their access drives for one- and two-family residential uses, shall be covered with an all-weather surface in such depth as to prevent rutting in the wettest conditions and shall be maintained in good condition and free of all weeds, trash and other debris. Compacted soil shall not be considered as an all-weather surface. (Sec 5, Ord G-811, 7/31/98)
3. All off-street parking spaces, and their access drives, shall be planned and engineered to assure proper drainage of surface water. If a public storm sewer is available, drainage from such lot or parcel of land shall be conveyed to such sewer in a manner approved by the Public Works Department. If a storm sewer is not available, positive drainage shall be provided for on such lot or parcel and discharge the same through defined drainage courses. No drainage shall be directed over adjoining lands unless approved by the Director of Public Works.
4. The Planning Commission or the Governing Body may require plans to be prepared and presented to assure proper design and construction of any off-street parking spaces and their access drives, if conditions of the site are such that compliance with these requirements may be difficult or may pose a potential problem with adjacent properties, or if the proposed use will include parking needs for buses, tractor-trailer semis, or other such large vehicles. Additional spaces may be required or reserved to accommodate such vehicles and the Planning Commission or Governing Body may require that the site plan show the location of such spaces.
5. When located in a residential district, required off-street parking shall not be permitted within a front yard setback. (Sec 5, Ord G-811, 7/31/98)
6. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent single-family residence, two-family residence or multi-family residence.
7. Parking areas shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall be adequately marked with at least two (2) inch wide stripes of traffic paint, for channelization and movement of vehicles.
8. No business shall be conducted on any parking lot except when conducted in compliance with this Ordinance.

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**ARTICLE 26**  
**OFF-STREET LOADING REGULATIONS**

<b>26-101 REQUIREMENTS:</b> .....	<b>131</b>
<b>26-102 INTERPRETATION OF THE CHART:</b> .....	<b>131</b>
<b>26-103 MIXED USE OF ONE BUILDING:</b> .....	<b>131</b>
<b>26-104 DESIGN STANDARDS:</b> .....	<b>132</b>

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**26-101 Requirements:**

Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing floor area by 50 percent or more, or any building is hereafter converted for the uses listed in Column 1 of the chart below, when such buildings contain the floor areas specified in Column 2, accessory off-street loading spaces shall be provided as required in Column 3, or as required in subsequent sections of this Article.

<u>Use or Use Category</u>	<u>Floor Area as Defined in Article 1 in Square Feet</u>	<u>Loading Spaces Required</u>
Retail Store, Department	2,000 - 10,000	One
Store, Restaurant,	10,000 - 20,000	Two
Wholesale House, Warehouse	20,000 - 40,000	Three
Repair, General Service	40,000 - 60,000	Four
Manufacturing or	Each 50,000 over 60,000	One Additional
Industrial Establishment		
Apartment Building, Motel,	5,000 - 10,000	One
Offices or Office Building	10,000 - 100,000	Two
Hospital or Similar	100,000 - 200,000	Three
Institution, Places of	Each 100,000 over 200,000	One Additional
Public Assembly		
Funeral Home or Mortuary	2,500 - 4,000	One
	4,000 - 6,000	Two
	Each 10,000 over 6,000	One Additional

**26-102 Interpretation of the Chart:**

1. The loading space requirements apply to all Districts.
2. The loading space requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses, Article 30.

**26-103 Mixed Use of One Building:**

1. Where a building is used for more than one use or for different uses and where the floor area used for each use for which loading space is required is below the minimum

for required loading spaces, but the aggregate floor area used is greater than such minimum, then off-street loading space shall be provided as if the entire building were used for that use in the building for which the most spaces are required.

**26-104 Design Standards:**

1. Loading spaces shall have minimum dimensions of 12 feet by 35 feet and vertical clearance of at least 14 feet.
2. Loading spaces for a funeral home or mortuary may be reduced in size to 10 feet by 25 feet and vertical clearance reduced to 8 feet.

**ARTICLE 27**  
**DISTRICT SIGN REGULATIONS**

<b>27-101 SCOPE, OBJECTIVES:</b> .....	<b>133</b>
<b>27-102 DEFINITIONS:</b> .....	<b>133</b>
<b>27-103 GENERAL SIGN REQUIREMENTS:</b> .....	<b>137</b>
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**27-101 Scope, Objectives:**

The provisions of this Article shall govern the placement, use and structural quality of privately owned outdoor signs and other advertising and identification devices together with their appurtenant and auxiliary apparatus. After the effective date of this Ordinance, no sign shall be erected, constructed, reconstructed or otherwise altered without first obtaining a separate sign permit. Such sign permit shall be legally issued only when in compliance with the regulations set forth in this Article. The Sign Regulations are found to be necessary and proper to the following objectives:

1. To protect the general public from damage and injury which may be caused by the faulty and unregulated construction of signs.
2. To prevent the obstruction of traffic visibility and confusion with traffic control devices resulting from improperly placed and designed signs.
3. To ensure the visual quality of signs and preserve and promote aesthetic quality in Pittsburg, Kansas.

**27-102 Definitions:**

For the purpose of this Article, certain terms, phrases and words used throughout this Article shall have the meaning assigned them in this section:

1. **General:**
  - a. **ABANDONED SIGN:** Any sign, including off-site signs unless owned and operated by a bona fide billboard company, which no longer directs a potential customer to or exhorts any person, or advertises a bona fide business, project, product, service or activity.
  - b. **FAÇADE:** The entire exterior surface of a particular side of a structure or establishment to be considered in the calculation of the maximum gross surface area of a wall, roof or projecting sign or signs.
  - c. **INDIRECTLY ILLUMINATED SIGN:** Any sign which is partially or completely illuminated at any time by a light source separate from the sign housing which is so shielded as to not be visible at eye level.

- d. **MARQUEE:** A permanent roofed structure attached to and supported by the building and projecting over public property.
- e. **OFF-PREMISES SIGN:** A sign delivering a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon, and shall include all billboard signs and political signs with a gross surface area of more than thirty-two (32) square feet.
- f. **ON-PREMISES SIGN:** A sign which carries only advertisement that is incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, the rental or lease of products or building space, and/or name of the person, firm or corporation occupying the premises.
- g. **SEMI-ILLUMINATED SIGN:** Any sign located on a building which building face is uniformly illuminated over its entire area, including the area of the sign, by use of electricity or other artificial light. Semi-illuminated signs shall be permitted in any location where illuminated signs are permitted.
- h. **SIGN:** Any advertising device or surface placed out-of-doors, on or off premises, or placed indoors, when in view of the general public, which conveys information or identification. Included in this definition of "sign" shall be any structure used for said display and all sign supports.
- i. **SIGN, GROSS SURFACE AREA OF:** The gross surface area of a sign shall be the sum of all surface areas of the sign faces, except that ground or pole signs designed as double-faced signs, with both faces parallel and when the distance between the faces does not exceed two (2) feet, then only one face of the sign shall be considered in determining the sign area. In determining the gross surface area of a sign, each face of a sign may be broken down into not more than three (3) areas. Each surface area shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters need not include any structural elements lying outside the limits of such signs when they do not form an integral part of the display, nor shall it include architectural embellishments when such do not contain any advertising or printed copy, and are not lighted and do not exceed ten percent (10%) of the permitted sign area.
- j. **SIGN AREA, MAXIMUM TOTAL GROSS SURFACE AREA:** Maximum allowed square footage of sign area permitted per zoning lot.
- k. **SIGN, HEIGHT:** Sign height shall be measured from ground level at the foundation of the sign to the highest element of the sign.
- l. **SIGN SETBACK:** The minimum sign setback shall be the horizontal distance between a sign and a front and side lot line, as measured from that part of the sign, including its extremities and supports, nearest to any point on an imaginary vertical plane projecting from the front and side lot line.
- m. **SIGN STRUCTURE:** An element or assemblage of elements which supports or is capable of supporting a sign. A sign structure may be free-standing, attached to a building, an integral part of the building, or combination thereof.

- n. **STRUCTURAL MEMBER:** A component part of a structural system required to carry the primary supportive stresses of the building to the ground, as opposed to members carrying little or no supportive stresses other than their own weight, and functioning as an in-fill or nonstructural enclosure.
- o. **UNIFIED SHOPPING CENTER:** A group of retail stores and/or service establishments designed to serve a community or neighborhood.
- p. **VISIBILITY TRIANGLE:** The triangular area formed by the intersecting street right-of-way lines and a straight line joining said street right -of-way lines at points which are thirty (30) feet distant from the point of intersection, measured along said right -of-way lines.

## 2. **Classification of Signs:**

### a. **Functional Types of Signs:**

- (1) **ADVERTISING SIGN:** A sign which directs the attention of the public to a business, commodity, service or entertainment conducted, sold, or furnished at a location **OTHER** than the premises on which the sign is located or to which it is affixed.
- (2) **ADVERTISING DECORATION:** Any sign which has attached various sign materials used for temporary display and decoration, including streamers, banners, pennants, pinwheels, commercial flags, bunting, and similar devices.
- (3) **BILLBOARD:** An off-site sign, or portion thereof, consisting of outdoor signs which advertise, promote, or otherwise disseminate information pertaining to goods, products, or services, including charitable services, political services or appeals, not related to goods, products, or services which comprise a primary use on the premises where the sign is located. Such signs include:
  - (a) Poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper.
  - (b) Multi-prism signs, which are poster panels or bulletins normally mounted on a building wall or freestanding structure with advertising copy in the form of pasted paper and alternating advertising message on the one (1) display area.
  - (c) Painted bulletins, where the advertiser's message is painted directly on the background of a wall-mounted or freestanding display area.
- (4) **BULLETIN BOARD SIGN:** An on-premises sign containing the name of the institution or organization, which may include names of persons connected with it, announcing persons, events or activities occurring at the institution or organization. Such signs may also present a greeting or similar message.

- (5) **BUSINESS SIGN:** A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
- (6) **CONSTRUCTION SIGN:** A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, similar artisans, and financiers involved in the design and construction of a structure or project during the period of construction.
- (7) **DIRECTIONAL SIGN:** An on-site sign containing words or symbols indicating an entrance to, or exit from, a building as well as the location of parking, loading, restrooms, and emergency entrances which are for the convenience of the public.
- (8) **IDENTIFICATION SIGN:** A sign giving the name and address of a building, business, development or establishment.
- (9) **NAMEPLATE SIGN:** A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and where applicable, a professional title.
- (10) **POLITICAL SIGN:** A sign pertaining to the announcement of an individual being a candidate for an elective political office. Any such sign exceeding thirty-two (32) square feet of gross surface area shall be classified as an off-site sign and regulated accordingly.
- (11) **PROJECT DIRECTORY SIGN:** An on-site sign containing the names and locations, in list or map form, of the individual components making up a planned unit development, shopping center, or similar project.
- (12) **PROJECT TITLE SIGN:** An on-site sign which carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, planned unit development, mobile home park, and similar projects.
- (13) **REAL ESTATE SIGN:** An on-premises sign displayed for the purpose of offering real property for sale, lease or rent.
- (14) **TEMPORARY SIGN:** Any on-site sign, including, but not limited to, signs of lightweight cardboard, airborne, plastic or paper material, intended to be displayed for not more than sixty (60) days.

**b. Structural Types of Signs:**

- (1) **AWNING SIGN:** Any sign affixed directly on, painted on or attached to an awning.
- (2) **CANOPY SIGN:** Any sign affixed directly on, painted on or attached to a canopy.
- (3) **GROUND SIGN:** A sign placed upon, or supported by, the ground independently of any building or structure on the property. This includes a sign supported on poles or posts, the base of the face which is less than six (6) feet above ground level.

- (4) **MARQUEE SIGN:** Any sign mounted on, painted on or supported by a marquee.
- (5) **POLE SIGN:** A sign whose base of the face of which is more than six (6) feet above ground level and is supported by poles or posts.
- (6) **PORTABLE SIGN:** An on-site sign designed in such a manner to be readily movable and not permanently attached to the property. Any nonpermanent sign not classed as a temporary sign shall be deemed to be a portable sign.
- (7) **PROJECTING SIGN:** Any sign that is wholly or partially attached to and dependent upon a building for support and which projects more than 1 foot beyond the face of said building.
- (8) **ROOF SIGN:** A sign mounted and supported wholly upon or over the roof of any structure.
- (9) **WALL SIGN:** A sign attached to or painted on a wall in such a manner that the exposed face of the sign is in a plane approximately parallel to the plane of the wall.

## **27-103 General Sign Requirements:**

### **1. Traffic Safety:**

No sign shall be maintained at any location where it may interfere with the view of, or where it may obstruct view of, or interfere with, mislead or confuse traffic. Nor shall any sign be placed in the visibility triangle as defined in this section or project into said area unless the bottom edge of the projecting sign is at least twelve (12) feet above the centerline grade of the intersecting streets. Provided, however, that this shall not include signs located in a Central Business District.

### **2. Clearance from Electrical Power Lines:**

No metal ground sign shall be located within eight (8) feet vertically and eight (8) feet horizontally of electrical wire or conductors in free air carrying more than 48 volts, without regard to whether or not such wires or conductors are insulated or otherwise protected.

### **3. Illuminated Signs:**

Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park.

### **4. Spotlights and Floodlights:**

It shall be unlawful for any person to have any sign which is wholly or partially illuminated by floodlights or spotlights that interfere with the vision of pedestrian or vehicular traffic.

### **5. Flashing or Moving Signs:**

No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall be permitted in any residential district, in any "CP-0" Planned Commercial Office District, "CP-1" Planned

Neighborhood Commercial District, "IP-1" Planned Light Industrial District, "IP-2" Planned Medium Industrial District, "IP-3" Planned Heavy Industrial District, or "AP" Planned Airport Industrial District. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and/or temperature not more often than fifteen (15) seconds.

**6. Signs Not To Be Located Within Public Right-of-Way:**

No sign shall be erected, constructed or maintained within the right-of-way of any street, avenue, highway, alley, or upon public ground within the City.

**7. Obstruction to Exit:**

No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

**8. Obstruction to Ventilation:**

No sign shall be erected which interferes with any opening required for ventilation.

**9. Signs on Trees or Utility Poles:**

No sign shall be attached to a tree or utility pole whether on public or private property.

**10. Corner and Through Lots:**

On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phrased in terms of "signs per zoning lot" shall be deemed to permit the allowable number of signs facing each street or highway that abuts the lot.

**11. Maintenance Required:**

Signs shall be maintained so as to be structurally sound and in a safe condition, and shall be kept in a state of undeteriorated appearance by means of painting, sealing or coating and repair or replacement of damaged parts, panels or lights.

**12. Classification of Signs:**

a. Functional Types:

- |                                 |                             |
|---------------------------------|-----------------------------|
| (1) Advertising Decoration Sign | (7) Identification Sign     |
| (2) Billboard Sign              | (8) Nameplate Sign          |
| (3) Bulletin Board Sign         | (9) Political Sign          |
| (4) Business Sign               | (10) Project Directory Sign |
| (5) Construction Sign           | (11) Project Title Sign     |
| (6) Directional Sign            | (12) Real Estate Sign       |

b. Structural Types:

- |                   |                     |
|-------------------|---------------------|
| (1) Ground Sign   | (4) Projecting Sign |
| (2) Pole Sign     | (5) Roof Sign       |
| (3) Portable Sign | (6) Temporary Sign  |

(7) Wall Sign

**27-104 Procedural Requirements:**

**1. Permit:**

No sign, except for signs listed in paragraph 5 of this section, shall be painted, constructed, erected, repainted, remodeled, relocated, or expanded unless such sign complies with the regulations of this Ordinance. Permits shall be obtained from the Zoning Administrator. Fees for sign permits shall be as specified in the fee schedule located in the "Building and Construction Code" of the City of Pittsburg, except those signs listed in paragraph 6 of this section. All signs shall be designed, constructed, erected and electrified in compliance with the adopted minimum standards as set forth in the "Building and Construction Code".

**2. Application for Permit:**

Application for a permit shall be made in writing upon forms provided by the Zoning Administrator and shall contain, or have attached, the following information:

- a. *The name, address, and telephone number of the applicant.*
- b. The location of the building, structure or lot where the sign is to be located.
- c. Position of the sign(s) in relation to nearby buildings and structures.
- d. Two sets of prints showing the plans and specifications of the proposed sign and sign structure, along with the method of construction and attachment to the building or in the ground.
- e. The name of the person, firm, corporation or association erecting the sign.
- f. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
- g. Additional information as the Zoning Administrator shall require showing full compliance with this and all other applicable laws and regulations of Pittsburg, Kansas.

**3. Issuance of Permit:**

Upon the filing of an application for a sign permit, the Zoning Administrator or designate shall examine such plans and specifications, along with the premises upon which it is proposed to erect the sign, and other pertinent data, to determine if the provisions of the Sign Regulations of Pittsburg, Kansas, are complied with.

If all such requirements are met, the permit shall be issued. If the work authorized by such permit is not started within 120 days from the date of its issuance, such permit shall become null and void.

The issuance of the Sign Permit as required by this Ordinance shall not act in lieu of any other permits or fees required by any other provisions of this Ordinance or any other rules or regulations applicable to such sign and its placement.

**4. Permit Revocation:**

- a. If the Zoning Administrator shall find that any sign subject to the Sign Regulations is unsafe or insecure; is a menace to the public; has been constructed or erected or is being maintained in violation of the provisions of the Sign Regulations, written notice shall be given to the owner, occupant, or person-in-charge, specifying the problem. If such person fails to remove or alter the sign so as to comply with the provisions of the Sign Regulations within 30 days of such notice, the Zoning Administrator may cause such sign to be removed or altered to comply with this Ordinance. When in the opinion of the Zoning Administrator any sign is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, he may erect barricades or cause the sign to be taken down, repaired, shored, or otherwise made safe without delay, and such action may, under such circumstances, be taken without prior notice to or hearing of the owner, agents, lien holders, and occupants.
- b. All abandoned signs and their supports shall be removed within ninety (90) days from the date of abandonment. All signs structurally damaged shall be repaired or removed within ninety (90) days. The Zoning Administrator shall have the authority to grant a time extension not exceeding an additional ninety (90) days for an abandoned, non-damaged sign. If the owner, occupant, or person in charge, after due notice, fails or refuses to correct a violation of this Article, the Zoning Administrator shall cause such signs and their supports to be demolished and removed. If such sign cannot be demolished because it is painted on a building or other non-sign structure, such sign shall be painted over or removed by sandblasting.
- c. The cost of the demolition, removal or repair of any sign under the provisions of this Article shall be levied, certified, and collected as a special assessment against the lot or tract of ground upon which the sign was located, which assessment, if not paid when due, shall be certified to the County Clerk for collection with other special assessments.

**5. Exemptions from Permits:**

The following signs shall be exempt from paying fees and obtaining a sign permit; however such signs shall be subject to the Sign Regulations. (This exemption shall not be construed as relieving the owner of the sign from the responsibility for its meeting the structural and maintenance requirements as specified in this Ordinance):

- a. Real estate sign advertising the sale, rental or lease of the premises on which the sign is displayed, with the following limitations One (1) unlighted sign per street frontage per listing, provided that a maximum of four (4) real estate signs be permitted on a zoning lot.
- b. Temporary on-site signs placed in or upon windows of a commercial or industrial building, whether painted or attached.
- c. Non-electrical nameplates not exceeding 2 square feet in area.
- d. Non-electrical construction signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding 32 square feet in area.

- e. Non-electrical identification signs.
- f. Non-electrical memorial signs or tablets giving names of persons or buildings and date of erection not to exceed twenty-five (25) square feet in size.
- g. Project title signs for subdivision identification, with the following limitations: The time period shall not exceed two (2) years, however, the Zoning Administrator may grant extensions every six (6) months until the subdivision is seventy percent (70%) developed. Such signs shall be unlighted, neither reflective nor fluorescent, and used solely for the purpose of advertising the subdivision. A permit shall be issued only after the final subdivision plat has been duly recorded. The sign shall be located at or near entrances to tract sections under construction and not more than two (2) sign structures shall be maintained in any one (1) subdivision less than forty (40) acres in size. For each additional forty (40) acres or major fraction thereof, one (1) additional sign may be erected. The maximum area shall be 128 square feet for each sign. The maximum length of the sign shall be sixteen (16) feet.
- h. Signs of a duly constituted governmental body, including directional signs for public buildings and uses, traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping and other similar signs.
- i. Advertising decorations, temporarily displayed during special event periods only, such as grand openings, holidays, carnivals and the like, with a limit of twelve (12) such events and a total time limitation of six (6) weeks within any calendar year for any business or institution.
- j. Portable signs.
- k. Auction signs and real estate signs placed along roads and highways advertising auctions and/or property for sale off said roads or highways; provided, said signs shall not be placed more than 30 days prior to said auction or offering for sale and shall be removed within 7 days of the completion of said auction or sale. Said signs shall not be more than 32 square feet in area and shall not be illuminated.
- l. Political signs, when located on private property with the permission of the owner or tenants, and with the following limitations: Not more than four (4) signs for each street frontage, per zoning lot. Total area of all signs shall not exceed sixty-four (64) square feet per zoning lot. All signs shall be removed within seven (7) days following the election in which the candidate is elected to office or is eliminated from further participation in the election as a candidate.
- m. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property, but only if the flag or emblem is used solely as an identifying symbol and does not include advertising language.

- n. Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.
- o. Such additional signs as "No Hunting," "No Fishing," "No Trespassing" and other like signs.

**6. Exemption from Fees:**

The following signs shall be exempt from paying fees; however, a permit shall be obtained and they shall be subject to the Sign Regulations. (This exemption shall not be construed as relieving the owner of the sign from the responsibility for its meeting the structural and maintenance requirements as specified in this Ordinance):

- a. Non-electrical bulletin boards not exceeding 32 square feet in area for public, educational, charitable, fraternal or religious institutions when such sign is located on the premises of such institution.
- b. Directional signs.

**7. Prohibited Signs:**

Any signs and supports which are located upon or over the public right-of-way, including streets, alleys and parkways, shall be prohibited; provided, however, the following exceptions shall be allowed:

- a. Signs and supports required by governmental authority.
- b. Signs on commercial vehicles or commercial trailers which denote the name and address of a bona fide business which owns or leases said vehicle when these vehicles are lawfully operated or parked and not used expressly for the purpose of advertising a product, service or activity.
- c. A temporary sign located on public property used to announce a special event or activity when written authorization is granted by both the Chief of Police and the Zoning Administrator that the sign will not constitute a traffic hazard or attractive nuisance, and the sign is located in a proper zone.
- d. Signs allowed to project over public property in the "CP -4" Planned Central Business District, pursuant to Section 27-106 herein.

## **27-105 Design and Construction Standards:**

The design and construction of signs and sign structures shall be subject to the following standards:

### **1. Ground Signs:**

#### **a. Letters, Materials to be secured:**

All letters, figures, characters, or representations in cutout or irregular form maintained in conjunction with, attached to or superimposed upon any ground sign shall be safely and securely built or attached to the sign's structure.

#### **b. Premises to be Kept Free of Weeds, Etc.:**

The premises surrounding all ground signs shall be maintained by the owner thereof in a sanitary and uncluttered condition, free and clear of all noxious substances, rubbish, litter and weeds.

### **2. Projecting Signs:**

#### **a. Removable Parts to be secured:**

Any removable parts of a projecting signs, such as a cover of a service opening, shall be securely fastened by safety chains or hinges.

#### **b. Location:**

The horizontal clearance between a projecting sign and the curb line shall be not less than 2 feet. A projecting sign projecting more than two-thirds of the distance from the property line to the curb line shall be not less than 12 feet above the ground or pavement below. A projecting sign projecting less than two-thirds of the distance from the property line to the curb line shall be not less than 8 feet above the ground or pavement below.

#### **c. Awnings:**

Awnings, whether used as a sign or not, may extend over public property not more than 7 feet from the face of a supporting building but no portion shall extend nearer than 2 feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over public property greater than two-thirds of the distance from the property line to the nearest curb in front of the building site.

## **27-106 District Regulations:**

### **1. Single-Family and Two-Family Residential Districts:**

The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned "R-1A", "R-1B", "R-1C" and "R-2", are permitted:

a. Functional Types:

- (1) Nameplate Sign.
- (2) Identification Sign.
- (3) Real Estate Sign.
- (4) Construction Sign.
- (5) Bulletin Board Sign, except for single-family and two-family dwellings.
- (6) Project Title Sign.
- (7) Directional Sign, except for single-family and two-family dwellings.
- (8) Advertising Decoration.
- (9) Political Sign.

b. Structural Types:

- (1) Ground Sign.
- (2) Wall Sign.

c. Maximum Gross Surface Area:

- (1) Nameplate Signs: One (1) square foot.
- (2) Identification Signs: Eight (8) square feet.
- (3) Construction Signs: Thirty-two (32) square feet.
- (4) Bulletin Board Signs: Twenty-five (25) square feet.
- (5) Real Estate Signs: Six (6) square feet.
- (6) Directional Signs: Five (5) square feet.
- (7) Project Title Signs: Thirty-two (32) square feet.

d. Maximum Height:

- (1) Fifteen (15) feet.

e. Required Setback:

- (1) Real Estate Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (2) Project Title Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (3) Political Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (4) Directional Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (5) Advertising Decoration Sign: Ten (10) feet measured from the curb or roadway line, but not in the right -of-way.
- (6) Construction Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (7) All Other Permitted Signs: One-half (1\2) the required setback for the district, but in no case shall any sign be place on or project over public property.

f. Illumination:

No sign shall be illuminated, except that Bulletin Board and Identification signs may be lighted indirectly with incandescent or fluorescent lights.

2. **Multi-Family Residential Districts:**

The following types of signs, along with applicable size, height, and setback requirements in classes of districts zoned "RP-3" and "RP-4", are permitted:

a. Functional Types:

- |                          |                             |
|--------------------------|-----------------------------|
| (1) Nameplate Sign.      | (6) Project Directory Sign. |
| (2) Identification Sign. | (7) Project Title Sign.     |
| (3) Real Estate Sign.    | (8) Directional Sign.       |
| (4) Construction Sign.   | (9) Advertising Decoration. |
| (5) Bulletin Board Sign. | (10) Political Sign.        |

b. Structural Types:

- |                  |                |
|------------------|----------------|
| (1) Ground Sign. | (2) Wall Sign. |
|------------------|----------------|

c. Maximum Gross Surface Area:

- (1) Nameplate Signs: One (1) square foot.
- (2) Identification Signs: Sixteen (16) square feet.
- (3) Construction Signs: Thirty-two (32) square feet.
- (4) Bulletin Board Signs: Twenty-five (25) square feet.
- (5) Real Estate Signs:
  - Single-family and two-family dwellings - Six (6) square feet.
  - Multi-family dwellings - Thirty-two (32) square feet.
- (6) Directional Signs: Five (5) square feet.
- (7) Project Directory Signs: Fifteen (15) square feet.
- (8) Project Title Signs: Thirty-two (32) square feet.

d. Maximum Height:

- (1) Fifteen (15) feet.

e. Required Setback:

- (1) Real Estate Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (2) Project Title Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (3) Political Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (4) Directional Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (5) Advertising Decoration Sign: Ten (10) feet measured from the curb or roadway line, but not in the right -of-way.

(6) Construction Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(7) All Other Permitted Signs: One-half (1½) the required setback for the district, but in no case shall any sign be placed on or project over public property.

f. Illumination:

Signs may be illuminated indirectly or with internal illumination.

### **3. University Overlay District:**

The following types of signs, along with applicable size, height and setback requirements in the "UO" district are permitted:

a. University Uses:

All university uses on university property shall comply with the sign requirement of the "CP -0" Planned Commercial Office District as specified in this Article.

b. All Other Uses: All other uses shall comply with the sign requirements of the underlying district.

### **4. Commercial Districts:**

The following types of signs, along with applicable size, height and setback requirements in classes of districts zoned "CP-0", "CP-1", "CP-2" and "CP-3", are permitted:

a. Functional Types Permitted:

- (1) Advertising Sign.
- (2) Advertising Decoration.
- (3) Billboard, except in "CP-0" and "CP-1" districts.
- (4) Business Sign.
- (5) Nameplate Sign.
- (6) Identification Sign.
- (7) Real Estate Sign.
- (8) Construction Sign.
- (9) Bulletin Board Sign.
- (10) Project Directory Sign.
- (11) Project Title Sign.
- (12) Political Sign.
- (13) Directional Sign.

b. Structural Types Permitted:

- (1) Awning, canopy and marquee signs.
- (2) Ground sign.
- (3) Roof sign.
- (4) Projecting sign.
- (5) Pole sign.
- (6) Portable sign, subject to the restrictions of this Article.

(7) Wall sign.

c. Number of Signs Permitted:

Any of the functional types approved for this district with no more than one ground or pole sign permitted for each zoning lot having frontage on a public right-of-way. The maximum sign area of said ground or pole sign shall not exceed 200 square feet.

EXCEPTION: Where a zoning lot has a frontage greater than 250 feet along the same right-of-way, such zoning lot is permitted to have two (2) ground or pole signs, plus one (1) additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two (2) or more such signs, where permitted, into one (1) ground or pole sign thereby allowing a fifty percent (50%) area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed the maximum gross surface area.

d. Maximum Gross Surface Area:

The combined area of all signs shall not exceed four (4) square feet of area for each lineal foot of lot, provided no single sign shall exceed a gross surface area of 200 square feet.

e. Maximum Height:

Thirty (30) feet above the highest point of the principal structure, or fifty (50) feet above ground level, whichever is less.

f. Required Setback:

(1) Real Estate Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(2) Project Title Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(3) Political Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(4) Directional Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(5) Advertising Decoration Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(6) Construction Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(7) All Other Permitted Signs: One-half (1\2) the required setback for the district, but in no case shall any sign be placed on or project over public property.

g. Illumination:

Illuminated signs shall be permitted.

**5. Central Business District:**

The following types of signs, with applicable size, height and setback requirements, are permitted in the "CP-4" Planned Central Business district:

**a. Functional Types Permitted:**

- (1) Advertising Sign.
- (2) Advertising Decoration.
- (3) Billboard.
- (4) Business Sign.
- (5) Nameplate Sign.
- (6) Identification Sign.
- (7) Real Estate Sign.
- (8) Construction Sign.
- (9) Bulletin Board Sign.
- (10) Project Directory Sign.
- (11) Project Title Sign.
- (12) Political Sign.
- (13) Directional Sign.

**b. Structural Types Permitted:**

- (1) Awning, canopy and marquee signs.
- (2) Ground sign.
- (3) Roof sign.
- (4) Projecting sign.
- (5) Pole sign.
- (6) Portable sign, subject to the restrictions of this Article.
- (7) Wall sign.

**c. Number of Signs Permitted:**

Any of the functional types approved for this district with no more than one ground or pole sign permitted for each zoning lot having frontage on a public right-of-way. The maximum sign area of said ground or pole sign shall not exceed 200 square feet.

EXCEPTION: Where a zoning lot has a frontage greater than 250 feet along the same right-of-way, such zoning lot is permitted to have two (2) ground or pole signs, plus one (1) additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two (2) or more such signs, where permitted, into one (1) ground or pole sign thereby allowing a fifty percent (50%) area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed the maximum gross surface area.

**d. Maximum Gross Surface Area:**

The combined area of all signs shall not exceed four (4) square feet of area for each lineal foot of lot, provided no single sign shall exceed a gross surface area of 200 square feet.

**e. Maximum Height:**

Thirty (30) feet above the highest point of the principal structure, or fifty (50) feet above ground level, whichever is less.

f. Required Setback: See section 27-105(2).

g. Illumination:

Illuminated signs shall be permitted.

**6. Industrial Districts:**

The following types of signs, with applicable size, height and setback requirements in classes of districts zoned "IP-1", "IP-2" and "IP -3", are permitted:

a. Functional Types Permitted:

- (1) Advertising Sign.
- (2) Advertising Decoration.
- (3) Billboard.
- (4) Business Sign.
- (5) Nameplate Sign.
- (6) Identification Sign.
- (7) Real Estate Sign.
- (8) Construction Sign.
- (9) Bulletin Board Sign.
- (10) Project Directory Sign.
- (11) Project Title Sign.
- (12) Political Sign.
- (13) Directional Sign.

b. Structural Types Permitted:

- (1) Awning, canopy and marquee signs.
- (2) Ground sign.
- (3) Roof sign.
- (4) Projecting sign.
- (5) Pole sign.
- (6) Portable sign, subject to the restrictions of this Article.
- (7) Wall sign.

c. Number of Signs Permitted:

Any of the functional types approved for this district with no more than one ground or pole sign permitted for each zoning lot having frontage on a public right-of-way. The maximum sign area of said ground or pole sign shall not exceed 200 square feet.

EXCEPTION: Where a zoning lot has a frontage greater than 250 feet along the same right-of-way, such zoning lot is permitted to have two (2) ground or pole signs, plus one (1) additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two (2) or more such signs, where permitted, into one (1) ground or pole sign thereby allowing a fifty percent (50%) area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed the maximum gross surface area.

d. Maximum Gross Surface Area:

The combined area of all signs shall not exceed four (4) square feet of area for each lineal foot of lot, provided no single sign shall exceed a gross surface area of 200 square feet.

e. Maximum Height:

Thirty (30) feet above the highest point of the principal structure, or fifty (50) feet above ground level, whichever is less.

f. Required Setback:

- (1) Real Estate Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (2) Project Title Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (3) Political Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (4) Directional Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (5) Advertising Decoration Sign: Ten (10) feet measured from the curb or roadway line, but not in the right -of-way.
- (6) Construction Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (7) All Other Permitted Signs: One-half (1\2) the required setback for the district, but in no case shall any sign be placed on or project over public property. EXCEPT: Temporary signs, if authorized by this Article.

g. Illumination:

Illuminated signs shall be permitted.

**7. Airport Districts:**

The following types of signs, with applicable size, height and setback requirements, are permitted in the "AP" and "AO" districts:

a. Functional Types Permitted:

- (1) Advertising Sign.
- (2) Advertising Decoration.
- (3) Billboard.
- (4) Business Sign.
- (5) Nameplate Sign.
- (6) Identification Sign.
- (7) Real Estate Sign.
- (8) Construction Sign.
- (9) Bulletin Board Sign.
- (10) Project Directory Sign.
- (11) Project Title Sign.
- (12) Political Sign.

(13) Directional Sign.

b. Structural Types Permitted:

- (1) Awning, canopy and marquee signs.
- (2) Ground sign.
- (3) Roof sign.
- (4) Projecting sign.
- (5) Portable sign, subject to the restrictions of this Article.
- (6) Wall sign.

c. Number of Signs Permitted:

Any of the functional types approved for this district with no more than one ground or pole sign permitted for each zoning lot having frontage on a public right-of-way. The maximum sign area of said ground or pole sign shall not exceed 200 square feet.

EXCEPTION: Where a zoning lot has a frontage greater than 250 feet along the same right-of-way, such zoning lot is permitted to have two (2) ground or pole signs, plus one (1) additional ground or pole sign for every additional 200 feet of frontage; or the owner may elect to combine two (2) or more such signs, where permitted, into one (1) ground or pole sign thereby allowing a fifty percent (50%) area increase for each sign that is eliminated, with a maximum allowable sign area not to exceed the maximum gross surface area.

d. Maximum Gross Surface Area:

The combined area of all signs shall not exceed four (4) square feet of area for each lineal foot of lot, provided no single sign shall exceed a gross surface area of 200 square feet.

e. Maximum Height:

Thirty (30) feet above the highest point of the principal structure, or fifty (50) feet above ground level, whichever is less; provided, in no case shall a sign exceed the height restrictions in the "AO" Airport Overlay district.

f. Required Setback:

- (1) Real Estate Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (2) Project Title Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (3) Political Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (4) Directional Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.
- (5) Advertising Decoration Sign: Ten (10) feet measured from the curb or roadway line, but not in the right -of-way.

(6) Construction Sign: Ten (10) feet measured from the curb or roadway line, but not in the right-of-way.

(7) All Other Permitted Signs: One-half (1\2) the required setback for the district, but in no case shall any sign be placed on or project over public property. EXCEPT: Temporary signs, if authorized by this Article.

g. Illumination:

Illuminated signs shall be permitted.

**8. Portable Signs:**

Portable signs shall conform to the following regulations:

- a. Portable signs shall only be permitted in the "CP -1", "CP-2", "CP-3", "CP-4", "IP-1", "IP-2", "IP-3" and "AP" districts.
- b. Portable signs shall be setback a minimum of ten (10) feet as measured from the curb or roadway line to the nearest extremities of the sign, and shall not be located so as to hinder visibility or the interfere with the free and safe movement of traffic.

**9. Billboard Signs:**

Billboard signs shall conform to the following requirements:

- (1) Billboard signs shall be constructed to meet the construction standards as established in the City of Pittsburg Building Code.
- (2) Billboard signs shall be located a minimum of eighty (80) feet from a residential property line.
- (3) The gross surface area of any billboard sign shall not exceed 200 square feet.
- (4) There shall be a minimum separation of 200 feet between all billboard signs on the same side of the street.
- (5) Billboard signs shall have a setback of not less than the greater of the following:
  - (a) Thirty (30) feet.
  - (b) The greatest setback of all the front buildings on the block on which the billboard sign is located.
- (6) Billboard signs shall have a maximum height of thirty-five (35) feet.
- (7) All lighting of billboard signs shall be so shielded as not to produce intensive or excessive light or glare on adjacent property.

## **27-107 Nonconforming Signs:**

Every sign in existence at the time these Sign Regulations become effective may continue in existence subject to the following:

1. It shall not be altered structurally or moved unless it is made to comply with the provisions of this Ordinance. However, the changing of the movable parts of an existing sign that is designed for such changes, or the repainting or reworking of display matter shall not be deemed a structural alteration.
2. The lawful use of a sign existing on the effective date of this Ordinance, although such sign does not conform to the provisions hereof, may continue; but if such nonconforming use is discontinued for a period of six months, any future use of such sign shall be in conformity with the provisions of this Ordinance.
3. No sign which has been damaged by fire, wind, explosion, or act of God to the extent that 50 percent or more of the sign is destroyed shall be restored except in conformity with this Ordinance. Any sign which has been damaged to an extent less than 50 percent may be restored to its condition which existed as a nonconforming use prior to its damage.

**ARTICLE 28**  
**DISTRICT HEIGHTS, AREA AND BULK REGULATIONS**

Zoning District		Maximum Height of Building		Minimum Yard Requirement in Feet			Minimum Lot Dimension in Feet		Minimum Lot Area per Dwelling Unit in Square Feet			Min Lot Area in Square Feet	Min Floor Area per Dwelling Unit in Square Feet	
		Feet	Stories	Front	Side	Rear	Width	Depth	1 Unit	2 Units	For each Additional Unit over 2		Sngl Fam Unit	2-Fam Unit
R-1A	Single Family Residential	35	2 ½	30	10	20	75	100	10,000	-	-	10,000	1500	-
R-1B	Single Family Residential	35	2 ½	30	5	20	65	100	7,000	-	-	7,000	1200	-
R-1C	Single Family Residential	35	2 ½	30	5	20	40	100	5,600	-	-	5,600	800	-
R-2	Two Family Residential	35	2 ½	30	5	20	65	100	7,000	7,000	-	7,000	800	600
RP-3	Planned Medium Density Residential	45	3	30	10	20	65	100	7,000	7,000	2,000	7,000	800	600(B)
RP-4	Planned Apartment House	45	3	30	10	20	65	100	7,000	7,000	1,000	7,000	-	600(B)
UO	University Overlay	(C)	(C)	30	10	20	(C)	(C)	(C)	(C)	(C)	(C)	(C)	(C)
CP-0	Planned Commercial Office	30	2	30	10	20	65	100	-	-	-	7,000	-	-
CP-1	Planned Neighborhood Commercial	30	2	30	10	20	65	100	-	-	-	7,000	-	-
CP-2	Planned General Commercial	35	3	30	10	20	65	100	-	-	-	7,000	-	-
CP-3	Planned Highway Service Commercial	35	3	30	20	20	150	150	-	-	-	25,000	-	-
CP-4	Planned Central Business District	(D)	(D)	(D)	(D)	(D)	(D)	(D)	-	-	-	(D)	-	-
IP-1	Planned Light Industrial	45	2	40	15	20	(E)	(E)	-	-	-	(E)	-	-
IP-2	Planned Medium Industrial	45	2	40	15	20	(E)	(E)	-	-	-	(E)	-	-
IP-3	Planned Heavy Industrial	60	4	40	15	20	(E)	(E)	-	-	-	(E)	-	-
AP	Planned Airport Industrial	30	2	50	15	20	(E)	(E)	-	-	-	(E)	-	-

- (A) A side Yard shall be provided on each side of the lot. The Dimension is given of one side only.
- (B) Multi-Family dwellings shall comply with the provisions of the International Building Code.
- (C) Colleges, Universities, and Theological school structures have no minimum requirements. All other permitted uses comply with restrictions of underlying district.
- (D) There no height, area or bulk regulations in “CP-4” planned Central Business District.
- (E) There are no minimum lot dimensions or minimum lot area requirements in districts “IP-1”, “IP-2”, “IP-3”, or “AP”.
- (F) No building is permitted to be constructed in any easement.

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**ARTICLE 29**  
**SUPPLEMENTARY HEIGHT, AREA AND BULK REGULATIONS**

<b>29-101 APPLICATION:</b> .....	<b>157</b>
<b>29-102 MODIFICATION OF HEIGHT REGULATIONS:</b> .....	<b>157</b>
<b>29-103 MODIFICATION OF AREA REGULATIONS:</b> .....	<b>157</b>

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**29-101 Application:**

The regulations set forth in this Article qualify or supplement the district regulations appearing elsewhere in this Ordinance.

**29-102 Modification of Height Regulations:**

1. The height regulations as prescribed in this Ordinance shall not apply to the following:
  - Belfries
  - Chimneys
  - Church Spires
  - Conveyors
  - Cooling Towers
  - Elevator Penthouses
  - Fire Towers
  - Flag Poles
  - Grain Elevators
  - Monuments
  - Ornamental Towers and Spires
  - Smoke Stacks
  - Stage Towers or Scenery Lofts
  - Tanks
  - Water Towers
  - Lighting Poles or Standards
2. Public or semi-public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding 75 feet, when the required side and rear yards are increased by at least 1 foot for each 1 foot of additional building height above the height regulations for the district in which the building is located.

**29-103 Modification of Area Regulations:**

1. **Yards, generally:**
  - a. Except as herein provided for accessory buildings and structures, whenever lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
  - b. Every part of a required yard shall be open to the sky, except as authorized by this Article. Ordinary projections of sills, awnings, canopies, belt courses, air conditioning units, chimneys, cornices, and ornamental features may project to a distance not to exceed 24 inches into a required yard setback.

- c. In the event that a lot is to be occupied by a group of two or more related buildings to be used for residential, school, institutional, hotel, or motel purposes, there may be more than one main building on the lot where such buildings are arranged around a court having a direct street access; provided, however:
  - (1) That said court, between buildings that are parallel or within 45 degrees of being parallel, shall have a minimum width of 30 feet for 1-story buildings, 40 feet for 2-story buildings, and 50 feet for 3-story buildings, and, in no case may such buildings be closer to each other than 15 feet;
  - (2) Where a court having direct street access is more than 50 percent surrounded by a building, the minimum width of the court shall be at least 20 feet for 1-story buildings, 30 feet for 2-story buildings, and 40 feet for 3-story buildings.
- d. Where a lot is used for a commercial or industrial purpose, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

**2. Accessory Buildings and Structures:**

- a. Except as herein provided, no accessory building shall project into a required yard setback along any street.
- b. In Districts "R-1A", "R-1B", "R-1C", "R-2", "RP-3", and "RP -4", accessory buildings may be located in a required side or rear yard setbacks; however, no accessory building may be located closer than 5 feet from a rear lot line. No alley may be used in meeting this requirement. In Districts "R-1B", "R-1C", and "R-2", no accessory building may be located less than 3 feet from a side lot line. (Sec 1, Ord G-704, 2/12/93)
- c. Filling station pumps and pump islands may occupy the required yards; provided, however, that they are not less than 15 feet from the property line, and further provided that canopies and other similar coverings over the pumps and pump islands shall have at least 14 feet of clearance and shall not project beyond the property line.
- d. Accessory, open and uncovered swimming pools and permanent barbecue grills may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.
- e. Accessory storm caves which are not a part of the main building may occupy a required rear yard, provided they are not located closer than 5 feet to the rear lot line nor closer than 3 feet to a side lot line. No alley may be used in meeting this requirement.
- f. Accessory buildings which are not a part of the main building, although connected by an open breezeway, may be constructed under the requirements of Section 29-103(2)(b).

**3. Front Yards:**

- a. When an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- b. On double frontage or corner lots, the required front yard shall be provided on each street frontage. (Sec 7, Ord G-811, 7/31/98)
- c. Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which extend or project into the front and side yard shall not extend or project into the required front yard more than 10 feet or into the required side yard more than 6 feet.
- d. Where 40 percent or more of the street frontage within 300 feet of the property in question is improved with buildings and where 40 percent of these buildings have a front yard that is less than the required front yard in the district, then the required front yard shall be equal to the building setback established within the 40 percent, provided that only those properties within the same district along the same side of the street, but not beyond any intersecting street, are used in determining the established setback. Where 60 percent or more of the street frontage is improved with buildings that have no front yard, no front yard shall be required for the remainder of the street frontage. (Sec 7, Ord G-811, 7/31/98)

**4. Side Yards:**

- a. The minimum depth of side yards for schools, libraries, churches, community houses, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a business or industrial district, in which case the depth of the yard shall be as required in the district in which the building is located.

**5. Rear Yards:**

- a. Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues may project into the required rear yard for a distance of not more than 5 feet, but only where the same are so placed as not to obstruct light and ventilation.

**6. Corner Visibility:**

- a. No sign, fence, wall, hedge, planting, or other obstruction to vision, extending to a height in excess of 3 feet above the established street grade measured from the crown of the street, shall be erected, planted, or maintained within the visibility triangle area of a corner lot.

**7. Easements:**

- a. No building, either a main or an accessory building, shall be constructed, moved, or altered so as to encroach onto or within a platted or recorded easement.

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**ARTICLE 30**  
**SUPPLEMENTARY USE REGULATIONS CONDITIONAL USES ACCESSORY USES**

<b>30-101 APPLICATION OF CONDITIONAL USES:</b>	<b>161</b>
<b>30-102 QUALIFICATION OF EXISTING SPECIAL USE EXCEPTIONS:</b>	<b>161</b>
<b>30-103 ADDITIONS AND CHANGES TO CONDITIONAL USES:</b>	<b>162</b>
<b>30-104 CONDITIONAL USES ENUMERATED:</b>	<b>162</b>
<b>30-105 CONTINUANCE OF A CONDITIONAL USE:</b>	<b>169</b>
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<b>30-107 ELIGIBILITY FOR ACCESSORY USE:</b>	<b>169</b>
<b>30-108 ACCESSORY USES ALLOWED:</b>	<b>169</b>
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**30-101 Application of Conditional Uses:**

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain Conditional Uses listed herein, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted, except as otherwise specified, in any district from which they are prohibited.

Before the location or establishment thereof, or before any change or use of the premises existing at the time of the effective date of this Ordinance or permitted as herein provided is made, a development plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in Article 23 of this Ordinance. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 37 of this Ordinance and shall review such development plan and statements and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property, submit a recommendation to the Governing Body.

Following receipt of the Planning Commission's recommendation, the Governing Body may, within the specifications herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. In this regard, the Governing Body may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to, those items identified in Article 23 of this Ordinance.

**30-102 Qualification of Existing Special Use Exceptions:**

Uses operating under an existing Special Use Exception approved prior to the adoption of this Ordinance shall continue as if approved under this Ordinance. Changes in operations

of uses that are listed herein as a requiring a Conditional Use Permit that would have required an amendment to the existing Special Use Exception shall be considered as a Conditional Use and considered as provided herein.

### **30-103 Additions and Changes to Conditional Uses:**

All requests for additions and structural alterations to Conditional Uses previously approved by the Governing Body shall be considered in the same procedure as outlined in Section 30-101 herein.

### **30-104 Conditional Uses Enumerated:**

The following Conditional Uses may be approved by the Governing Body as provided in this Article:

- 30-104.1 Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.
- 30-104.2 Bed and breakfast facility.
- 30-104.3 Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs, and utility maintenance shops and yards.
- 30-104.4 Cemeteries, mausoleums or crematories for the disposal of the dead.
- 30-104.5 Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly-owned and operated community buildings, art gallery, museums and libraries.
- 30-104.6 Commercial uses as an accessory use in industrial districts (IP-1, IP-2, IP-3, or AP districts); provided, however, that such use does not exceed ten (10) percent of the floor area of the existing industrial use.
- 30-104.7 Commercial parking lots.
- 30-104.8 Commercial stockyard or feedlot.
- 30-104.9 Contractor's shop and/or yard, including construction equipment and/or material storage areas.
- 30-104.10 Drive-in theaters.
- 30-104.11 Exposition centers and/or buildings.
- 30-104.12 Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.
- 30-104.13 Fairgrounds.
- 30-104.14 Fire stations.

- 30-104.15 Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.
- 30-104.16 Greenhouses, nurseries and/or hydroponic farms operated as a retail business.
- 30-104.17 Children's Alliance or Advocacy Centers, Group Boarding Home, Group Day Care Home, Child Care Center, Day Care Center, Detention Center, Family Day Care Home, or Residential Center, when locating in a residential district, provided: (Sec 1, Ord G-873, 5/25/01)
- a. The applicant submits, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.
  - b. If required, a letter from any State, Federal, or Local Regulatory Agency having the responsibility of regulating and/or licensing the home or center shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operation. (Sec 1, Ord G-873, 5/25/01)
  - c. Off-street parking at a rate of one space per employee plus two additional spaces for guests.
  - d. When operated out of an existing or proposed residential structure, the following standards shall be met:
    - (1) Only one non-illuminated wall sign not more than 4 square feet in area is used. (Sec 8, Ord G-811, 7/31/98)
    - (2) Outside play areas shall be fenced.
- 30-104.18 Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.
- 30-104.19 Hospital or clinic for large or small animals, provided:
- a. That such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.
- 30-104.20 Judicial centers, jails, penal or correctional institutions.
- 30-104.21 Keeping of farm animals such as cattle, sheep, horses, mules, chickens, ostriches, emus, rheas and any other animal defined by K.S.A. 47-1001, and acts amendatory and supplemental thereto, as "livestock" on a lot or tract of less than one (1) acre. (Sec 8, Ord G-811, 7/31/98)
- a. Only that land used in keeping the farm animals shall be considered in determining the available land. (Sec 8, Ord G-811, 7/31/98)
- 30-104.22 Kennels, either boarding or breeding, provided:

- a. Pens or open kennels shall be located at least 50 feet from the front lot line and at least 30 feet from any side or rear lot line.
  - b. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.
- 30-104.23 Mobile home parks, subject to the standards established in Article 31 of this Ordinance.
- 30-104.24 Mobile home subdivisions, subject to the standards established in Article 32 of this Ordinance.
- 30-104.25 A mobile home on an individual lot may be authorized by the Zoning Administrator, on an emergency basis for a period not to exceed six months, on any lot where the permanent dwelling unit has been destroyed by fire, storm or other such calamity and the dwelling unit has been rendered uninhabitable. If the authorization for the emergency placement of such mobile home unit lasts longer than six months, a Conditional Use may be granted for an additional period of time, provided, the procedures for approval of Conditional Uses outlined in Section 30-101 herein are followed.
- 30-104.26 A mobile unit used as a temporary facility for schools, health care clinics, day care centers or other similar uses, used until a permanent facility is ready for occupancy for a period not to exceed 3 years; PROVIDED all other provisions of the Zoning Ordinance are complied with.
- 30-104.27 A mobile unit used as a temporary facility for banks, offices or other similar uses during the planning, construction or renovation of a facility until a permanent facility is ready for occupancy for a period not to exceed 18 months; PROVIDED all other provisions of the
- 30-104.28 Mortuaries and attendant accessory activities and facilities.
- 30-104.29 Parks and playgrounds.
- 30-104.30 Quarrying, mining, and removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants, provided:
- a. All quarries and mining operations and asphalt and concrete plants shall be screened by a method approved by the Governing Body when the same are within 1/4 mile of any residential dwelling.
  - b. The applicant shall provide an approvable method for dust abatement on all unpaved interior roads if any part of the operation is located within 1/4 mile of any residential dwelling.
  - c. Where applicable, a maintenance agreement between the applicant and the City or County shall be required to maintain the roads that provide the ingress/egress to the operation.
  - e. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation to the proposed use of the site and a general plan of the proposed use. The reclamation plan submitted shall be binding only to the extent that said plan shows the intent of the applicant for reclamation. The actual reclamation plan

may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Governing Body before reclamation work may begin. Said approval of a revised reclamation plan shall require a public hearing under the same procedure as the original Conditional Use Permit.

- e. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of 100 horizontal feet from any road right-of-way and 30 horizontal feet from all other property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface. The setback areas may be used for the erection of berms or other screening features required by the Conditional Use Permit.
- f. No building, equipment, quarry products or other materials shall be erected or stored within 100 feet of any property or right-of-way line.
- g. A copy of the annual survey of mining operations, as required to be filed by State law with the State, shall also be filed with the Governing Body. Said annual survey applies only to underground mining activities, not to open pit mines or quarries.

30-104.31 Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned, provided:

1.) General Requirements:

- a. The location of every tower must be such that it is at least an equal distance from all property lines as it is in height EXCEPT the Planning and Zoning Commission may approve a tower within less than the required setback provided the applicant presents a certification from a registered engineer and that the tower will fall within the property as provided on the application. (Sec 8, Ord G-811, 7/31/98)
- b. Every tower shall be designed in compliance with the current ANSI/TIA/EIA -222- F Structural Standards for steel antenna towers and antenna supporting structures. (Sec 8, Ord G-811, 7/31/98)
- c. A plot plan shall be submitted with every application. (Sec 8, Ord G-811, 7/31/98) For initial approval, the plot plan shall include:
  - 1. The legal description of the property.
  - 2. Zoning and land use of the site and adjacent properties.
  - 3. Adjacent roadways and means of access.
  - 4. Setbacks from property lines.
  - 5. Elevation drawings of proposed tower(s), location and description of accessory structures and screening.
  - 6. All anticipated antennas and mounting hardware. Multiple antennas shall be visually consistent with balanced spacing to give a planned, uncluttered appearance.(Sec 1, Ord G-1026, 9/25/07)
- d. Applicant shall demonstrate there is no available space on existing wireless communication facilities or other structures that can be utilized to meet their communication needs. [An existing site shall be considered "available space" if the site is economically and technically feasible with a ready, willing,

and able landlord]. (Sec. 1. Ord. G-994, 9/26/06) Substantial evidence shall include:

1. That there is no existing tower or structure located within the area (search ring) that meets the applicants engineering requirements.
  2. That existing towers or structures are not of sufficient height or strength to support additional antennas.
  3. That existing antennas will create electromagnetic interference with the proposed antenna and cause it to function improperly.
  4. That the proposed antenna would cause electromagnetic interference with the existing antennas.  
(Sec 1, Ord G-1026, 9/25/07)
- e. There is no other economically / technically feasible opportunity to modify or rebuild an existing structure on which the communication equipment may be located (no more than the cost of building a new facility on a new site). (Sec. 1. Ord. G-994, 9/26/06)
- f. Applicant agrees in writing that all proposed towers up to 80 feet in height will accommodate at least one (1) other carrier; if more than 80 feet in height, at least two (2) other carriers. Reasonable accommodations will be made to lease space on the facility to other carriers so as to avoid having a proliferation of underutilized support structures. (Sec. 1. Ord. G-994, 9/26/06)
- g. Applicant shall locate in the lowest space on the tower. (Sec. 1. Ord. G-994, 9/26/06)
- h. Space at the top of the tower shall be reserved for 911 emergency transmitters. (Sec. 1. Ord. G-994, 9/26/06).
- i. All new towers less than or equal to 260 feet in height shall be monopole design. (Sec. 1, Ord G-1026, 9/25/07)
- j. If towers are of monopole design, they may be clustered up to three (3) towers, ONLY if the applicant has proven that no feasible collocation positions are available. (Sec. 1, Ord G-1026, 9/25/07)
- k. No signage shall be allowed on towers. (Sec. 1, Ord G-1026, 9/25/07)
- l. Accessory structures shall be architecturally compatible to the adjacent properties, or screening/landscaping may be used. If landscaping is used it shall be kept in a healthy, live condition. (Sec. 1, Ord G-1026, 9/25/07)
- m. The proposed personal wireless communication facility shall meet or exceed standards and regulation of the City of Pittsburgh Airport Overlay zoning district, the FAA, the FCC, and any other agency of the state or federal government authority that regulates towers and antennas. (Sec. 1, Ord G-1026, 9/25/07)
- n. Applicant shall demonstrate the proposed tower will not interfere with any flight paths, landing approaches, or landing instruments in the vicinity of Atkinson Municipal Airport. (Sec. 1, Ord G-1026, 9/25/07)

- o. Applicant shall agree in writing to correct any unforeseen interferences which occur after the installation of antenna(s) and equipment. (Sec. 1, Ord G-1026, 9/25/07)
- p. Applicant agrees that they are responsible for the removal of unused facilities within 60 days if the wireless communication facility, or portion thereof, has been unused for twelve (12 consecutive months. (Sec. 1. Ord. G-994, 9/26/06)

2.) Uses permitted with administrative review and approval:

The following personal wireless communication facilities shall be permitted with an administrative review in any district subject to the following requirements and the issuance of a building permit:

- a. Modification of existing wireless communication facilities, including cumulative height extensions of up to 25 percent (25%) above the original structure height; provided the applicant presents a certification from a registered engineer that the existing tower base foundation will support the addition of the new facility, and meets the general requirements of Section 1-31(a) of this Ordinance. (Sec. 1, Ord G-1026, 9/25/07)
- b. Modification and/or replacement of support structures that are less visible or intrusive, including cumulative height extensions of up to 25 percent (25%) above the original structure height. (Sec. 1, Ord G-1026, 9/25/07)
- c. New facilities that are camouflaged or mounted on the top of, or the side of existing buildings or other structures (excluding single family and duplex residences), including support structures up to 20 feet above the building or the maximum height permitted for the existing structure; provided the applicant presents a certification from a registered engineer that the existing structure will support the addition of the new facility. (Sec. 1, Ord G-1026, 9/25/07)

If a building permit is denied, the applicant may apply for a Conditional Use permit. (Sec. 1, Ord G-1026, 9/25/07)

- 30-104.32 Recreational or sports-related activity or facility, whether publicly or privately owned.
- 30-104.33 Riding academies, stables and/or show arenas, rodeo arenas and/or facilities.
- 30-104.34 Salvage yards.
- 30-104.35 Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar areas not prohibited by law.
- 30-104.36 Schools, preschools or kindergartens, either publicly or privately owned or operated.
- 30-104.37 Trailer park or recreational vehicle campground, provided:
  - a. The tract to be used as a trailer park or recreational vehicle campground shall not be less than two (2) acres in area. Under no circumstances shall a mobile home be parked in a trailer park or recreational vehicle campground.
  - b. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided that no individual space shall

be designed for direct access to a street outside the boundaries of the trailer park or recreational vehicle campground, and that all interior access drives shall be at least 20 feet in width. All interior access drives and parking areas shall be paved with concrete or asphaltic concrete paving.

- c. The minimum area for a space for parking one trailer or recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly marked by a permanent marker.
- d. The trailer park or recreational vehicle campground shall contain community facilities, including play space, utility rooms, parking and access roads. In addition, every trailer park or recreational vehicle campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:
  - (1) Be located within three hundred (300) feet of the trailer park or recreational vehicle campground;
  - (2) Be of permanent construction;
  - (3) Have one (1) flush-type toilet, one (1) lavatory, and one (1) shower or bathtub for females; and one (1) flush-type toilet; one (1) lavatory, and one (1) shower or bathtub for males for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;
  - (4) Have an accessible, adequate, safe and potable supply of cold water;
  - (5) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,
  - (6) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.
- e. The trailer park or recreational vehicle campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the trailer park or recreational vehicle campground and any adjoining residential area.
- f. No trailer or recreational vehicle shall be parked closer than 25 feet to any part of any other trailer or service building and no part of a trailer or recreational vehicle shall extend closer than 5 feet to the boundaries of the individual space.
- g. Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in convenient location to individual spaces.
- h. In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign, with sign area limited to 25 square feet. Said sign may be illuminated.
- i. Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, and toilet and bathing

facilities. All shall be indicated on a site plan of the proposed trailer park and shall be installed and/or constructed in accordance with all other state and/or local laws and regulations. A sewage dump station shall be provided within every trailer park or recreational vehicle campground.

- j. The proposed trailer park or recreational vehicle campground shall comply with all provisions of this and other federal, state and/or local laws and regulations.

30-104.38 Truck stops and/or truck terminals.

30-104.39 Zoos, commercial aquariums, or aviaries.

### **30-105 Continuance of a Conditional Use:**

A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of authorization, as long as all conditions placed on it are met; however, if that particular use ceases to exist for a period of six months, it will forfeit its Conditional Use Permit and will not be allowed to exist again unless a new application is made, a public hearing held and a new Conditional Use Permit approved.

### **30-106 Accessory Uses:**

Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce trash, junk, noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, and heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use. (Sec 9, Ord G-811, 7/31/98)

### **30-107 Eligibility for Accessory Use:**

The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

### **30-108 Accessory Uses Allowed:**

Accessory uses shall be allowed; provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

1. In District "R-1A" Single-Family Residential, "R-1B" Single-Family Residential, "R-1C" Single-Family Residential, and "R-2" Two-Family Residential District, only the following accessory uses are allowed:

- a. Accessory buildings and uses commonly associated with residential activity, including, but not limited to, the following:

Accessory off-street parking and loading spaces  
Fences or walls  
Flag poles

Gates or guard houses for subdivisions  
Guest houses  
Home barbecue grills

Parabolic and satellite dish-type antennas one (1) meter or less in diameter  
(Sec 10, Ord G-811, 7/31/98)  
Play equipment  
Private garages and carports  
Servant's quarters  
Small storage sheds  
Solar collectors  
Swimming pools  
Television and radio receiving antennas less than 50 feet in height

b. Parabolic or satellite dish-type antennas over one (1) meter in diameter subject to the following: (Sec 10, Ord G-811, 7/31/98)

(1) Ground parabolic and satellite dish-type antennas shall be located in rear yards, except, in the event it is not technologically feasible to erect the antenna in the rear yard, the antenna may be placed in the side yard; provided it is located to the rear of the center point of the main building. Parabolic and satellite dish-type antennas shall be required to meet the setback requirements established for accessory buildings, measured from the property line to the edge of the antenna at the closes point of its arc. The determination as to whet her or not it is technologically feasible to place the antenna in the rear yard shall be made by the Codes Enforcement Division.

(2) Mounted parabolic or satellite dish-type antennas shall be designed, constructed, and erected in accordance with the adopted minimum wind loading and other construction standards adopted by the City of Pittsburgh, as amended. Parabolic and satellite dish-type antennas may be roof mounted, provided the antenna is to the rear of the center point of the main building, the antenna does not exceed six (6) feet in diameter, and the applicant provides the Codes Enforcement Division with an architect's or engineer's certification of the structural integrity and soundness of the mount and the roof.

(3) Parabolic and satellite dish-type antennas shall not exceed a maximum of thirteen (13) feet in diameter.

(4) The height of a parabolic and satellite dish-type antenna, when mounted, shall not exceed the height of the main building. The height shall be measured from the ground level at the foundation to the highest point of the antenna's arc.

(5) All cables and lines serving the parabolic and satellite dish-type antennas shall be located underground, except when they are roof mounted or structurally connected to the main building.

(6) A parabolic and satellite dish-type antenna may be mounted or placed within a residential district temporarily for demonstration without complying with the above provided the display or demonstration antenna shall not remain at the location more than seven (7) consecutive days.

c. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation if operated within the confines of the premise and so as not to be a nuisance to adjoining properties in accordance with Section 30-106. (Sec 10, Ord G-811, 7/31/98)

d. Home occupations such as, but not limited to, the following:

Accountant

Architect

Artist  
Attorney  
Author or writer  
Chiropractor  
Clergyman  
Cosmetologist  
Counselor  
Dentist  
Engineer

Insurance Agent  
Osteopath  
Photographer  
Physician  
Planner  
Real Estate Agent  
Salesman  
Seamstress/Dressmaker  
Secretary/Typist

Home crafts

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

- (1) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
- (2) That no person other than members of the household living on the premises and one (1) outside person shall be employed.
- (3) That only one non-illuminated wall sign not more than 4 square feet in area is used to advertise the home occupation. (Sec 10, Ord G-811, 7/31/98)
- (4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.
- (5) That no equipment or machine is used in such activities that are perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
- (6) If a product is made as part of the home occupation only, it may be sold. (Sec 10, Ord G-811, 7/31/98)
- (7) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

2. In Districts "RP-3" Planned Medium Density Residential and "RP-4" Planned Apartment House, only the following accessory uses are allowed:

- a. Accessory buildings and uses commonly associated with multi-family residential activity, including, but not limited to, the following:

Accessory off-street parking and loading spaces  
Fences and walls  
Flag poles  
Gates or guard houses  
Maintenance buildings for the complex  
Parabolic and satellite dish-type antennas under one (1) meter in diameter (Sec 10, Ord G-811, 7/31/98)

Play equipment  
 Power generators  
 Recreation areas and buildings, clubhouses  
 Swimming pools  
 Television and radio receiving antennas less than 50 feet in height  
 Trash collection centers  
 Vending machines, mail rooms and laundry facilities in common areas

- b. Parabolic or satellite dish-type antennas over one (1) meter in diameter subject to the provisions of Section 30-108(1)(b). (Sec 10, Ord G-811, 7/31/98)
- c. Home occupations such as, but not limited to, the following:

Accountant	Home crafts
Architect	Insurance Agent
Artist	Osteopath
Attorney	Photographer
Author or writer	Physician
Chiropractor	Planner
Clergyman	Real Estate Agent
Cosmetologist	Salesman
Counselor	Seamstress/Dressmaker
Dentist	Secretary/Typist
Engineer	

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

- (1) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
- (2) That no person other than members of the household living on the premises and one (1) outside person shall be employed.
- (3) That only one non-illuminated wall sign not more than 4 square feet in area is used to advertise the home occupation. (Sec 10, Ord G-811, 7/31/98)
- (4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.
- (5) That no equipment or machine is used in such activities that are perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
- (6) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

- d. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation if operated within the confines of the premise and so as not to be a nuisance to adjoining properties in accordance with Section 30-106. (Sec 10, Rod G-811, 7/31/98)
3. In the "UO" University Overlay District, only the following accessory uses are allowed:
- a. For university uses, those accessory uses commonly associated with the university.
  - b. For all other uses, the accessory uses herein allowed for the underlying district.
4. In Districts "CP-0" Planned Commercial Office, "CP -1" Planned Neighborhood Commercial, "CP-2" Planned General Commercial, "CP-3" Planned Highway Commercial, and "CP-4" Planned Central Business District, only the following accessory uses are allowed:
- a. Awnings, subject to the restrictions in Section 27-105(2) (c).
  - b. Parking areas, loading areas, and/or private garages for motor vehicles.
  - c. Exterior lighting, including floodlighting.
  - d. Radio, television, and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.
  - e. Fences or walls, including security or screen fences or walls.
  - f. Flagpoles, cooling towers and other similar uses.
  - g. Food service and vending machines for tenants.
  - h. Solar collectors.
  - i. Parabolic and satellite dish-type antennas.
  - j. Washing and other motor vehicle cleaning shall be permitted as an accessory use in service stations, provided such washing and cleaning shall not utilize more than two car stalls or more than 30 percent of the floor area in any one station, shall be  
  
a part of the main building, shall not be equipped to handle anything larger than a one ton truck, and shall not be open for use during hours when the service station is closed. Such washing and cleaning operation shall utilize the same entrance drives as the service station and may use coin-operated or attendant-operated equipment, but not continuous line or conveyor type washing equipment.
  - k. Material storage yards, in connection with retail sales of products sold on the premises, where storage is incidental to the approved occupancy of a building, provided all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall, fence or hedge no less than 6 feet in height. Storage of all materials and equipment shall not exceed the height of said wall or fence. Storage of motor vehicles used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment such as road-building or excavating equipment.

5. In Districts "IP-1" Planned Light Industrial, "IP-2" Planned Medium Industrial, "IP-3" Planned Heavy Industrial, and "AP" Planned Airport Industrial, only the following accessory uses are allowed:
  - a. Awnings, subject to the restrictions in Section 27-105(2)(c).
  - b. Parking areas, loading areas and/or private garages for motor vehicles.
  - c. Exterior lighting, including floodlighting.
  - d. Fences or walls, including security or screen fences or walls.
  - e. Loading equipment.
  - f. Parabolic and satellite dish-type antennas.
  - g. Radio, television and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.
  - h. Gate houses.
  - i. Employee recreation facilities.
6. In the "AO" Airport Overlay District, only the following accessory uses are allowed:
  - a. For airport uses, those accessory uses commonly associated with the airport.
  - b. For all other uses, the accessory uses herein allowed for the underlying district.

### **30-109 Specialty Accessory Uses:**

The following uses, activities, or items shall be the accessory uses or restrictions allowable:

1. **Hotels, Motels, Motor Hotels:**

The following are accessory uses within a hotel, motel or motor hotel:

Restaurant  
Health clubs, spas and exercise rooms  
Clubs  
Drinking establishments  
Banquet rooms

Notion counters  
Newspaper and magazine counters  
Vending machines  
Arcades  
Beauty and barber shops  
Flower and gift shops  
Swimming pools

Provided all except swimming pools are within the main building and designed to serve the occupants and patrons of the hotel, motel or motor hotel.

2. **Hospitals:**

The following are accessory uses within a hospital:

Residential quarter for staff and employees  
Nursing and convalescent quarters  
Storage and utility buildings  
Food service and vending machines  
Laundry and dry cleaning pickup and delivery  
Flower and gift shops  
Other similar services for hospital personnel, visitors and patients

3. **Construction Sites:**

- a. Construction and hauling trailers may be used as a temporary construction office on the site of a construction project, provided such construction or hauling trailer is removed upon completion of the project.

4. **Recreational Vehicles and Trailers:**

- a. Recreational vehicles may be parked in a trailer park or a recreational vehicle campground. Recreational vehicles or equipment may also be stored within any "R-1A", "R-1B", "R-1C", "R-2", "RP-3", "RP-4", "CP-0" and "CP -1" District, provided; said recreational vehicle or recreational equipment, as defined in this Ordinance, may be stored within an enclosed structure (which structure otherwise conforms to the requirements of this Ordinance), or may be permanently parked upon the private property of the premise if said recreational vehicle or recreational equipment is not parked within 10 feet of any curb line or roadway and does not interfere or impede travel on any public sidewalk or thoroughfare.
- b. At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes, except; a recreational vehicle permanently parked in compliance with this Ordinance may be occupied for sleeping purposes only, for a period not to exceed fourteen (14) consecutive calendar days in any three (3) month period. The Zoning Administrator may authorize an extension of time for extenuating circumstances upon receipt of a written request.
- c. A recreational vehicle or recreational equipment may be connected only to the electrical utility system. All other utilities and life support systems must be disconnected when said vehicle is permanently parked. Such connection must be in accordance with the National Electrical Code, and said connection must be available for inspection during regular business hours by the Building Official or his designated agent.
- d. The parking of recreational vehicles or recreational equipment shall be prohibited in the visibility triangle as defined in this Ordinance, nor shall they be parked or stored so as to hinder visibility of traffic.
- e. Recreational vehicles or recreational equipment shall not be parked on any public street or right-of-way for a period longer than 24 consecutive hours; except, however, light vans, light trucks, and light trucks having a slide-in camper not extending over the top of or wider than the truck cab, may park upon those streets where vehicle parking is otherwise permitted.
- f. The provisions of this Ordinance regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is located in the proper zoning district and licensed in accordance with City Codes.

5. **Fences or Walls:**

- a. Fences or walls may be constructed to a maximum height of eight (8) feet above the average grade subject to the restrictions of this Article. For all fences or walls greater than six (6) feet in height, where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained from the Code Enforcement Division. A fence permit shall also be required for the replacement or reconstruction of 50 percent (50%) or more of the linear feet of the entire existing fence. Any such replacement or reconstruction shall comply with all the provisions of this Article except setbacks. In determining the height of a fence, the material used in the fence posts shall not be considered.
- b. Fences or walls (including retaining walls) in any planned district shall be approved by the Planning Commission as part of the development plan prior to the issuance of any fence permit.
- c. Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.
- d. All fences or walls constructed prior to the adoption of this Ordinance which does not meet the standards of this Article may be replaced and maintained resulting in a fence the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in this Article.
- e. In all districts, the following restrictions and standards shall apply to all fences and walls:
  - (1) No fence shall be permitted in any easement of record.(Sec 2, Ord G-704, 2/12/93)
  - (2) Location.
    - (a) Front yard. A fence or wall not more than three (3) feet in height may project into or enclose any required front yard or side yard setbacks, except open wire fences which are ninety-five (95) percent open may be constructed to a height of four (4) feet.(Sec 2, Ord G-704, 2/12/93)
    - (b) Rear yard. A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. In the case of a double frontage lot whose rear yard abuts a collector or local street, a fence or wall may be constructed no closer than fifteen (15) feet to the rear property line.(Sec 2, Ord G-704, 2/12/93)
    - (c) Side yard. A fence or wall may be constructed on the side property line; provided, however, no fence on a corner lot over three (3) feet in height shall be closer than fifteen (15) feet to any collector or local street right -of-way, except open wire fences which are ninety-five (95) percent open may be constructed to a height of four (4) feet. (Sec 2, Ord G-704, 2/12/93)

- (d) Corner lot. A fence or wall not more than three (3) feet in height may project into or enclose any required front or side yard setbacks along the street frontage of the lot, except open wire fences which are ninety-five (95) percent open may be constructed to a height of four (4) feet.(Sec 2, Ord G-704, 2/12/93)

(3) Design Standards.

- (a) All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.
- (b) All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one (1) gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing.
- (c) All fences shall be constructed with materials that are decorative in nature. Generally acceptable fencing materials include, but are not limited to, the following:
  - 1. Wrought iron
  - 2. Picket
  - 3. Split rail
  - 4. Chain link
  - 5. Masonry
  - 6. Wood
  - 7. Composite and/or Vinyl
  - 8. Other decorative materials approved by the Building Official.

Specifically prohibited are fences constructed with materials commonly defined as "chicken wire" or similar nature.

- f. Spiked and Barbed Wire Fences. No person shall place or permit to be placed on any fence or wall, any spikes or sharp pointed cresting, or any barbed wire, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith' EXCEPT that such fences will be allowed under the following circumstances:
  - (1) Spiked or barbed wire placed not less than six (6) feet above grade and not within five (5) feet of a sidewalk, alley, or street right-of-way, when used as part of a security fence in other than a residential district; or
  - (2) Land used for agricultural purposes when not adjacent to property developed, used, or zoned for residential purposes.
- g. Electric Fences. No person shall erect a fence containing uninsulated electric conductors that may be exposed to human contact anywhere within the City.
- h. Swimming pools. Private swimming pools having a water depth of two (2) feet or more shall be separated from the remainder of the yard by a protective fence of other permanent structure at least four (4) feet in height. The protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person.

### **30-110 Accessory Building or Structure Use:**

No accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced. No accessory building or structure shall be used unless the main building or structure on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

**ARTICLE 31**  
**MOBILE HOME PARK STANDARDS**

<b>31-101 PURPOSE:</b> .....	<b>179</b>
<b>31-102 USE REGULATIONS:</b> .....	<b>179</b>
<b>31-103 DEVELOPMENT PLAN APPROVAL AND MOBILE HOME PARK PERMIT</b>	
<b>PROCEDURES:</b> .....	<b>179</b>
<b>31-104 LOT AREA AND YARD REQUIREMENTS:</b> .....	<b>181</b>
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<b>31-106 STRUCTURAL QUALITY OF MOBILE HOMES:</b> .....	<b>183</b>
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**31-101 Purpose:**

The standards, regulations and restrictions set forth in this Article are the standards, regulations and restrictions for Mobile Home Parks as authorized in Article 30. These standards, regulations and restrictions are intended to accommodate the grouping of mobile home sites for use under a rental or lease arrangement. The planning requirements in this Article are intended to provide a safe and healthful living environment and to assure the mutual compatibility of Mobile Home Parks with adjoining land uses.

**31-102 Use Regulations:**

Whenever a Conditional Use Permit has been granted under the provisions and procedures outlined in Article 30 authorizing a Mobile Home Park, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered within the land or premises so authorized as a Mobile Home Park, except for one or more of the following uses:

1. Mobile homes located in Mobile Home Parks used exclusively for single-family occupancy.
2. Residential-design manufactured homes. (Sec 1, Ord G-686, 5/29/92)
3. Service buildings common to Mobile Home Parks which provide laundry facilities, sanitary facilities, recreational facilities, park management buildings, maintenance buildings and community buildings.
4. No part of any Mobile Home Park shall be used for nonresidential purposes except such uses that are required for the direct servicing and well-being of Park residents and for management and maintenance of the Park. However, this shall in no way prohibit the sale by the owner of a mobile home affixed to a mobile home pad and connected to the appropriate utilities.

**31-103 Development Plan Approval and Mobile Home Park Permit Procedures:**

The construction, alteration or extension of any Mobile Home Park shall not be permitted unless a Mobile Home Park permit has been issued by the Zoning Administrator in the name of the person proposing the specific construction, alteration or extension. No permit for a

Mobile Home Park shall be issued until the site plan has been approved as a part of the Conditional Use Permit process and the proposed construction, alteration or extension is in compliance with the terms of this Article.

**1. Development Plan Approval:**

Application for a Conditional Use Permit for a Mobile Home Park and development plan approval shall be made in accordance with the procedures outlined in Article 30 of this Ordinance. The application shall include a development plan prepared at a scale of 1"=100' and shall include, either displayed on or attached to the development plan and in addition to the information required in Article 23, the following information:

- a. Name and address of the owner/applicant.
- b. Location and legal description of the Mobile Home Park.
- c. Topographic survey of the property with contour intervals of 2 feet, natural features and existing utilities.
- d. The area and dimensions of the tract of land proposed for the Mobile Home Park.
- e. The number, location and dimensions of all mobile home lots, including proposed setbacks of mobile homes from the Park's exterior property lines and setbacks on individual lots; location of riser pipes and other utility hookups.
- f. The location and width of roadways and walkways.
- g. The number, location and size of all parking stalls and parking areas.
- h. Plans for the water supply, refuse and sewage disposal facilities, electrical service and gas service.
- i. The location of water, sewer, gas, electrical, and other utility lines and easements protecting these utilities.
- j. Plans for controlling surface drainage.
- k. The location of recreation areas, storage areas, laundry areas, and other facilities and/or service buildings common to the Mobile Home Park.
- l. The location and description of the lighting system.
- m. Plans for screening through the use of plant material, fencing and other landscaping structures and features.
- n. Other information as may be requested by the Planning Commission or the Governing Body.

The Planning Commission shall review the development plan as part of the review of the Conditional Use Permit request, and shall either approve or deny the development plan, or may request modifications to the development plan as are deemed necessary to carry out the spirit and intent of this Article.

**2. Application for a Mobile Home Park Permit:**

Application for a Mobile Home Park permit to construct, alter or extend any Mobile Home Park shall be made to the Zoning Administrator. The application shall be accompanied by the following information:

- a. Engineering plans and specifications of the water supply and distribution system approved by the water supplier, or the documentation for the proposed individual water supply system.
- b. Plans and specifications for the proposed on-site wastewater disposal systems, including location plans for each proposed lot for said systems and their relationship to any proposed on-site water wells.
- c. Plans and specifications for the lighting and electrical systems.
- d. Plans and specifications for gas lines.
- e. Plans and specifications for streets.

All review comments regarding engineering aspects from the Crawford County Health Department, Kansas State Department of Health and Environment, City Engineer and other appropriate persons and agencies shall be directed to the Zoning Administrator. The Zoning Administrator shall issue a Mobile Home Park permit when he or she is assured that the construction, alteration or extension shall be in compliance with the site plan as approved by the Governing Body and the provisions of this Article. No Mobile Home Park permit shall be issued for the alteration or extension of an existing Mobile Home Park, whether same is conforming or nonconforming to this Ordinance, unless the entire Mobile Home Park is brought to the standards established in this Ordinance.

### **31-104 Lot Area and Yard Requirements:**

The location of mobile homes, common facilities and service buildings should be arranged within the Mobile Home Park in a manner which provides optimum open space and accessibility and compatibility of uses. Likewise, the size and orientation of individual lots within a Mobile Home Park should be designed to provide maximum outdoor living area and a compatible relationship between the mobile home, parking, storage building area, utility corridor and outdoor living space. The following minimum requirements shall be observed in all Mobile Home Parks:

#### **1. Mobile Home Park:**

- a. Size: A Mobile Home Park shall be at least 5 acres.
- b. Density: A Mobile Home Park shall not be developed at a gross density greater than seven (7) mobile homes for every one (1) net acre of land, excluding road rights-of-way and common open spaces within the Mobile Home Park.
- c. Yard Requirement: No part of any mobile home or other building or structure shall be located within 50 feet of any public road right-of-way, nor within 25 feet of any exterior property line of the Mobile Home Park.

#### **2. Individual Mobile Home Lot:**

- a. Lot Area: Each mobile home lot to be occupied by a single-wide unit shall consist of at least 4,500 square feet, with a minimum width of 45 feet and a minimum length of 100 feet. Each mobile home lot to be occupied by a double-wide unit shall consist of

at least 5,000 square feet, with a minimum width of 55 feet and a minimum length of 90 feet.

- b. **Front Yard:** Each lot shall have a front yard of at least 20 feet measured from the edge of the pavement to the closest point of the lower face of the mobile home. The front yard may be reduced to 10 feet when on-street parking is provided along the same side of the street.
- c. **Side Yard:** Each lot shall have a side yard. A minimum of 5 feet shall be allowed on one side of the lot, provided a minimum of 25 feet shall be maintained between mobile homes on adjoining lots.
- d. **Rear Yard:** Each lot shall have a rear yard of at least 15 feet.
- e. **Maximum Height:** No mobile home or other building or structure shall exceed 20 feet in height.

### 31-105 Performance Standards:

Minimum requirements pertaining to structural, design, utility service, and maintenance features within a Mobile Home Park shall be as follows:

1. **Utilities:** Sanitary sewer and water facilities shall be provided for each lot within the Mobile Home Park. All mobile homes within the Mobile Home Park shall be served by a central water supply adequate to provide fire protection by hydrants, and by a public sanitary sewer system.

All utility lines shall be placed underground and there shall be no overhead wires or support poles except those required for street or other lighting purposes.

2. **Streets:** All internal streets shall be asphalt or concrete surface and shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks, holes and other hazards by the Mobile Home Park management. All internal streets shall be owned and maintained by the owner of the Mobile Home Park. Grades of all streets shall be sufficient to insure adequate surface drainage. Grades shall not exceed 8 percent.

Minimum pavement widths shall be as follows:

- a. Entrance streets and all other streets with parking allowances on both sides of the street shall be a minimum of 42 feet in width.
  - b. Streets with parking allowance on one side only shall be a minimum of 32 feet in width.
  - c. Streets with no parking allowance shall be a minimum of 24 feet in width.
3. **Mobile Home Pad:** Concrete runners shall be provided on every mobile home lot to accommodate the mobile home and its attached accessory structures. The runners shall be constructed to provide anchoring facilities for the placement and tie-down of the mobile home to secure it against accidental uplift, sliding, rotation and over-turning shall be installed before any mobile home is occupied.
  4. **Recreation:** One or more recreation areas shall be provided within every Mobile Home Park. The size of such recreation area(s) shall not be less than 10 percent of the gross area of the Mobile Home Park and shall be located so as to be easily accessible to all

Park residents. Recreation areas shall be maintained by the Park management and may include space for community building(s) and community use facilities such as indoor recreation, meeting rooms and similar uses.

5. **Parking:** Adequate parking shall be provided for the use of Park residents and guests. Each mobile home lot shall have parking for at least two (2) motor vehicles. The parking spaces may be provided on-street or off-street. A parking space shall be a minimum of 9 feet by 19 feet.
6. **Skirting:** Skirting of a durable type of material and construction shall be installed on each mobile home to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home pad. Such skirting shall be constructed of noncombustible material consistent with the exterior surface of the mobile home and maintained in a manner to enhance the appearance of the Mobile Home Park.
7. **Screening:** Effective screening shall be provided along the boundary lines of the Mobile Home Park to serve as a buffer through the use of plantings, berms or other landscaping features.
8. **Lighting:** Adequate lighting shall be provided for all streets, walkways, service buildings and other facilities subject to nighttime use.
9. **Common Storm Safety Facility:** A common storm safety facility capable of providing adequate shelter from severe weather for all Mobile Home Park residents shall be provided.
10. **Storage Lot:** All Mobile Home Parks shall have an area or areas set aside for the storage of boats, boat trailers, hauling trailers, motor vehicles, snowmobiles, and other equipment for seasonal or periodic use to be non-commercially operated and for the exclusive use of residents of the Mobile Home Park. Such items listed above shall not be stored upon a mobile home lot nor upon the streets within a Mobile Home Park. Storage lots shall be screened in accordance with Section 31-105(7) herein.
11. **Lot Identification:** Each mobile home lot within the Mobile Home Park shall be numbered in an orderly fashion and in a secure and consistent manner throughout the Mobile Home Park. The lot number shall be displayed on the lot and be visible at all times. All items listed above shall comply, where applicable, with all other rules and regulations governing any portion of the development of said Mobile Home Park.

### **31-106 Structural Quality of Mobile Homes:**

All mobile homes proposed to be placed in Pittsburg, Kansas, shall have been manufactured after September 1, 1973, and the owner must show verification of such to the Zoning Administrator to assure said Administrator of compliance with K.S.A. 75-1214, as amended, and this Ordinance.

### **31-107 Penalty for Noncompliance:**

Failure on the part of a Mobile Home Park owner and/or operator to comply with the provisions and standards of this Article shall make said owner and/or operator subject to the penalties outlined in Article 38 of this Ordinance

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**ARTICLE 32**  
**MOBILE HOME SUBDIVISION STANDARDS**

<b>32-101 PURPOSE:</b> .....	<b>185</b>
<b>32-102 USE REGULATIONS:</b> .....	<b>185</b>
<b>32-103 SUPPLEMENTARY USE REGULATIONS:</b> .....	<b>185</b>
<b>32-104 DEVELOPMENT PLAN APPROVAL AND PLATTING PROCEDURES:</b> .....	<b>186</b>
<b>32-105 LOT, AREA AND YARD REQUIREMENTS:</b> .....	<b>187</b>
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<b>32-107 STRUCTURAL QUALITY OF MOBILE HOMES:</b> .....	<b>188</b>

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**32-101 Purpose:**

The regulations, restrictions, requirements and standards set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations, restrictions, requirements and standards for Mobile Home Subdivisions as authorized in Article 30 of this Ordinance by the issuance of a Conditional Use Permit. A Mobile Home Subdivision is intended to accommodate mobile homes on legally subdivided lots deeded to individual property owners. The planning requirements of this Article are intended to provide a safe and healthful living environment and to assure the mutual compatibility of mobile home subdivisions with adjoining land uses.

**32-102 Use Regulations:**

In a Mobile Home Subdivision established with a Conditional Use Permit as authorized in Article 30 of this Ordinance, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered within said Mobile Home Subdivision, except for one or more of the following uses:

1. Mobile homes used exclusively for single-family occupancy and in accordance with the provisions of these Articles.
2. Residential-design manufactured homes. (Sec 1, Ord G-686-5/29/92)
3. Service buildings, recreational facilities, maintenance buildings, community buildings and similar uses and buildings which exclusively serve the Mobile Home Subdivision when held in common ownership by the property owners within the Mobile Home Subdivision through a homeowners association or other similar organization.
4. Any use permitted or authorized in the "R-1B" Single-Family Residential District.

**32-103 Supplementary Use Regulations:**

The Supplementary Uses, including permitted Accessory Uses, shall be the same as permitted or authorized for the "R-1B" Single-Family Residential District as found in Article 30 of this Ordinance.

### **32-104 Development Plan Approval and Platting Procedures:**

The construction, alteration or extension of any Mobile Home Subdivision shall not be permitted unless a development plan has been approved as part of the approval of the Conditional Use Permit and unless the property in question has been platted in accordance with the Pittsburg Subdivision Ordinance.

#### **1. Development Plan Approval:**

Application for a Conditional Use Permit for a Mobile Home Subdivision and development plan approval shall be in accordance with the procedures outlined in Article 30 of this Ordinance. The application shall include a development plan prepared at a scale of 1" = 100' and shall include, either displayed on or attached to the development plan and in addition to the information required in Article 23, the following information:

- a. The number, location and size of the owner / applicant.
- b. Location and legal description of the Mobile Home Subdivision.
- c. Topographic survey of the property with contour intervals of 2 feet, natural features and existing utilities.
- d. The area and dimensions of the tract of land proposed for the Mobile Home Subdivision.
- e. The number, location and dimensions of all mobile home lots, location of riser pipes and/or other utility hookups.
- f. The location and width of all streets and walkways.
- g. The number, location and size of all parking stalls and parking areas.
- h. Plans for the water supply, refuse and sewage disposal facilities, electrical service and gas service.
- i. The location of water, sewer, gas, electrical, and other utility lines and easements protecting these utilities,
- j. Plans for controlling surface drainage.
- k. The location of recreation areas, storage areas, laundry areas, and any other facilities and service buildings common to the Mobile Home Subdivision.
- l. The location and description of the lighting system.
- m. Plans for screening through the use of plant materials, berming or other landscaping structures and/or features.
- n. Other information as may be requested by the Planning Commission or the Governing Body.

The Planning Commission shall review the development plan as part of the review of the Conditional Use Permit request, and shall either approve or deny the development plan, or may request modifications to the development plan as are deemed necessary to carry out the spirit and intent of this Article.

## **2. Platting Requirements:**

The construction, alteration or extension of any Mobile Home Subdivision shall be subject to the provisions and requirements of the Pittsburg Subdivision Ordinance. No mobile home shall be permitted in a Mobile Home Subdivision until a final plat has been approved in accordance with said Subdivision Ordinance, after the approval of a Conditional Use Permit in accordance with Article 30 of this Ordinance. For the purpose of the Subdivision Ordinance, the development plan of the Mobile Home Subdivision may represent the preliminary plat and approval of the development plan shall constitute approval of the preliminary plat. No additional fees will be required when the above rule is applied for a development plan/preliminary plat of a Mobile Home Subdivision, however, all final plat requirements of the Pittsburg Subdivision Ordinance must be complied with.

## **32-105 Lot, Area and Yard Requirements:**

The location of mobile homes, common facilities and service buildings should be arranged within the Mobile Home Subdivision in a manner which provides optimum open space, accessibility and compatibility of uses. Likewise, the size and orientation of individual lots within a Mobile Home Subdivision should be designed to provide maximum outdoor living area and a compatible relationship between the mobile home, parking, storage building area, utility corridor and outdoor living space. The following minimum requirements shall be observed in a Mobile Home Subdivision:

### **1. Mobile Home Subdivision:**

- a. Density: A Mobile Home Subdivision shall not be developed at a gross density greater than 1 mobile home lots per 7,000 square feet, excluding road rights-of-way and common open spaces.

### **2. Individual Mobile Home Lot:**

- a. Lot Area: Each lot shall consist of at least 7,000 square feet.
- b. Front Yard: Each lot shall have a front yard of at least 30 feet measured from the front lot line to the closest point of the face of the mobile home or any accessory structure.
- c. Side Yard: Each lot shall have a side yard of at least 5 feet on both sides of the mobile home.
- d. Rear Yard: Each lot shall have a rear yard of at least 20 feet.
- e. Maximum Height: No mobile home or accessory building shall exceed 35 feet and/or 2-1/2 stories in height.

## **32-106 Performance Standards:**

Design and construction standards for streets and all utilities, except water and sewage disposal, shall comply with the Pittsburg Subdivision Ordinance. Additional minimum requirements pertaining to structural, design, utility service and maintenance features within the Mobile Home Subdivision shall be as follows:

1. **Utilities:** All mobile homes within the Mobile Home Subdivision shall be served by a public water supply. All mobile homes within the Mobile Home Subdivision shall be served by a public sanitary sewer system.

2. **Streets:** All internal streets within the Mobile Home Subdivision shall comply with the requirements of the Pittsburg Subdivision Ordinance.
3. **Mobile Home Pad:** Concrete runners shall be provided on every lot occupied by a mobile home to accommodate the mobile home and its attached accessory structures. The runners shall be constructed to provide anchoring facilities for the placement and tie-down of the mobile home to secure it against accidental uplift, sliding, rotation and over-turning shall be installed before any mobile home is occupied.
4. **Parking:** Adequate parking shall be provided for the use of subdivision residents and guests. Each lot within the subdivision shall have off-street parking space for at least two (2) motor vehicles. Each parking space shall be a minimum of 9 feet by 19 feet.
5. **Skirting:** Skirting of a durable type of material and construction shall be installed on each mobile home to enclose the open space between the bottom of the mobile home floor and the grade level of the mobile home site. Such skirting shall be constructed of noncombustible material consistent with the exterior surface of the mobile home and maintained in a manner to enhance the appearance of the Mobile Home Subdivision. This rule shall not apply if the mobile home is placed on a permanent foundation on the mobile home lot.
6. **Screening:** Effective screening shall be provided along the boundary lines of the Mobile Home Subdivision to serve as a buffer through the use of plantings, berms or other landscaping features.
7. **Lighting:** Adequate lighting shall be provided for all streets, walkways, service buildings and other facilities subject to nighttime use.

All items previously cited, and any other issue concerning the placement of the mobile home, shall comply, where applicable, with all other rules and regulations governing any portion of the development of the Mobile home Subdivision.

### **32-107 Structural Quality of Mobile Homes:**

All mobile homes proposed to be placed in Pittsburg, Kansas, shall have been manufactured after September 1, 1973, and the owner must show verification of such to the Zoning Administrator to assure said Administrator of compliance with K.S.A. 75-1214, as amended, and these Regulations.

**ARTICLE 33**  
**NONCONFORMING USES**

<b>33-101 NONCONFORMING LOTS OF RECORD:</b>	<b>189</b>
<b>33-102 NONCONFORMING USE OF LAND:</b>	<b>190</b>
<b>33-103 NONCONFORMING USE OF STRUCTURES:</b>	<b>190</b>
<b>33-104 DISCONTINUANCE OF NONCONFORMING USES:</b>	<b>190</b>
<b>33-105 DESTRUCTION OF A NONCONFORMING USE:</b>	<b>190</b>
<b>33-106 INTERMITTENT USE:</b>	<b>191</b>
<b>33-107 EXISTENCE OF A NONCONFORMING USE:</b>	<b>191</b>

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**33-101 Nonconforming Lots of Record:**

**1. In Residential Districts:**

- a. In any residential district, notwithstanding the regulations imposed by any other provision, a single-family detached dwelling which complies with the restrictions in Section 33-101-1.b., below, may be erected on a lot that is not less than 25 feet in width and that consists entirely of a tract of land that:
  - (1) Has less than the prescribed minimum lot area, width or depth, or all three, and,
  - (2) Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations, and,
  - (3) Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable zoning regulation or regulations.
- b. Construction permitted by Section 33-101-1.a., above, shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings in the zoning district in which the lot in question is located; provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:
  - (1) The dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling.
  - (2) The sum of the widths of the two side yards on each lot shall be not less than the smaller of:
    - (a) Twenty-five percent of the width of the lot, or
    - (b) The minimum total for both side yards prescribed by the bulk regulations for said zoning district, and,
    - (c) No side yard shall be less than 10 percent of the width of the lot, and in no case less than 3 feet.

- c. In any residential district allowing a two-family dwelling, said two-family dwelling may be erected on a lot that is not less than 25 feet in width when the conditions specified in Section 33-101-1 (a) and (b) above are met.

**2. In Districts Other Than Residential Districts:**

- a. In any district other than a residential district, notwithstanding the regulations imposed by any other provision of this Ordinance, a building designed for any permitted use may be erected on a lot of the type described in Section 33-101-1.a., previously cited.
- b. Construction permitted by Section 33-101-1.a., previously cited, shall comply with all the regulations (except lot area, width and depth) applicable in the zoning district in which the lot in question is located.

**33-102 Nonconforming Use of Land:**

Where open land is being used as a nonconforming use at the time of the enactment of this Ordinance, and such use is the principal use and not accessory to the main use conducted in a structure, such use may be continued; provided, such nonconforming use shall not be extended or enlarged, either on the same or adjoining property. The protection afforded to nonconforming use of land by this section applies only to such land held under ownership or lease agreement for said activity on or before the effective date of this Ordinance, but shall not apply to new lands purchased or leased after said date. In addition, said protection shall not apply to any activities not legal under the terms of the regulations which this Ordinance replaces.

**33-103 Nonconforming Use of Structures:**

Except as otherwise provided herein, the lawful use of a structure existing at the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. The nonconforming use of a structure may be hereafter extended throughout those parts of a structure which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this Ordinance.

**33-104 Discontinuance of Nonconforming Uses:**

No land or structure or portion thereof used in whole or in part for a nonconforming use which remains idle or unused for a continuous period of six months, whether or not the equipment, fixtures, improvements or facilities are removed, shall again be used except in conformity with the regulations of the district in which such land or structure is located.

**33-105 Destruction of a Nonconforming Use:**

No structure which has been damaged by any cause whatsoever to the extent of more than 50 percent of the fair market value of the structure, immediately prior to damage, shall be restored except in conformity with the provisions of this Ordinance, and all rights as a nonconforming use are terminated. If a structure is damaged by less than 50 percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided, that such repairs or reconstruction be substantially completed within 12 months or the date of such damage.

### **33-106 Intermittent Use:**

The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

### **33-107 Existence of a Nonconforming Use:**

Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board.

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**ARTICLE 34**  
**THE BOARD OF ZONING APPEALS**

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**34-101 Procedure:**

The Board of Zoning Appeals shall administer the details of the application of this Ordinance in accordance with the general rules set forth herein. The Board may adopt rules and regulations as it may deem necessary to effectuate the provisions of this Ordinance.

**34-102 Powers:**

The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance.
2. To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance.
3. In accordance with the specific provisions of this Article, to authorize upon appeal of specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

**34-103 Variances:**

The Board of Zoning Appeals shall have the power to grant the following variances:

1. A variation in the yard requirements in any district so as to relieve practical difficulties or particular hardships in cases, when and where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the enactment of such regulations or restrictions or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of such piece of property, the strict application of each regulation or restriction would result in peculiar and exceptional

practical difficulties to, or exceptional hardship upon the owner of such property. Such grant or variance shall comply, as nearly as possible, in every respect with the spirit, intent and purpose of the zoning regulations, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice. Such variance shall be granted only when public safety and welfare are secured and substantial justice done.

2. A request for a variance may be granted in such case, upon a finding by the board that ALL of the following conditions have been met:
  - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner(s) or of the applicant;
  - b. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
  - c. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
  - d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and;
  - e. That granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

### **34-104 Special Exceptions:**

In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of this Ordinance as an instrument for fact finding, interpretation, application, and adjustment, and to supply the necessary elasticity to its efficient operation, special exceptions are hereby permitted by the terms of this Article. The following buildings and uses may be allowed as special exceptions if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exceptions will not have an adverse affect on adjacent and neighboring property permitted by this Ordinance: (Sec 11, Ord G-811, 7/31/98)

1. A nonconforming commercial use to extend to the entire lot or a larger portion of the lot where there is now a commercial use on a portion of the lot.
2. A nonconforming commercial use on a lot between two lots which are used for commercial.
3. A nonconforming use now existing in any part of a building to be extended vertically or laterally to other portions of the building. In a building now occupied by a nonconforming commercial or industrial use, an additional use of the same classification in the remainder of the building.
4. The extension of an existing nonconforming building and the existing use thereof, upon the lot occupied by such building at the time of the passage of this Ordinance; or the erection of an additional building upon the lot owned at the time of the passage of this Ordinance by a nonconforming commercial or industrial establishment and which additional building is a part of such establishment.

5. Where a use district boundary line crosses a lot, a use of either classification on the whole lot within 100 feet of said district boundary line.
6. In any residential district, a private garage(s) and/or storage building(s) as an accessory building(s) for more than four motor vehicles and/or covering more than 900 square feet.
7. In any commercial district, residential use where it is accessory to the commercial use and within the same building. (Sec 11, Ord G-811, 7/31/98)
8. Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of this Ordinance where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of this Ordinance to relieve congestion in the streets would be best served by permitting such parking off the premises.

### **34-105 Special Yard and Height Exceptions:**

The following special yard exceptions, limited as to location and especially in locations described below in this section, are permitted by this Ordinance if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exception will not substantially affect adversely the uses of adjacent and neighboring property permitted by this Ordinance and provided such exceptions are approved by the Board:

1. An exception in the yard regulations on a lot where, on the adjacent lot, there is a front, side or rear yard that does not conform to the yard regulations.
2. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds.
3. An exception in the depth of the rear yard on a lot in a block where there are nonconforming rear yard conditions.
4. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths shall, for a building hereafter constructed or extended, be the required minimum front yard depth.

### **34-106 Guidelines for Conditions:**

Where, in this Ordinance, special exceptions are permitted, provided they are approved by the Board of Zoning Appeals, where the Board is authorized to decide appeals or approve certain uses, and where the Board is authorized to approve variances, such approval, decision, or authorization shall be limited by such conditions as the case may require, including, if necessary, any of the following specifications:

1. No outside signs or advertising structures except professional or directional signs.
2. Limitations of signs as to size, type, color, location or illumination.
3. Amount, direction, and location of outdoor lighting.
4. Amount and location of off-street parking and loading space.

5. Maintenance requirements including cleaning and painting of buildings, structures or facilities.
6. Type of roof (i.e., gable, flat, etc.).
7. Construction design and type of construction materials to be used.
8. Whether the buildings, if multiple buildings are proposed, can be connected or not.
9. Exit, entrance, door and window locations.
10. The type and amount of paving, landscaping, fencing, screening and other such features.
11. Hours of operation, including limitations on nighttime hours.
12. Limitations on structural alterations to existing buildings.
13. Plans for the control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
14. Such other conditions and/or limitations that are deemed necessary.

#### **34-107 Written Application Required:**

Written application for an appeal, a special exception, or a variance referred to in this Article shall be filed with the Board or its agent, upon forms and in a manner prescribed by the Board. Said application shall be submitted within 30 days of the action requiring said appeal, variance or special exception.

#### **34-108 Stay of Proceedings:**

Upon the application for an appeal of an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance, said appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the application for appeal has been filed with him, that by reason of facts stated in the certificate the stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed except by a restraining order which may be granted by the Board, or by a court of competent jurisdiction on application, on notice to the Zoning Administrator and on due cause shown.

#### **34-109 Public Hearing Required:**

The Board shall hold a public hearing on each application for an appeal, decision, variance or special exception. Applications for a variance or special exception must be accompanied with a certified list of property owners, and their addresses, within 200 feet of the property for which the variance or special exception is being sought. Notice of the time and place of the public hearing shall be published once in the official City paper not less than 20 days prior to the date of such public hearing. In addition, all property owners within 200 feet shall be notified by registered mail of such public hearing and be given an opportunity to attend and be heard regarding such application for a variance or special exception.

### **34-110 Findings and Records of Proceedings:**

The Board of Zoning Appeals shall hold the public hearing at such prescribed time and place and shall make its findings and determinations in writing within a reasonable time from the date of filing of the application, and shall forthwith transmit a copy thereof to the applicant. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, and shall keep records of its examinations and other official actions, which shall be a public record.

### **34-111 Lapse of Special Exceptions or Variances:**

After the Board of Zoning Appeals has approved a special exception or granted a variance, the special exception or variance so approved or granted shall lapse after the expiration of one year if no substantial construction or change of use has taken place in accordance with the plans for which such special exception or variance was granted, and the provisions of this Ordinance shall thereafter govern.

### **34-112 Decisions of the Board:**

In exercising the foregoing powers, the Board of Zoning Appeals, in conformity with the provisions of this Article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of the Board of Zoning Appeals may bring an action in the District Court of Crawford County, Kansas, to determine the reasonableness of any such order or determination.

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**ARTICLE 35**  
**ADMINISTRATION**

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**35-101 Enforcement:**

It shall be the duty of the Zoning Administrator to enforce the provisions of this Ordinance and to refuse to issue any permit for any building, or for the use of any premises, which would violate any of the provisions of this Ordinance. It shall also be the duty of all officers and employees of Pittsburg, Kansas, to assist the Zoning Administrator by reporting any seeming violation in new construction, reconstruction or land use. In case any building is erected, constructed, reconstructed, moved, altered, repaired or converted or any building or land is used in violation of this Ordinance, the Zoning Administrator is hereby authorized and directed to institute any appropriate action to put an end to such violation.

**35-102 Building Permit:**

No building, structure, or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of this Ordinance shall be occupied or used for any purpose; and no land vacant on the effective date of this Ordinance shall be used for any other purpose; and no use of any land or structure shall be changed to any other use, unless the Zoning Administrator certifies that the proposed use or occupancy complies with all the provisions of this Ordinance as part of the review of an application for a building permit with the City.

**35-103 Application for Building Permit:**

The application for a building permit shall be made on forms provided by the City.

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**ARTICLE 36**  
**SPECIAL EVENTS**

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**36-101 Purpose and Intent:**

The purpose and intent of this Article is to provide for the temporary use of land for special events in a manner consistent with its normal use and beneficial to the general welfare of the public. Furthermore, it is the intent of this Article to protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics, and the nature of the proposed use. Finally, it is the intent of this Article to preserve the public health, safety and convenience.

**36-102 Special Event Defined:**

The term "special event" shall mean a temporary, short-term use of land or structures, not otherwise included as a permitted or accessory use by this Zoning Ordinance, for one or more of the following types of activities:

1. Type 1. Fund-raising or non-commercial events for nonprofit religious, educational, or community service organizations; including any on-site signs and structures in conjunction with the event.
2. Type 2. Temporary banners attached to the wall of a building or placed across street rights-of-way.
3. Type 3. Promotional activities or devices intended to attract attention to a specific place, business, organization, event or district, such as signs, searchlights or balloons.
4. Type 4. Commercial activities intended to sell, lease, rent or promote specific merchandise, services or product lines, such as a tent sale, trade show, farmers market, Christmas tree sales, or product demonstration.
5. Type 5. Public events intended primarily for entertainment or amusement, such as concerts, festivals, carnivals, circuses or parades. The term "special event" shall not include amusement enterprises, garage sales at an individual residence, transient merchants, or off-site promotional signs.

**36-103 Special Events Not Requiring a Permit:**

Special events meeting the Type 1 definition are allowed without a Special Event Permit, provided all of the following performance standards are met:

1. The special event is conducted entirely on private property owned or leased by the sponsoring organization as a permanent facility.
2. Any structure use in conjunction with the special event shall meet all applicable yard setbacks, shall be the subject of a valid building permit, and shall be promptly removed upon cessation of the event.
3. The special event shall be restricted to hours of operation between 6:00 a.m. and 10:00 p.m., to a maximum duration of four (4) days, and to a maximum frequency for similar events of two (2) times per calendar year.

### **36-104 Special Events Subject to an Administrative Permit:**

Special events meeting the following standards may be issued a Special Event Permit administratively by the Zoning Administrator. In administering the provisions of this section, the Zoning Administrator shall be guided by applicable City policies as adopted by the Governing Body. Any applicant denied a Special Event Permit shall be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Governing Body.

1. Special events meeting the Type 2 definition may be permitted administratively by the Zoning Administrator, providing that all of the following performance standards are met:
  - a. An application is made and a fee paid in accordance with Section 36-106.
  - b. No more than one banner will be displayed when attached to the wall of a building.
  - c. The size and design of the banners will be appropriate given the size of the building to which they are attached and the character of the surrounding neighborhood.
  - d. The banner will be displayed for a maximum duration of fifteen (15) days per permit.
2. Special events meeting the Type 3 or Type 4 definition, and Type 1 events not meeting the standards of Section 36-103, may be permitted administratively by the Zoning Administrator subject to the prior review and approval of special arrangements for traffic and crowd control by the Chief of Police, Fire Chief, and Director of Public Works. No such administrative permit shall be issued unless all of the following performance standards are met:
  - a. An application is made and a fee paid in accordance with Section 36-106.
  - b. The special event will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
  - c. The activity shall not cause the overcrowding of parking facilities given anticipated attendance and the possible reduction in the number of available spaces caused by the event itself.
  - d. The special event shall not endanger the public health, safety, or welfare given the nature of the activity, its location on the site, and its relationship to parking and access points.
  - e. The special event shall not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, smoke, odor, glare, litter or visual pollution.

- f. Any structure used in conjunction with the special event shall meet all sight distance requirements, shall be the subject of a valid building permit, and shall be promptly removed upon the cessation of the event.
- g. The special event shall be conducted on private property in a commercial or industrial zoning district, except that nonprofit organizations may conduct events on any property where the property owner has granted the appropriate permission.
- h. The duration and hours of operation of the special event shall be consistent with the intent of the event and the surrounding land uses, but in no case shall the duration exceed ten (10) days.

### **36-105 Special Events Subject to Governing Body Approval:**

Any special event not meeting the criteria of Sections 36-103 or 36-104 may be granted a Special Event Permit by the Governing Body. Such permit may be subject to such conditions and safeguards as the Governing Body may deem necessary to protect the public health, safety and welfare. These conditions may include, but shall not be limited to:

- A. Restrictions on the hours of operation, duration of the event, size of the activity, or other operational characteristic.
- B. The posting of a performance bond to help ensure that the operation of the event and the subsequent restoration of the site are conducted according to Governing Body expectations.
- C. The provision of traffic control or security personnel to increase the public safety and convenience.
- D. Obtaining liability and personal injury insurance in such form and amount as the Governing Body may find necessary to protect the safety and general welfare of the community.

### **36-106 Application and Fee:**

- A. No Special Event Permit shall be issued until an application has been submitted to the Zoning Administrator and the appropriate fee paid. The application shall be made on forms provided by the Zoning Administrator, and shall be accompanied by the following items as applicable:
  - 1. A letter from the applicant describing the proposed event, the hours of operation, the duration of the event, anticipated attendance, and any structures, signs or attention-attracting devices used in conjunction with the event.
  - 2. A sketch plan showing the location of the proposed activities, structures and signs in relation to existing buildings, parking areas, streets and property lines.
  - 3. A letter from the property owner or manager, if different from the applicant, agreeing to the special event.

- B. Each application for a Special Event Permit shall be accompanied by an application fee, except that such fee shall be waived for any applicant registered with the State of Kansas as a nonprofit organization. The fee for Type 2 applications shall be \$10.00 and the fee for all other types of applications shall be \$25.00.
- C. The Special Event Permit shall be posted on the site for the duration of the event.

**ARTICLE 37**  
**AMENDMENTS**

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**37-101 Who May Petition or Apply:**

Applications for amendments, revisions or changes in the Zoning District Boundary Map in effect for Pittsburg, Kansas, or for a Conditional Use Permit, may be made by any person who owns the land for which such an amendment, revision, change or conditional use permit is sought, or by the owner's agent as defined by this Ordinance. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for said owner prior to any public hearing.

Recommendations for amendments, revisions or changes to the Zoning Ordinance or the Zoning District Boundary Map may also be made by the Planning Commission upon its own motion, for final determination by the Governing Body; likewise the Governing Body may amend the Zoning Ordinance or the Zoning District Boundary Map upon its own motion; provided, however, such proposed amendments shall first be submitted to the Planning Commission for recommendation and report as provided herein.

**37-102 Procedures for Consideration of Request for Amendments,  
Revisions or Changes:**

All applications or requests for amendments, revisions or changes to the Zoning Ordinance or the Zoning District Boundary Map or for a Conditional Use Permit shall be made to the Zoning Administrator on such forms as provided and acceptable to the Zoning Administrator and the payment of the application fee established by the Governing Body. Immediately upon receipt of an application for rezoning or conditional use by the owner of a particular tract of land, or his agent, and the payment of the appropriate fee, the Zoning Administrator shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than 60 days after receipt of a completed application. Notice of such hearing shall be published once in the official City newspaper at least 20 days prior to the date set for said hearing and a hearing shall be granted to any person at the time and place specified in such notice. In addition to such publication notice, notice of such proposed hearing shall be mailed to all the owners of land located within 200 feet of the area proposed to be altered at least 10 days prior to the hearing, thus providing an opportunity to all interested parties to be heard. Such notice shall be given by regular first class mail, and shall be in the form of a letter explaining the proposed change. Such mailed notices shall be addressed to the owners of land mentioned above and not to occupants of such lands. The applicant shall provide a certified list of the owners of said lands at the time of the filing of the application. The applicant shall furnish proof that he is the owner, the owner's agent, or has an option to buy the land described in the application, in which case the present owner must consent in writing to the application prior to the public hearing. In the case of an application to amend, revise or change the Zoning Ordinance, whether by an individual, the Planning

Commission or the Governing Body, all the above stated requirements shall be followed except:

1. No fee shall be required if the request is from the Planning Commission or the Governing Body.
2. Notice of the public hearing shall not be required to be mailed to all affected persons; therefore, a certified list of the owners of land shall not be required.

For action on zoning amendments, a quorum of the Planning Commission is more than one-half of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the Planning Commission; whereas a vote either for or against an amendment by less than a majority of all the members of the Planning Commission present constitutes a "failure to recommend."

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the Governing Body may either adopt such recommendation by ordinance or take no further action thereof, as appropriate. In the event the Planning Commission submits a "failure to recommend" to the Governing Body, the Governing Body may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the Governing Body disapproves, the Governing Body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval. The Planning Commission, after reconsidering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon receipt of such recommendations, the Governing Body may adopt or may revise or amend and adopt such recommendations by resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body within 10 days after receipt of the Governing Body's statement specifying disapproval, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The Planning Commission shall submit its first recommendation, in whatever form, no later than 3 months after the first public hearing.

If the zoning amendment shall affect the boundaries of any zone or district, the resolution of the Governing Body shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment and shall reincorporate such map as amended. Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or "fails to recommend," if a protest against an amendment, supplement or change is filed in the office of City Clerk within 14 days after the date of the conclusion of the public hearing duly signed and acknowledged by the owners of 20 percent or more of any property proposed to be rezoned, or by the owners of 20 percent or more of the total area, excepting public streets and highways, which is located within 200 feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by three-fourths majority vote of the Governing Body.

### **37-103 Posting of Sign:**

Each applicant for a rezoning and each applicant for a Conditional Use Permit shall, within 48 hours of filing such application, place a sign upon the lot, tract or parcel of land for which the application was filed. Said sign shall be furnished by the Zoning Administrator to the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereinafter set forth. Said sign shall read as follows:

REZONING PENDING  
(or)  
CONDITIONAL USE PERMIT PENDING  
Application Number \_\_\_\_\_  
From \_\_\_\_\_ To \_\_\_\_\_  
PUBLIC HEARING BEFORE THE  
PITTSBURG PLANNING COMMISSION  
on  
(date) on (time)

NOTE: Unauthorized Removal, Defacing, or Destruction  
of this Sign Punishable upon Conviction by  
Fine not exceeding \$100.00 and/or not more  
than thirty (30) days imprisonment.

Said sign shall be maintained and kept in place by the applicant until final disposition of such application, or until withdrawal of the application. The sign shall be removed by the applicant after final action on the application.

The bottom of said sign shall be a minimum of two (2) feet above the ground line. Said sign shall be placed within five (5) feet of the street right-of-way line, in a position on such lot, tract or parcel of land as to have no visual obstructions thereto and to be readily seen by passersby. If the lot, tract or parcel of land has more than one (1) street abutting thereto, signs shall be placed facing both streets. Failure to comply with this requirement shall not deprive the Planning Commission of its jurisdiction or affect any decision, but may be due cause for the Planning Commission to refuse to hear the application or to adjourn the hearing or to require further notice. Any such hearing may, for good cause at the request of the applicant, or in the discretion of the Planning Commission, be continued.

### **37-104 Traffic Studies:**

In the case of an application for rezoning of land or for a conditional use permit for a use which may, in the opinion of the Planning Commission or Governing Body, substantially change traffic patterns, or create traffic congestion, either the Planning Commission or Governing Body may require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such traffic study shall show that the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient manner and that no undue burden will be placed upon the existing public street system. The results of the traffic study shall be used in determining the impact of the proposed rezoning or conditional use permit and guide the development of a recommendation or decision regarding the same.

### **37-105 Limitations on Reapplication for Amendments:**

Whenever an application for amendment, supplement, change, rezoning or conditional use permit has been denied by the Governing Body, such application or one substantially similar shall not be reconsidered sooner than ninety (90) days after the said denial.

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**ARTICLE 38**  
**INTERPRETATION, CONFLICT, REMEDIES AND PENALTY**

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**38-101 Interpretation and Conflict:**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with, or abrogate or annul any easements, covenants or other agreement between parties; provided, however, that where this Ordinance impose a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern. If any property is not given a zoning classification on the Zoning District Boundary Map because of error or omission, such property shall be classified "R-1A" Single-Family Residential until changed by amendment, unless authorized by this Ordinance.

**38-102 Remedies Available:**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, moved, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of this Ordinance, the Zoning Administrator, City Attorney, or other appropriate authority of Pittsburg, Kansas, may, in addition to all other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of a building, structure or land.

**38-103 Penalty:**

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner of any building or premises or part thereof, where anything in violation of this Ordinance shall be placed, or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith, and who assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction thereof shall be subject to the same fine as hereinbefore provided.

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**ARTICLE 39**  
**MISCELLANEOUS**

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**39-101 Validity:**

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby repealed.

**39-102 Accrued Rights and Liabilities Saved:**

The repeal of the existing Zoning Ordinance provided in Section 39-105 herein shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said Ordinance or parts thereof. Said Ordinance below repealed is hereby continued in force and effect, after the passage, approval and publication of this Ordinance, for the purpose of such rights, fines, penalties, forfeitures, liabilities or actions thereof.

**39-103 Severability:**

Each article, section and subdivision or a section of this Ordinance are hereby declared to be independent of every other article, section, or subdivision or section, so far as inducement for the passage of this Ordinance is concerned.

**39-104 Effective Date:**

This Ordinance, being designated as the "Zoning Ordinance of Pittsburg, Kansas," shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3009 through 12-3012.

**39-105 Repealing Clause:**

This Ordinance repeals the existing Zoning Ordinance of Pittsburg, Kansas, in its entirety.

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**ARTICLE 40**  
**LANDSCAPING STANDARDS**

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**40-101 Purpose:**

It is recognized that good landscaping increases property values, assists with storm water runoff and retention, attracts potential residents and businesses to the city, and creates an attractive environment for all residents and visitors. The purpose of these regulations is to use landscape elements, particularly plant materials, in an organized manner that will improve storm water absorption, protect and improve the aesthetics of the City of Pittsburgh, and enhance the safety, comfort and enjoyment of its citizens.

The City recognizes the value of landscaping in achieving the following goals:

1. Encourage the preservation of existing trees;
2. Provide an overall planting scheme that will reduce soil erosion and the volume and rate of discharge of storm water runoff;
3. Establish and enhance a visual character and structure to the built environment that is pleasant to view and is sensitive to safety and aesthetics;
4. Promote compatibility between land uses by reducing noise, glare, heat, and lighting impacts of specific development on users of a site and its abutting properties;
5. Provide visual screens and buffers that mitigate the impact of conflicting land uses;
6. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather conditions;
7. Mitigate the loss of natural resources;
8. Provide shade, comfort, and seasonal color.

These regulations are minimum landscaping standards. Owners and developers are encouraged to exceed these standards with more creative solutions, not only for the

enhanced value of their land, but also for the health and enjoyment of all citizens of the City of Pittsburg.

#### **40-102 Applicability:**

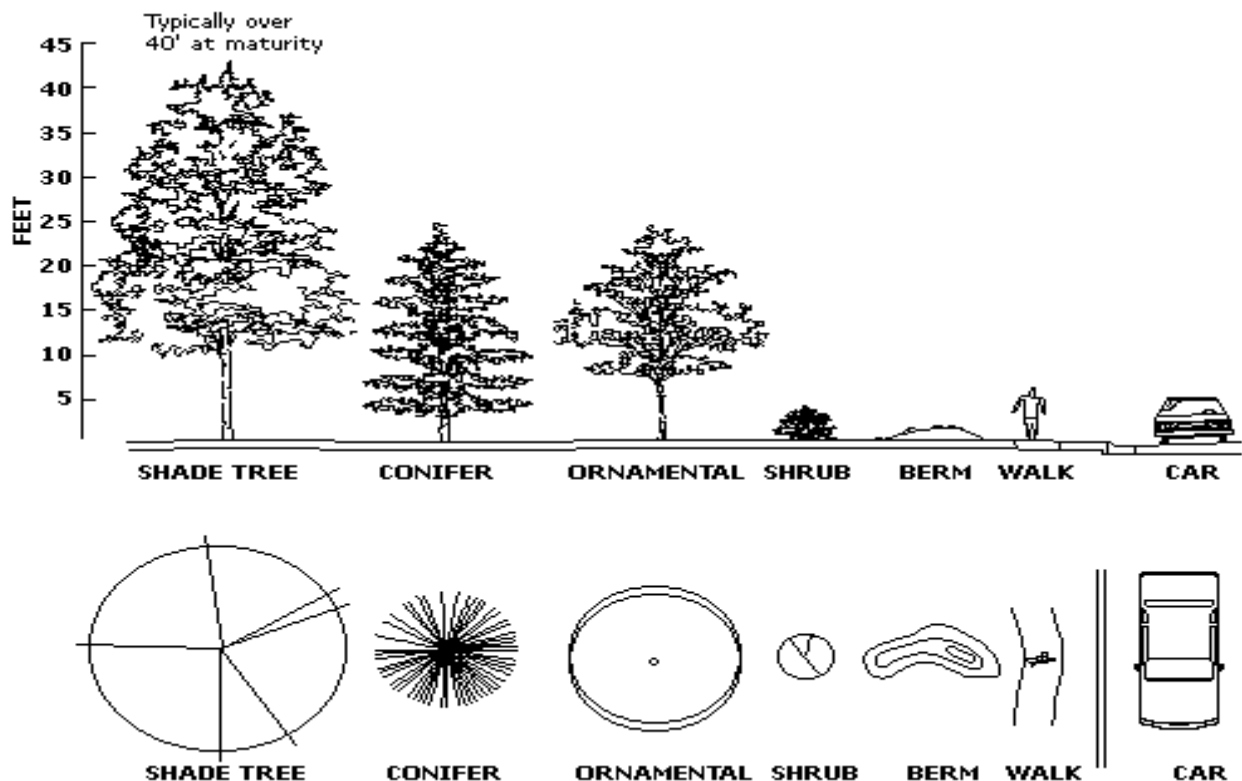
These landscaping regulations are minimum standards and apply only to the CPO, CP-1, CP-2, CP-3, RP-3, and RP-4 zoning districts.

#### **40-103 Definitions:**

For the purpose of this section the following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except when the context clearly requires otherwise.

1. *berm* - an earthen mound designed to provide visual interest, a landscaping screen, decrease noise, and /or detain or direct the flow of storm water.
2. *conifer tree* - an evergreen tree, usually pine, spruce, or juniper bearing cones and mostly used for screening purposes. For the purpose of these regulations, a conifer shall be considered a shade tree if it is at least five (5) feet tall when planted; AND is on the "*Shade and Ornamental Trees for Kansas*" list provided by Kansas State University.
3. *deciduous* - a plant with foliage that is shed annually.
4. *evergreen* - a plant with foliage that persists and retains its natural color year round.
5. *groundcover* - an evergreen or deciduous planting less than 24 inches in height at maturity. Turf grass is excluded.
6. *landscape materials* - living plants such as trees, shrubs, vines, groundcover, flowers, and grasses. May also include nonliving items such as bark, wood chips, rock, brick, and stone (monolithic paving not included); and structural/decorative features such as fountains, pools, benches, berms, and terraces.
7. *mulch* - an organic or inorganic material used in landscape design to control weed growth, reduce soil erosion, retain moisture, reduce water loss, and provide visual interest.
8. *ornamental tree* - a deciduous tree having qualities such as flowers or fruit, attractive foliage, bark, or shape, and generally having a mature height of less than 40 feet. For the purposes of these regulations, trees listed as small or medium on the "*Shade and Ornamental Trees for Kansas*" list provided by Kansas State University shall be classified as ornamental trees.
9. *parking lot* - any off-street, unenclosed ground level facility used for the purpose of temporary storage of motor vehicles.
10. *shade tree* - usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy. For the purposes of these regulations, trees listed as large or very large on the "*Shade and Ornamental Trees for Kansas*" list provided by Kansas State University shall be classified as shade trees.

11. *shrub* – a deciduous or evergreen woody plant smaller than a tree and larger than ground cover consisting of multiple stems from the ground or small branches near the ground, which attains a height of 24 inches or more.
12. *street frontage* - the width of the property abutting a street.
13. *street wall*. Any building wall facing a street.
14. *street wall line* - a line that extends from the building parallel to the street wall until it intersects a side or rear lot line, or the wall line of another building.
15. *street yard* - the area of a lot lying between the property line abutting a street and the street wall line of the building. If a building or its lot is an irregular shape, wall lines extending parallel to the street wall from the points of the wall closest to the side property lines shall be used to define the limits of the street yard. Corner lots shall be considered as having two (2) street yards.
16. *xeriscape* – a method of landscaping that emphasizes water conservation accomplished by following sound horticultural and landscaping practices, such as planning and design, soil improvement, limited turf areas, use of native plants, use of mulches, gravel, use of low-water demand plants, efficient irrigation practices and appropriate maintenance.



The symbol chart shown above is for the following sections:

#### 40-104 Required Street Yard Plantings:

1. The minimum amount of street yard landscaping shall be as follows:

- a. one (1) shade tree and two (2) shrubs for each 80 feet of frontage; or
  - b. two (2) ornamental trees and two (2) shrubs for each 80 feet of frontage; or
  - c. one (1) ornamental tree and seven (7) shrubs for each 80 feet of frontage.
- 2. For the purposes of landscaping regulations, all lots zoned CP-O, CP-1, CP-2, CP-3, RP-3 and RP-4, with less than 80 feet of street frontage, shall be construed as having a minimum street frontage of 80 feet.
- 3. Design standards for landscaped street yards and required trees:
  - a. trees shall be located in planter areas of sufficient size and design to accommodate the growth of the trees and protected to prevent damage to the trees by vehicles. A minimum of twenty-five (25) square feet of permeable ground surface area per tree is required.
  - b. trees may be clustered along a façade or boundary of the yard. Trees are not required to be spaced evenly; however, adequate distance is to be maintained between individual trees. Minimum spacing for ornamental trees is recommended to be fifteen (15) feet. Minimum spacing for shade trees is recommended to be forty (40) feet or more.
  - c. minimum size at time of planting of required trees shall be as follows:
    - 1. shade trees – two (2) inch or larger caliper measured at the height of six (6) inches above the ground.
    - 2. ornamental trees – 1.5 inch or larger caliper measured at the height of six (6) inches above the ground.
    - 3. conifer trees – five (5) feet or more in height at time of planting.
  - d. shrubbery shall obtain a mature height of at least two (2) feet and shall be no less than three (3) gallon container size at the time of planting.
  - e. trees and shrubs should not be located inside public right-of-way. If they are located inside the right-of-way, they shall be located no closer than eight (8) feet to the curb line of adjacent streets or sidewalks, and they must not interfere with existing or future utility services and/or traffic control devices.
  - f. any grass or shrubbery located inside the sight triangle shall be no taller than 18 inches at maturity. Trees placed in the sight triangle shall not have any limbs, boughs, or branches below eight (8) vertical feet from ground level.

#### **40-105 Required Buffers:**

- 1. Buffers between commercial and residential development:
  - a. a landscaped buffer is required along the common property line of any commercially zoned property where it abuts residentially zoned property. The landscaped buffer is in addition to the required screening.
  - b. there shall be a minimum of one (1) shade tree or two (2) ornamental trees for every 40 feet or fraction thereof. The trees may be irregularly spaced but within fifteen (15) feet of the property line. If an easement occupies this fifteen (15) foot area, trees are to be located outside of the easement.

- c. minimum size at time of planting of required trees shall be as stated in Section 40-104.3(c) above.

#### **40-106 Parking and Lot Landscaping:**

1. All new parking areas or additions to parking areas shall be continuously screened from view from adjacent residential districts. (Existing Zoning code 25-104.3)
2. All new parking areas or additions to parking areas which create twenty four (24) or more spaces shall provide at least two shade trees and two ornamental trees for each twenty four (24) parking spaces or fraction thereof over twenty four (24).
  - a. the trees shall be located within and/or around the parking lot to enhance its appearance and/or to reduce the deleterious effect of large expanses of paved areas.
  - b. trees planted in parking lot areas shall be planted in interior planting islands with each tree having a minimum permeable ground surface of twenty five (25) square feet.
  - c. a planting island shall be a minimum width of at least five (5) feet, and its contents shall be protected from possible damage caused by vehicles by the use of raised curbs, bumper blocks, or other protective means.

#### **40-107 Other Landscaping Regulations:**

1. Landscaping shall not conflict with the traffic visibility requirements of this code.
2. Artificial trees, shrubbery, turf, or other plants as a landscape material will not be allowed.
3. Planting of cottonwood, ash, and Australian Pine trees shall not be allowed in any required landscaped area.
4. Clumped, or multi-trunked trees shall be credited as only one of the required trees.
5. Landscaping shall not interfere with safety and accessibility of any gas, electric, water, sewer, telephone, or other utility easement.
6. Any dead or diseased tree shall be removed. The stumps of all removed trees shall be ground out to at least four (4) inches below the ground level, the wood chips removed, the cavity filled with topsoil, and the area leveled.

#### **40-108 Maintenance:**

1. The landowner is responsible for the maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
2. Disturbed soil between trees and shrubs in planting beds shall be mulched, planted or otherwise treated to prevent wind and water erosion.

3. Plants which die shall be replaced within sixty (60) days or, if weather prohibits replanting within that time, replanting shall occur within the first thirty (30) days of the next planting season.

#### **40-109 Enforcement / Assurances for Purpose:**

1. Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, all work as indicated on the landscaping plan shall be inspected, and, if in accordance with the submitted landscape plan, shall be approved by a city inspector.
2. A landowner may obtain a final certificate of occupancy for a structure prior to the completion of required landscaping due to seasonal or weather conditions if the owner submits necessary assurances for the completion of landscaping. Acceptable assurances guaranteeing the completion of landscaping, such as a an irrevocable letter of credit, certified check or other assurance, shall be equal to one-hundred twenty-five percent (125%) of the cost of landscaping work and shall be accompanied by a written letter of assurance that landscaping shall be completed according to the landscape plan and accepted by the city inspector.

#### **40-110 Penalties:**

Any person, contractor or subcontractor violating any provision of this Ordinance is guilty of a class C offense, punishable as provided in Chapter 1, Section 1-7 of the Pittsburgh City Code. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

#### **40-111 Severability:**

##### **40-111 Severability**

If any provision of this section is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

**Article 41**  
**“PUD” Planned Unit Development District**

<b>41-101 PURPOSE:</b>	<b>219</b>
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**41-101. Purpose.**

The regulations set forth in this Article, or set forth elsewhere in this Ordinance when referred to in this Article, are the regulations in the "PUD" Planned Unit Development District. The "PUD" Planned Unit Development District is a special purpose zoning district applicable inside the City of Pittsburgh only that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots.
2. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities.
3. Promoting quality design and sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.
4. Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of this Ordinance.

**41-102. Use Regulations.**

Any use may be permitted within the "PUD" Planned Unit Development District, provided that it is consistent with the purposes of this Ordinance and consistent with the approved Development Plan of the "PUD".

**41-103. Plan Approval Guidelines.**

The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

**41-104. Performance Standards.**

The total number of dwelling units and level of nonresidential development allowed within a "PUD" shall not exceed the level that can be adequately served by public facilities. To provide information on the capacity of the streets and other facilities serving the "PUD", the Zoning Administrator, Planning Commission, and/or Governing Body may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis to provide information on the proposed development's expected impacts on existing and planned facilities.

**41-105. Parking Regulations.**

The parking regulations shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within this Ordinance.

**41-106. Off-Street Loading Regulations.**

The off-street loading requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within this Ordinance.

**41-107. Sign Regulations.**

The sign requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within this Ordinance.

**41-108. Height, Area, and Bulk Regulations.**

In the "PUD" Planned Unit Development District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within this Ordinance.

# Subdivision Regulations

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## **ARTICLE 1: GENERAL PROVISIONS**

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## **1-101 Title and Scope:**

This Ordinance, entitled the Pittsburg Subdivision Ordinance, prescribes minimum design requirements and approval procedures for the development of new subdivisions and resubdivisions of land in Pittsburg, Kansas.

## **1-102 Purpose:**

The division and improvement of land for urban or nonagricultural development has a significant and lasting impact upon the physical environment of Pittsburg, Kansas, and it places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers and streets, ensure available water supplies, manage storm water runoff and erosion, and plan for public services may result in physical and environmental problems which are difficult and costly to resolve.

This Ordinance sets forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facilities systems; to prevent potential environmental hazards; and to coordinate the use of private and public resources to achieve planned and orderly land development through proper location and design of streets, building lines, open spaces, and utilities; and to establish standards by which streets, utilities and other physical improvements shall be erected, constructed or installed.

### **1-103 Applicability:**

This Ordinance shall apply to any person desiring to do any of the following:

1. Subdivide or further subdivide any lot or tract of land into two or more parts.
2. Resubdivide any lot or tract of land that has previously been subdivided into two or more parts.
3. Establish any street, alley, sidewalk, park or other property intended for public use or for the use of prospective or existing owners of lots or tracts of land fronting on or adjacent to such property.

The owner(s) of any land located within Pittsburg, Kansas, subdividing said land in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the provisions of this Ordinance. No building permit shall hereafter be issued by Pittsburg, Kansas, for construction on any land that has not been subdivided in compliance with this Ordinance and all other applicable state laws and Pittsburg ordinances in effect at the time of the subdivision of said land.

### **1-104 Exemptions:**

This Ordinance shall not apply in the following instances or transactions:

1. Any lot or tract of land located within the area governed by this Ordinance that has been legally subdivided or platted prior to the effective date of this Ordinance.
2. The division or further division of land into tracts of 20 acres or more when subdivided only for agricultural purposes, when it does not entail the establishment of a new residential dwelling, and when it does not involve or result in the creation of any new streets, easements of access or other dedication.
3. A transaction between owners of adjoining tracts of land or lots which involves only a change in the boundary between the land owned by such persons, provided no additional lots are created and such tracts of land or lots comply with the design requirements for lots in Section 4-104 of this Ordinance and applicable provisions of the Pittsburg Zoning Ordinance.
4. The use of land for right-of-way by railroads or public utilities subject to local, state or federal regulations, provided no new street is created or involved.
5. The division of a tract of land or lot which creates no more than one additional tract or lot subject to the provisions for tract or lot splits described in Article 3 of this Ordinance and provided such division does not involve the creation of any new streets or easements of access and such newly created tracts or lots comply with the design requirements for lots in Section 4-104 of this Ordinance and applicable provisions of the Pittsburg Zoning Ordinance. Any further division of the lots or tracts of land shall be platted in compliance with the requirements of this Ordinance.

### **1-105 Definitions:**

For the purpose of this Ordinance, certain terms, words, and phrases are hereafter defined and shall have the meaning assigned to them in the following Sections when used or referred to throughout this Ordinance. (Sec 1, Ord G-826, 4/30/99)

## **106.1-106.44 Definitions:**

- 1-106.1 **ACCESS:** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- 1-106.2 **AGRICULTURAL USE:** The use of a tract of land for the raising of crops; animal husbandry; dairying; pasturage; general farming; truck farming; cultivation of field crops; orchards; groves; raising fish, birds or poultry; and accessory uses, necessary for the carrying out of farming operations; including structures for storage, processing and sale of products raised on the premises. Agricultural uses shall not include the following:
- a. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.
  - b. Wholesale or retail sales as an accessory use unless the same are permitted by this Ordinance.
  - c. The operation or maintenance of a commercial stockyard or feedlot,
  - d. The operation of an auction sales yard.
- 1-106.3 **ALLEY:** A public or private thoroughfare which providing only a secondary means of access to abutting property.
- 1-106.4 **ARTERIAL STREET:**
- a. **PRINCIPAL ARTERIAL** - A Major Street that carries the larger volumes of traffic entering and leaving the City and connects major points of interest that generate traffic.(Sec 3, Ord G-704, 2/12/93)
  - b. **MINOR ARTERIAL** - A Major Street that serves to carry traffic from the Principal Arterial routes and distributes traffic to other areas of the City.(Sec3, Ord G-704, 2/12/93)
- 1-106.5 **BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of municipalities.
- 1-106.6 **BOND:** Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City of Pittsburg. All bonds shall be approved by Pittsburg whenever a bond is required by this Ordinance.
- 1-106.7 **COLLECTOR STREET:** A street intended to move traffic from local roads to major streets. A collector street serves a neighborhood or large subdivision and should be designed to discourage residential properties from facing onto it.
- 1-106.8 **CORNER LOT:** A lot abutting upon two or more streets at their intersection.
- 1-106.9 **CITY:** The Governing Body of the City of Pittsburg, Kansas, or its delegated staff, boards or agencies.
- 1-106.10 **CITY ATTORNEY:** The City Attorney, or such licensed attorney designated by the City Attorney, responsible for the prosecution of all violations of this Ordinance inaccordance with the provisions contained herein, and as established by law.

- 1-106.11 **CITY ENGINEER:** The City Engineer, or such licensed engineer designated by the City Engineer or Governing Body, to provide engineering assistance in administering these and other ordinance governing areas of normal responsibilities assigned to the City Engineer.
- 1-106.12 **COUNTY HEALTH OFFICER:** The Director of the Crawford County Health Department, or such person designated to administer the health regulations of Crawford County.
- 1-106.13 **CUL-DE-SAC:** local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.
- 1-106.14 **DEAD END STREET:** A street having only one outlet.
- 1-106.15 **DEVELOPER:** The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of this Ordinance for the purpose of subdividing land.
- 1-106.16 **DOUBLE FRONTAGE:** A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
- 1-106.17 **EASEMENT:** A grant by a property owner to specific persons or the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
- 1-106.18 **FINAL PLAT:** The map, plan or record of a subdivision and any accompanying materials, as described in this Ordinance.
- 1-106.19 **FLAG LOT:** A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land and whose main body of land lies to the rear of the property.
- 1-106.20 **FRONTAGE:**
- a. **STREET FRONTAGE:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
  - b. **LOT FRONTAGE:** The distance for which the front boundary line of the lot and the right-of-way are coincident.
- 1-106.21 **FRONTAGE ROAD:** A public or private, marginal access roadway, generally paralleling and contiguous to a street or highway, providing access to abutting properties. A frontage road is designed to promote safety by eliminating unlimited ingress and egress to the principal street or highway by providing points of access at generally uniformly spaced intervals.
- 1-106.22 **GOVERNING BODY:** The Board of City Commissioners of Pittsburg, Kansas.
- 1-106.23 **GRADE:** The slope of a road, street or other public way (rise/run), specified in percent (%).

- 1-106.24 **IMPROVEMENTS:** All facilities constructed or erected by the developer and/or public entity within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.
- 1-106.25 **LOCAL STREET:** A street intended to provide access to other roads from individual properties.
- 1-106.26 **LOT:** A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by this Ordinance and/or the Pittsburgh Zoning Ordinance. A lot may be more than one lot of record or may be a metes-and-bounds described tract having its principal frontage upon a street.
- 1-106.27 **MAJOR STREET:** A street, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within the City or between such areas within the City and traffic facilities outside the City.(Sec 3, Ord G-704, 2/12/93)
- 1-106.28 **MONUMENT:** The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.
- 1-106.29 **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
- 1-106.30 **OFFSET STREET:** A continuous street whose centerline is not tangent through an intersection.
- 1-106.31 **PRELIMINARY PLAT:** The preliminary drawing or drawings, described in this Ordinance, indicating the proposed manner or layout of the subdivision.
- 1-106.32 **RESUBDIVISION:** A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, any area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any ordinances controlling subdivisions. Tract or lot splitting may be allowed as specified within this Ordinance.
- 1-106.33 **RIGHT-OF-WAY:** A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utility or service areas.
- 1-106.34 **RURAL DEVELOPMENT:** A residentially zoned subdivision in which all the lots contained therein are one acre or more in size.
- 1-106.35 **SETBACK:** The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.
- 1-106.36 **SHORT-FORM PLAT:** A map or drawing of a proposed subdivision containing four lots or less giving, in form suitable for filing in the office of the County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a complete legal description (including references to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.
- 1-106.37 **SIDEWALK:** A paved walkway located along the side of a street.

- 1-106.38 **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
- 1-106.39 **SUBDIVISION:** Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offering same for sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and nonresidential-zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument.
- 1-106.40 **SUBDIVISION, NON-RESIDENTIAL:** A subdivision which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of this Ordinance.
- 1-106.41 **TRACT OR LOT SPLIT:** The dividing or redividing of a lot or tract of land into not more than two tracts or lots, subject to the criteria within this Ordinance.
- 1-106.42 **URBAN DEVELOPMENT:** A residentially zoned subdivision containing lots which are less than one acre in size.
- 1-106.43 **WALKWAY:** Any pathway, surfaced or otherwise, intended for pedestrian use only.
- 1-106.44 **ZONING ADMINISTRATOR:** The person or persons authorized and empowered by the Governing Body to administer the requirements of this Ordinance.

(Sec 2, Ord G-826, 4/30/99)

**ARTICLE 2**  
**PROCEDURE FOR APPROVAL OF SUBDIVISIONS**

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**2-101 General Provisions:**

This Article establishes uniform procedures and platting requirements for subdivisions subject to this Ordinance. No final plat shall be filed or recorded with the County Register of Deeds as required by law unless and until it has been acted upon by the Planning Commission and approved by the Governing Body as required herein.

**2-102 Pre-Platting Conference:**

Any person desiring to subdivide land into five or more lots shall be required to attend a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plat. Owners of proposed subdivisions of less than five lots are encouraged to hold a pre-platting conference; however, it is not mandatory and they may proceed with filing a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

The purpose of the pre-platting conference is to inform the city staff of possible future subdivisions so that the staff may determine and inform the applicant of the effect, feasibility and compatibility of the proposal in relation to Pittsburg's utility and street system and any City development policies and plans. The conference enables the staff to inform owners and their agents of the general conformance or nonconformance of the subdivision proposal with this Ordinance, identify additional requirements for further processing of the proposal, and to advise them of applicable zoning provisions or conflicts and special design considerations presented by particular environmental features on or affecting the site (i.e. flood plains, excessive slope areas, soil problems, high water tables, etc.).

The landowner or his representative may, if he deems it desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the staff which may prove helpful in designing the preliminary plat. The sketch plan should convey the location of the proposed subdivision; the general layout of the proposed subdivision including the location and size of streets and the orientation, number and dimensions of the lots; plans for water supply and sanitary sewage disposal; and any particular design problems posed by the existing natural or man-made conditions and characteristics of the site which could benefit from an early discussion.

In addition to the Zoning Administrator and representatives of the owner(s) intending to subdivide the land, principal participants involved in the pre-platting conference may include representatives of the Pittsburg Public Works Department and other persons and agencies as applicable. No verbal, written or schematically illustrated statements made during the course of the conference shall be held as legally binding or construed in any way as granting or assuring approval of the proposed subdivision since the Governing Body has final authority on all subdivision plats upon action from the Planning Commission.

## 2-103 Preliminary Plat:

1. **Application** : A subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 20 copies of the preliminary plat. The appropriate fee shall be paid upon filing the application.
2. **Preliminary Plat Contents**: The following information shall be shown on the preliminary plat or attached thereto:

a. Items Pertaining to the Title:

- (1) The name of the proposed subdivision.
- (2) Location of the subdivision by reference to a section corner.
- (3) The name(s) and address(es) of the owner(s)/developer(s) and the licensed land surveyor who prepared the plat.
- (4) North arrow.
- (5) Date prepared and scale of the drawing(s). The preliminary plat shall be drawn to a scale of not less than 1" = 200'; however, with special conditions and prior approval of the Zoning Administrator, this scale may be exceeded.
- (6) The legal description of the entire dimensions of the subdivision.

b. Items Pertaining to the Subject Property (Existing):

- (1) All of the land to be platted as well as all platted or unplatted adjacent properties within 200 feet shall be shown. The boundary of the platted area shall be accurately indicated by a heavy solid line.
- (2) Existing contours with the contour intervals not more than 2 feet. All elevations and contours shall be related to city datum.
- (3) The location, width and names of all existing platted or private streets or other public ways within or adjacent to the tract, together with easements, railroad and utility rights-of-way, parks and other significant features such as city boundary lines and monuments.
- (4) Environmental features including the location and direction of drainage and drainage channels, and areas subject to flooding by the Intermediate Regional Flood (100-year flood).
- (5) All airports, sanitary landfills, feedlots or other similar uses located within two miles of the proposed plat shall be shown on a vicinity map.

c. Items Pertaining to the Plat (Proposed):

- (1) Layout and names of streets with general dimensions and appropriate grades and their relationship to adjoining or projected streets or roadways.
- (2) Intended layout, numbers and dimensions of lots.
- (3) Parcels of land intended to be dedicated or reserved for parks, schools, or other public use, or to be reserved for the use of property owners within the subdivision.
- (4) Location and type of utilities to be installed, including the approximate location of extensions of any sanitary sewers, storm sewers, and water mains.

- (5) Utility and other easements indicating width and purpose.
  - (6) A statement or other indication of phasing of the development and an appropriate timetable if applicable.
  - (7) Vicinity sketch which indicates the relationship between the proposed subdivision and surrounding properties within 1,000 feet, showing streets and other features.
3. **Application Complete:** Upon receipt of the preliminary plat and supporting data required in this Section, the Zoning Administrator shall certify the application as complete and affix the date of application acceptance on the plat or application form. He shall then place the preliminary plat on the agenda for consideration at the first available meeting of the Planning Commission.
  4. **General City Staff and Utility Review:** The Zoning Administrator shall distribute copies of the preliminary plat to the appropriate Pittsburgh city departments and agencies and the affected utility companies for review and comment. All general staff and utility review comments shall be coordinated by the Zoning Administrator and shall be forwarded along with a report and recommendation to the Planning Commission.
  5. **Planning Commission Review and Action:** The Planning Commission shall review the preliminary plat for compliance with the provisions of this Ordinance. After reviewing the preliminary plat based on the objectives and requirements of this Ordinance, comments from concerned citizens, and the report from the Zoning Administrator, the Planning Commission shall take action on the acceptance, modification or rejection of the preliminary plat. Approval of the preliminary plat by the Planning Commission shall permit the applicant to proceed with the filing of a final plat as described in Section 2-104. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission to the Governing Body. The Governing Body, at its request, may require that it must approve the preliminary plat before the applicant can submit a final plat.
  6. **Effect of Approved Preliminary Plat:** Approval of the preliminary plat does not constitute final acceptance of the subdivision by Pittsburgh. It establishes the overall layout and design of the proposed subdivision and authorizes the applicant to prepare a final plat. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the Planning Commission shall be disallowed and shall cause the re-initiation of the preliminary platting process. The applicant shall file a final plat application along with the required documents described in Section 2-104 within three (3) years of the approval of the preliminary plat by the Planning Commission and/or Governing Body. Upon failure to do so within the time specified, approval of the preliminary plat is null and void, unless an extension of time, limited to six (6) months, is applied for by the developer and granted by the Planning Commission. An extension shall be granted only once.

## **2-104 Final Plat:**

1. **Application:** The final platting process is intended to provide a complete surveyed drawing of the subdivision for the purpose of providing a legal record of lots, streets, areas for dedication and easements for future reference and transactions. The final plat submitted may be for all of the property approved in the preliminary plat or may be for only a portion or "phase" thereof. The applicant shall file 20 copies of the final plat with the Zoning Administrator along with the additional information required herein. Said final plat shall be prepared by a registered land surveyor, and so sealed. In addition to the 20 copies, one (1) original final plat shall be submitted at least ten (10) days prior to the Planning Commission meeting. Said original final plat shall be clearly and legibly drawn at a scale of 1" = 100' in India ink upon a 24" x 36" tracing cloth of good quality, and shall contain the information required herein.

2. **Final Plat Contents:** The following information shall be shown on the final plat and attached thereto:

a. Items to be Included on the Final Plat:

- (1) The lines and names of all proposed streets or other ways or easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision.
- (2) Lines and names of all adjoining streets within 200 feet.
- (3) The length of all straight lines, deflection angles, and radii, arcs and central angles of all curves, along the center line and the property lines of each street. All dimensions along the lines of each lot with the true bearings and angles of intersection which they make with each other, and also any other data necessary for the location of any lot line in the field. If more convenient, calculated bearings may be used instead of angles.
- (4) The location of all building setback lines.
- (5) Suitable primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.
- (6) Location and elevation of a permanent bench mark.
- (7) The location of all permanent monuments with the distance between them, and sufficient curve data plainly marked. These monuments shall be located at all block corners.
- (8) Date of preparation, title, north point, and scale shall be included. The title shall include the name of the subdivision under which it is to be recorded. The north point may indicate either the magnetic or true north and shall be so designated on the plat.
- (9) The boundary of the subdivided tract with courses and distances marked thereon which shall be determined by survey in the field, which shall be balanced and closed, made by a qualified engineer or surveyor. The error of closure for a perimeter distance having a length of 10,000 feet or more shall not be more than one (1) in 20,000. For perimeter distances less than 10,000 feet in length, the error of closure shall not be more than one (1) in 10,000.
- (10) An identification system for all lots and blocks, and the area in square feet of each lot.
- (11) The certification of the land surveyor making the plat, his seal and signature.
- (12) The acknowledgment of a notary.
- (13) A certification of the Planning Commission showing its approval to the plat.
- (14) The approval of the Governing Body.
- (15) The certificate of the Register of Deeds.
- (16) Title insurance certification or a certificate of title prepared by a competent attorney showing that the proposed subdivider owns all the property within the plat in fee, and that it is free from encumbrances and liens; but if encumbered, the mortgagee shall be required to consent to the plat.

- (17) Statement by the owner dedicating streets, rights-of-way, and any sites for public use.
- (18) Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission in the enforcement of this Ordinance.
- (19) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (20) Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.
- (21) Legal description of the subdivision.
- (22) In the event the proposed subdivision is outside the city limits of the City of Pittsburg, but within the three (3) mile limit of jurisdiction, it will also be required to include a certificate showing the approval of the Board of County Commissioners of Crawford County, Kansas.

b. Items Pertaining to the Final Plat:

- (1) Two (2) copies of separate drawings showing a profile and cross section of all streets, alleys or public ways to be dedicated for public use. The profiles and cross sections shall be drawn to specifications as on file and acceptable to the City Engineer's office.
- (2) A certificate which states that the person or persons whose names are signed to this document and/or appear on the final plat are the sole and lawful owners of the property, that the plat is made with their desires, and that they dedicate the areas shown on the plat or as set forth in the document to the perpetual use and ownership by the public for the specific purpose stated therein or thereon. Ownership shall be verified by the County Clerk.
- (3) Certification by the County Clerk showing that all due or unpaid taxes have been paid in full.
- (4) A copy of any restrictive covenants applicable to the subdivision, if any; provided, the developer or subsequent homeowners association shall be responsible for the enforcement of any and all restrictive covenants filed for any subdivision and no provisions of said restrictive covenants shall supersede any restrictions or regulations established by these or any other local or state rules, regulations or laws.
- (5) Three (3) copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the City, all public improvements required as a condition for approval of the plat. The agreement shall also set out the time limit for the completion of the specified work, the amount of bond or other acceptable surety to be posted as security for satisfactory completion of the work, and the right of the City, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from the developer or the developer's sureties. The developer's agreement for public improvements will set out the public improvements required and also set out or incorporate by appropriate references, the plans and specifications for said improvements. The developer's agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the City Engineer and the City Attorney. The Governing Body may defer the submission of the written agreement until after the final plat has been approved.

3. **Application Complete:** Upon receipt of the final plat, engineering drawings and certification documents required in this Section, the Zoning Administrator shall certify the final plat application as complete. He shall then place the final plat on the agenda for consideration at the next regular meeting of the Planning Commission which is held no less than 10 days after said application or no more than 45 days thereafter.
4. **General City Staff and Utility Review:** The Zoning Administrator shall transmit copies of the final plat, along with the other documents submitted, to the appropriate Pittsburg city departments and agencies, and utility companies as the Administrator deems necessary for review and to assure compliance with the approved preliminary plat. The Zoning Administrator shall serve as final plat coordinator and all review comments shall be directed to such person and forwarded to the Planning Commission along with a report and recommendation.
5. **Planning Commission Review and Action:** The Planning Commission shall review the final plat for compliance with the approved preliminary plat and for completion of all final platting requirements. After consideration, the Planning Commission shall either recommend to the Governing Body to approve or deny the final plat or table for additional information. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission together with the minutes and the original and 8 copies of the final plat to the Governing Body.
6. **Governing Body Review and Action:** Upon recommendation from the Planning Commission, the Governing Body shall take action to approve or disapprove the final plat including the acceptance of street and other public way dedications, service and utility easements, and land dedicated for other public use.
7. **Recording of Final Plat:** The final plat shall be recorded and filed with the Register of Deeds of Crawford County, Kansas, after approval of the final plat by the Governing Body as required by State law.

## **2-105 Short-Form Plat:**

1. **Application:** A short-form plat procedure is included within this Ordinance for the purpose and intent of providing a means of approving a subdivision of land that contains four lots or less and, in all other respects, meets the requirements of this Ordinance. The submission and approval of a preliminary plat is not required as a prerequisite for a short-form plat approval. If the proposed subdivision qualifies for a short-form plat, the applicant shall file 20 copies of the plat with the Zoning Administrator along with the additional information required herein.
2. **Short-Form Plat Contents:** A short-form plat must be drawn with India ink on good quality tracing paper and must be drawn to a scale of not less than 1" = 200'. Except for the above requirement, a short-form plat must meet all of the requirements necessary for the approval of a final plat as stated herein, including but not limited to all bonding requirements.
3. **Short-Form Plat Review and Action:** The review and approval procedures for a short-form plat are the same as specified herein for a final plat.

## **ARTICLE 3 TRACT OR LOT SPLITS**

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### **3-101 Objective:**

The objective of this Article is to provide for the division of a tract of land or lot into not more than two (2) tracts or lots without having to comply with the platting requirements described in Article 2. Such tract or lot split shall be subject to the guidelines established in Section 3-104 and any further divisions of the tract(s) or lot(s) shall be platted in compliance with the requirements of Article 2.

### **3-102 Authorization for Approval of Lot Splits:**

The Zoning Administrator is hereby authorized to approve or disapprove a tract or lot split in accordance with the provisions of this Article. Appeals from a decision made by the Zoning Administrator may be made by the applicant to the Governing Body for a final determination.

### **3-103 Application Procedure:**

The application for a tract or lot split shall be made to the Zoning Administrator on forms provided and shall be accompanied by the following information:

1. Three copies of a drawing to a scale of not less than 1" = 100' showing the lots involved, the precise location of any structures thereon, and the location and dimensions of the original and proposed lots or tracts. Said drawing shall be a certificate of survey from a licensed land surveyor to determine the exact location of the structures and the precise dimensions of the lots or tracts.

### **3-104 Approval Guidelines:**

No tract or lot split shall be approved if one or more of the following applies:

1. A new street or alley is needed or proposed.
2. Such action will result in significant increases in service requirements, e.g., utilities, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts or points of access, repaving, etc.
3. There is less street right-of-way than required by this Ordinance, unless dedication of additional right-of-way can be made by separate instrument.
4. Any easement requirements have not been satisfied.
5. Such split will result in a tract or lot without direct access to and/or less than 50 feet of frontage on a street.

6. A substandard sized tract or lot will be created according to this Ordinance or the Pittsburg Zoning Ordinance.

The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the tract or lot split within 15 working days of the application. The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of this Ordinance. Such requirements may include, but not be limited to, installation of public facilities or dedication of right-of-way and/or easements.

### **3-105 Saving Clause:**

Nothing in this Article shall be deemed to be in conflict with K.S.A. 79-405 et seq.

**ARTICLE 4  
SUBDIVISION DESIGN STANDARDS**

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**4-101 Applicability:**

All subdivisions of land subject to this Ordinance shall conform to the following minimum design standards. Such design criteria shall govern the approval of subdivision plats by the Planning Commission and the Governing Body. All plats shall be prepared under the direct supervision of a registered engineer or land surveyor of the State of Kansas, and all submittals shall bear the seal of said registered engineer or land surveyor.

All subdivisions shall be platted with due consideration toward sound traffic engineering principles, safe and accessible building sites, adequate methods of storm water drainage and provisions for a sanitary water supply and effective sewage disposal system. All subdivision plats shall be consistent with applicable City development plans and policies and shall be coordinated with existing, planned or committed public improvements. All subdivision plats shall comply with all local, state and federal laws and regulations.

**4-102 Street Standards:**

The arrangement, character, extent and location of all streets shall conform to the following Sections: (Sec 3, Ord G-826, 4/30/99)

- 4-102.1 **Comprehensive Plan Compliance:** The arrangement, character, extent, and location of all streets shall conform to the Comprehensive Plan or other plans and standards as adopted.
- 4-102.2 **External Street Considerations:** The arrangement, alignment, and width of streets in new subdivisions shall be properly integrated with the existing principal street or road system and where appropriate shall provide for the continuation of existing principal streets in adjoining subdivisions or their projection where adjoining property is not

platted. In no case shall the width of streets in new subdivisions be less than the minimum street widths established in this Article.

- 4-102.3 **Internal Street Layout, General:** The location, arrangement, character and type of all streets shall be designed in relation to topographical conditions, the extent and impact of storm water runoff, the safe and convenient circulation of traffic within the subdivision and the uses of the land to be served by such streets. When possible, local streets shall be planned so as to discourage through traffic and to conveniently channel traffic onto collector and arterial streets.
- 4-102.4 **Internal Street Layout, Residential Development:** The use of curvilinear streets, cul-de-sacs, u-shaped streets, or cluster developments shall be encouraged in residential areas when appropriate. However, the excessive use of cul-de-sacs shall be discouraged. No streets shall be laid out so as to intersect with themselves, unless topographic conditions warrant.
- 4-102.5 **Internal Street Layout, Non-Residential Development:** In commercial or industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks, and parking areas as to minimize conflict of movement between the various types of traffic, including pedestrian.
- 4-102.6 **Street Intersections:** Streets shall be designed to intersect as nearly as possible at right angles, except where topography or other natural conditions justify a variation. However, in no instances shall two streets intersect at an interior angle of less than 75 degrees without written consent of the City Engineer.
- 4-102.7 **Multiple Intersections:** Intersections involving the junction of more than two (2) streets shall be avoided whenever possible.
- 4-102.8 **Intersection Curvature:** When connecting streets deflect from each other with an interior angle of less than 75 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than two hundred (200) feet for local and collector streets, and of such greater radii as the City Engineer shall determine for arterial streets.
- 4-102.9 **Curb Radii and Vision Triangle:** Street pavement at intersections shall be rounded by the following minimum radii:
- | <u>Street Classification</u> | <u>Intersection With</u> | <u>Minimum Curb Radii</u> |
|------------------------------|--------------------------|---------------------------|
| Arterial or Collector        | Arterial or Collector    | 25 feet                   |
| Local                        | Arterial                 | 25 feet                   |
| Local                        | Collector or Local       | 20 feet                   |
- The Planning Commission may set specifications for curb radii, upon advice of the City Engineer, greater than the minimum standards herein.
- 4-102.10 **Offset Streets:** Offset streets whose centerlines are separated by less than 150 feet shall be avoided, except where topography or other conditions justify a variation.
- 4-102.11 **Reserve Strips (aka Spite Strip):** There shall be no reserve strips controlling access to streets. The subdividing of land shall be such as to provide each lot, by means of either a public street or way or permanent easement, with satisfactory access to an existing public highway or street.
- 4-102.12 **Private Streets:** There shall be no private streets platted in any subdivision.

4-102.13 **Travel Easements:** The Planning Commission may approve a Travel Easement to be substituted for a public street where it is deemed necessary or advantageous. Such easement shall include covenants, running in favor of the City related to future construction and maintenance, and shall be designed to the proper standards as set out in this Ordinance, unless otherwise allowed by the Planning Commission. Travel easements are to be for the shared access (driveway) by not more than two (2) lots.

4-102.14 **Half Streets:** Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of this Ordinance and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

4-102.15 **Visibility:** Clear visibility, measured along the centerline of a street, shall be provided for at least two hundred (200) feet on all streets.

4-102.16 **Access to Arterials:**

- a. Where a proposed commercial or industrial subdivision borders on or contains an existing or proposed limited access arterial, the Planning Commission may require a street system design which affords separation of through and local traffic. This may be accomplished through reverse frontage lots with access control provisions along the rear property line, deep lots with rear service areas, or frontage roads.
- b. Where a residential subdivision borders on or contains an existing or proposed arterial street, the Planning Commission may require that access to such streets be limited by any of the following means:
  - (1) The subdivision of lots so as to back onto the arterial street and front onto a parallel local street. No access shall be provided directly to any lot from the arterial street, and screening shall be provided by the developer in a screening easement along the rear property lines of such lots.
  - (2) A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the street lines of their terminal lots backing onto the arterial street. No direct access to the arterial street shall be allowed.
  - (3) A frontage road, separated from the arterial street by a ten (10) foot wide planting or grass strip, and having access at suitable points.

4-102.17 **Railroad Right-of-way:** Where a subdivision borders on or contains a railroad right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

4-102.18 **Dead-End Streets and Cul-De-Sacs:** Permanent dead-end streets shall be cul-de-sacs. A cul-de-sac shall be no longer than 600 feet in length, measured along the centerline of the cul-de-sac from the centerline of the intersecting street to the radius point, and shall have an adequate turnaround with a minimum 60 foot radius right-of-way at the closed end. Temporary dead-end streets longer than 100 feet intended to be continued for access to adjoining property shall have a temporary turnaround area to provide service equal to the cul-de-sac requirement stated above.

4-102.19 **Right-Of-Way and Street Widths:** In order to provide for streets of suitable location, width and improvements to accommodate future traffic and afford satisfactory access to emergency and service vehicles, and to coordinate streets to as to develop a convenient system that avoids undue hardships to adjoining properties, the following

design standards are hereby required. Street classifications may be indicated on the Comprehensive Plan or other plans or standards as adopted, or shall be as determined by the Planning Commission.

<u>IMPROVEMENT</u>	<u>RESIDENTIAL</u>	<u>NON-RESIDENTIAL</u>
<u>Minimum Right-of-Way (in feet)</u>		
Arterial	80	80
Collector	60	60
Local	50	60
Cul-de-sac	50	60
<b>(min. radius at turn-around)</b>	<b>60</b>	<b>60</b>

#### **Minimum Paved Width B/B (in feet) - Urban Development**

	<u>(High)</u>	<u>(Low)</u>	
Arterial	40*	40*	60*
Collector	31*	31*	40*
Local	27**	24**	31***
Cul-de-sac	27**	24**	31***

\*With concrete 6" Vertical Firm Curbs

\*\*With 2'6" Roll Type Curb & Gutter

\*\*\*Curb design at discretion of City Engineer

#### **Minimum Paved Width Street Edge to Street Edge (in feet) – Rural Development**

	<u>(High)</u>	<u>(Low)</u>	
Arterial	Not Permitted	Not Permitted	Not Permitted
Collector	31	31	Not Permitted
Local	27	27	Not Permitted
Cul-de-sac	27	27	Not Permitted

4-102.20 **Parking and Sidewalk Requirements:** The following shall be required improvements accommodating on-street parking and sidewalks

#### **On-Street Parking & Sidewalk Requirements - Urban Development**

	<u>Parking</u>	<u>Sidewalks</u>
Arterial	None permitted	On both sides
Collector	Case-by-case	On both sides
Local	One side only	On one side*
Cul-de-sac	One side only	On one side*

\*On same side as "No Parking"

#### **On-Street Parking & Sidewalk Requirements – Rural Development**

	<u>Parking</u>	<u>Sidewalks</u>
Collector	Case-by-case	On one side
Local	None permitted/or One side only**	None required On one side*
Cul-de-sac	None permitted/or One side only**	None required On one side*

\*On same side as "No Parking"

\*\*Parking will be permitted on one side when a sidewalk is provided.

- 4-102.21 **Street Widths:** In front of areas designated and zoned for a commercial or industrial use, or where a petition for a change in zoning is contemplated for a commercial or industrial use, to permit such use, the street width shall be increased by such amount on each side deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or industrial districts.
- 4-102.22 **Centered Improvements:** The improved portion of streets shall be centered within the right-of-way, except in the cases where the Planning Commission may allow.
- 4-102.23 **Vertical Curves:** Vertical curves are required for changes in grade.
- 4-102.24 **Reverse Curves:** A tangent shall be provided between all reverse curves of a sufficient length, as related to the radius of the curves, so as to provide for a smooth flow of traffic.
- 4-102.25 **Road Grades:** No street grade shall be greater than seven percent (7%) nor less than five-tenths of one percent (0.5%).
- 4-102.26 **Street Names:** Streets which are substantially in alignment with existing streets shall, unless otherwise illogical or due to severe directional change, bear the names of the existing streets. The names of such new streets shall be approved by the Planning Commission.
- 4-102.27 **Street Surfacing:** All streets shall be constructed according to the standards and specifications of the City as established by and on file with the City Engineer.

(Sec 4, Ord G-836, 4/30/99)

#### **4-103 Alleys:**

1. **Alleys Required:** When Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.
2. **Width:** The minimum width of an alley shall be twenty (20) feet.
3. **Grade:** All alleys shall be graded to slope to the center line.
4. **Dead-End Alleys:** Dead-end alleys are prohibited.

#### **4-104 Block Standards:**

1. **Lengths:** Blocks shall be delineated by intersecting streets at such intervals as to sufficiently provide for cross traffic and to furnish access to existing streets adjoining the new subdivision. In residential districts, no block shall be longer than 900 feet between centerlines of streets, except variations may be allowed in instances where topography or other conditions prohibit compliance.
2. **Design:** The configuration of blocks shall be determined with regard given to:
  - a. Zoning requirements as to lot sizes and dimensions.
  - b. Provision of adequate building sites suitable to the particular needs of the type of use intended.

- c. Topography as it affects storm water drainage and erosion.
  - d. Need for convenient circulation, access, safety and control of vehicular and pedestrian traffic.
3. **Walkways:** Pedestrian walkways may be required where deemed necessary by the Planning Commission to provide convenient access to schools, parks, playgrounds or other public or private community facilities. Pedestrian crosswalks, not less than (10) feet in width, shall be required where deemed essential by the Planning Commission to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation and other facilities.
  4. **Pedestrian Easements:** Pedestrian easements not less than ten (10) feet in width shall be dedicated to the public through blocks where deemed essential by the Planning Commission to provide pedestrian access to schools or other community facilities. These easements shall be provided with walkways and said walkways shall be constructed in a manner approved by the City Engineer.

#### **4-105 Lots:**

1. **Frontage Requirements:** Every lot shall have frontage on a street at least equal to the requirements of the zoning district in which it is located; except those lots fronting on the end of a cul-de-sac, which shall meet the frontage requirements as measured on a radius at the front yard setback line, and except those lots served by an approved travel easement.
2. **Size:** The size, width, depth, shape and orientation of lots and any minimum building setback lines shall be appropriate to provide safe and adequate building sites based upon the location of the subdivision and for the type of development and use intended. At a minimum, lots shall have dimensions and sizes and provide for space requirements no less than as required by the Zoning Ordinance.
3. **Side Lot Lines:** All side lot lines shall be at right angles to straight street lines and radial to curved street lines where practicable.
4. **Commercial/Industrial Lots:** Lots reserved or laid out for commercial and/or industrial purposes shall be of adequate size to provide for the off-street service and parking facilities required by the type of use, zoning district and development contemplated.
5. **Double Frontage:** Double frontage lots shall be avoided for single-family residential dwellings except where the lots abut upon a limited access highway or arterial street, or where the topography of the land prevents reasonable subdivision into additional lots. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
6. **Major Streets:** When possible, lots intended for residential use facing on major streets shall be avoided. It is preferable that the sides or backs of such lots adjoin major streets with the vehicular egress from such lots being oriented to a minor street.
7. **Corner Lots:** Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both streets and to provide adequate corner visibility.
8. **Addressing of Lots:** House numbers shall be assigned to each lot by the Zoning Administrator and shall be displayed and legible in accordance with City standards.

#### 4-106 Easements:

1. **Utility:** Permanent easements shall be provided where necessary for the location and servicing of utility poles, wires, conduits, storm and sanitary sewers, water and gas mains and other public utilities. Utility easements located along rear lot lines shall measure at least 20 feet wide and be centered on such rear lot line. Utility easements located along side lot lines shall measure at least 15 feet wide and shall be centered on such side lot lines; provided, whenever utility easements are located around the perimeter of the area to be subdivided, they shall be contained wholly within such area. Utility easements located along front lot lines shall measure at least 10 feet wide. No utilities shall be buried within the driving surface of the street.
2. **Drainage Easement:** A drainage easement may be required for a proposed subdivision which is traversed by a ~~watercourse~~, drainage way or drainage channel. Such easement shall conform substantially to the lines of such ~~watercourse~~ drainage way or channel and shall be of such width as may be necessary to provide adequate storm water drainage and access for maintenance.

3. **Easement along Streams:** *A drainage easement shall be required for a proposed subdivision which is traversed by a stream, watercourse, or surface drainage course. Such easement shall conform substantially to the lines of said watercourse or stream and shall be of such width as provided below:*

*Minimum distance from Centerline of waterway to the edge of the easement on each side\**

<i>If the watercourse drains 24.9 acres or less:</i>	<i>20 feet</i>
<i>If the watercourse drains 25 to 39.9 acres:</i>	<i>30 feet</i>
<i>If the watercourse drains 40 to 159.9 acres:</i>	<i>60 feet</i>
<i>If the watercourse drains 160 to 4999.9 acres:</i>	<i>100 feet</i>
<i>If the watercourse drains 5000 acres or more:</i>	<i>120 feet</i>

*\* Distances in excess of minimum may be required by the City Engineer.*

4. **Travel Easements:** Travel easements may be allowed in accordance with the provisions of this Article.
5. **Pedestrian Easements:** Pedestrian easements may be required in accordance with the provisions of this Article.
6. **Aviation Easements and Other Restrictions:** Land located within the vicinity of established flight paths and noise impact areas of public-owned or controlled airports, as determined by the Planning Commission, shall be required to grant a permanent aviation easement to the public. All aviation easements shall allow aircraft to operate within the "navigable airspace" as defined by the Federal Aviation Act of 1958, as amended. Consistent with FAA Regulations, the Planning Commission may disapprove a plat, or portion thereof, which could create a hazardous situation for air traffic and the general public resulting from development and construction of a project.

#### 4-107 Drainage:

1. **Drainage Plans:** The developer shall include a drainage plan, as required by Section 2-103(2)(b)(4), and shall design storm water facilities according to the Storm Drainage Master Plan for the City. Drainage plans shall include, but are not limited to:
  - a. A complete drainage-area map showing the natural drainage area boundaries, direction of surface flow, any large impervious areas, existing and proposed streets, man-made or

natural obstructions to be avoided for storm drainage locations, runoff calculations for existing and for developed conditions, and proposed inlet locations.

- b. A grading design so that drainage from each lot should flow directly to a channel or detention area without crossing more than four (4) adjacent lots or four hundred (400) feet, whichever is less.
2. **Detention Facilities:** The developer shall install detention facilities when the Planning Commission determines that a subdivision provides enough area for runoff control and determines that detention facilities are necessary, and will not adversely affect downstream conditions. Examples of instances when detention facilities are required are:
  - a. If the runoff coefficient is greater than point five (.5), any subdivision request of five (5) acres or more must provide detention facilities.
3. **Storm Sewers:** The dedicated non-pavement street right-of-way may be utilized for storm sewer facilities.

#### **4-108 Water and Sewer Facilities:**

##### **1. Water and Sewer:**

- a. All subdivisions located either within the City limits, or in areas to be annexed by the City, shall have water and sanitary sewer systems designed to the standards of the City Engineering Department.
  - b. All other subdivisions within the jurisdiction of this Ordinance shall design the water and sanitary sewer systems in accordance with the standards of the Crawford County Sanitation Code.
2. **Fire Hydrants:** Fire hydrants shall be located on all City streets at least every four hundred (400) feet when the development is being or is proposed to be served by City water. The Planning Commission may require the location of hydrants closer than four hundred (400) feet based on the recommendation of the Fire Chief.
3. **Location:** Water and sanitary sewer systems may be located within the dedicated non-pavement street right-of-way.

#### **4-109 Large Lot Subdivisions:**

When a proposed subdivision involves lots of one (1) acre or more in area, consideration shall be given to the design and layout of the subdivision to any re-subdividing that might take place in the future, with proper provision being made for such street extensions and utility improvements as may be necessary.

#### **4-110 Public Sites and Open Spaces:**

Where deemed necessary by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other public or open spaces. The requirement of the dedication of such public sites and open spaces by the Planning Commission shall not constitute an acceptance of the dedication by the City.

#### **4-111 Bench Marks, Corner Monuments, and Other Markers:**

**1. Bench Marks:**

- a. All elevations shown on plats shall be based on city datum.
- b. The permanent bench mark location and description that is used to extend datum to the project shall be noted on the Preliminary Plat and Final Plat.

**2. Monuments:**

- a. Monuments at the main controlling corners of each unit of a subdivision shall consist of one-half (1/2) inch iron bar, three (3) feet long, and be encased in concrete. Variations to the three (3) foot length may be allowed based on subsurface conditions.
- b. All lot corners and control points for horizontal curves within the subdivision shall be marked with a one-half (1/2) inch iron bar at least two (2) feet long.

**3. U.S. Government Corners:** Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and references to the corner or accessory with the Department of Archives, Kansas State Historical Society and with the County Surveyor. Such survey shall be filed within thirty (30) days of the date the references are made.

- a. Any altered, removed, damaged or destroyed corner shall be restored.
- b. Whenever such a corner or any related accessory is restored, re-established or replaced due to construction activities, a restoration report shall be filed with the Department of Archives, Kansas State Historical Society as specified in K.S.A. 21- 3724, as amended.

**4. Existing Markers:** At any time during construction of the subdivision, if a stone marker should be found, the developer shall place an iron disc next to the stone to facilitate the location of the stone in the future.

#### **4-112 Community Assets:**

In all subdivisions, due regard shall be given to the preservation of any historical sites, drainage courses, areas of particular aesthetic value, or large and/or valuable trees.

**ARTICLE 5  
REQUIREMENTS FOR IMPROVEMENTS**

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**5-101 Applicability:**

Prior to and as a condition of approval of any final plat by the Governing Body, the developer shall agree to install or provide for the installation of certain improvements within the proposed subdivision. Such improvements installed by the developer shall comply with the standards and specifications of the City, utility company or public agency having jurisdiction and shall be subject to any applicable surety requirements to guarantee their proper installation.

**5-102 Required Improvements:**

Every developer shall install, or through the appropriate public agency and/or utility company provide for the installation of the following improvements in accordance with the conditions and specifications required herein:

**1. Water Supply and Sewage Disposal:**

**a. Water Supply:**

- (1) Where an approved public water supply is reasonably accessible or procurable, the developer shall contract with the City of Pittsburg Water Department to make the water supply available for each lot within the subdivided area.
- (2) In a proposed subdivision, pending accessibility of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The adequacy, healthfulness, and potability of the water supply shall be subject to the approval of the State Board of Health. The construction of the water supply system shall be subject to the approval of the City Engineer.
- (3) The developer shall also contract with the City Public Works Department for the installation, maintenance, and operation of fire hydrants in accordance with the City requirements.

b. Sanitary Sewer System:

- (1) Where the sanitary sewer system of the City is reasonably accessible, and the subdivision is within the city limits of the City of Pittsburg, each lot within the subdivided area shall be provided with a connection thereto. All connections shall be subject to the approval of the City, and any subdivided area not within the city limits shall not connect its sewers with the sanitary sewer system of the City without express permission of the Governing Body.
- (2) In subdivisions beyond the city limits, in which the lots are less than one (1) acre in area, and where plans for the installation of sanitary sewers in the vicinity of a subdivision have been prepared by the City Engineer, the developer may be required to install sanitary sewers in conformity with such plans. In such cases, until a connection can be made with the public sanitary sewer system, the use of a central sewage treatment system will be permitted, provided such treatment system is approved by the City Engineer. Where the installation of sanitary sewers is not required, and where the lots are more than one (1) acre in area, the developer may install individual disposal devices for each lot at the time improvements are erected thereon. All such individual sewage disposal systems shall be subject to the approval of the City Engineer.
- (3) All sanitary sewer plans and profiles shall be subject to the approval of the Kansas State Board of Health.

2. **Provision for Storm Drainage:** The developer shall make adequate provision for the control and discharge of storm water from the platted area and in doing so shall give consideration to the alternatives and principles of storm water management. When necessary, the construction of storm sewers shall be properly integrated with any existing storm sewer system and shall provide for the anticipated extension of said system to serve additional areas. The storm drainage plan and subsequent installation of culverts, storm sewers, stabilization ditches, storm water detention or retention ponds and other improvements shall follow accepted engineering standards and principles of design and construction. All storm drainage plans shall be prepared by a registered engineer of the State of Kansas and shall bear the seal of said registered engineer and must receive approval of the City Engineer.
3. **Provisions for Streets:** The developer shall provide for the improvement of all new streets within the platted area. Such street improvements should adequately reflect the classification of the particular street, its location and anticipated volume of traffic. All grades, drainage facilities and surfacing requirements shall be constructed according to the standards and specifications of the City.

Said construction standards are on file and available in the office of the City Engineer. All street plans and specifications shall be approved by the City Engineer and final acceptance of the construction of said streets shall be made by the City Engineer.

4. **Inspections:** All construction and installation shall be inspected by the City Engineering Department. The developer shall pay for inspection personnel furnished by the City, under the supervision of the City Engineer, on all improvements constructed by the developer as contractor or subcontractor. A schedule of fees shall be prepared by the City Engineer.
5. **Installation of Utility Lines & Appurtenances:** The developer shall be responsible for making the necessary arrangements with the appropriate utility companies for the installation of utility lines and appurtenances. The installation of such utilities shall be done in such a manner as to not interfere with other underground utilities and their installation shall be coordinated through the City Engineer. Underground utility lines which cross underneath the right-of-way of a street shall be installed prior to the improvement of any such street in order to reduce the damage caused by street cuts. Incidental appurtenances, such as transformer

enclosures and meter cabinets, shall be located so as not to be hazardous to the public and shall be approved by the City Engineer.

6. **Installation of Monuments:** The developer shall install monuments within the area to be subdivided. Such monuments shall be of the size and type and placed as required by the City Engineer.
7. **Exceptions:** All improvement requirements as set out within this Article shall be provided for in all subdivisions with the following exceptions:
  - a. Upon specific request from the developer and concurrence of the Governing Body, certain improvements may be waived. Such waiver may include, but not be limited to, instances where the proposed subdivision is a resubdivision and/or concerns an area presently having any or all the required improvements as set out in Section 5-102 and where such improvements comply with the requirements of said Section and are in acceptable condition as determined by the City Engineer.
  - b. The Governing Body may make other reasonable requirements for dedications or installations of public improvements or facilities deemed necessary to meet the public needs caused by the new subdivision. Such additional requirements may include, but not be limited to, the provision of park or open space land as is warranted by the reasonably foreseeable future population and use of the area as a result of the proposed subdivision.

### **5-103 Financing:**

1. **Subdivision Improvements:** A method for financing proposed improvements and a breakdown of anticipated costs shall be submitted with the Final Plat. This shall be accomplished by filing a Subdivision Improvements Agreement or a Benefit District Petition, and shall be required for all subdivisions of land except for Tract or Lot Splits which require no improvements. The Governing Body shall have sole responsibility to accept or reject the Subdivision Improvement Agreement or Benefit District Petition. Financing methods may include, but are not limited to, the following guarantees.
  - a. **Petition for Establishment of a Benefit District:** The percentage split of costs shall be based on the policy established by the Governing Body. The City may decide not to participate in Benefit Districts that do not comply with the Capital Improvements Program, those that are located contiguous to existing City limits, or those which are inconsistent with the Comprehensive Plan.
  - b. **Surety Bonds:** The developer shall provide the City Engineer with all calculations and information needed to check the cost estimates of said improvements. This cost shall be estimated by the developer and shall be verified by the City Engineer. The developer shall then be required to obtain a security bond from a surety bonding company authorized to do business in the State of Kansas. The bond shall be made payable to the City of Pittsburg and shall be a percentage of the total improvements costs as recommended by the City Engineer or such other financial assurance accepted by the Governing Body. The duration of the bond shall be until such time as the improvements are completed, inspected and accepted by the City.
  - c. **Alternatives:** Other financing methods may include cash or collateral, Escrow Accounts, Property Escrow Accounts, or any other guarantee the Governing Body shall deem acceptable.
2. **Defaulting:** The Governing Body may, upon advice of the City Engineer, find that the developer is in default of the Subdivision Improvements Agreement. Such finding shall occur at a regularly scheduled meeting of the Governing Body. Two (2) weeks prior to such scheduled meeting, the developer shall be notified by registered mail of possible default

proceedings. At the meeting the developer shall be given the opportunity to rebut findings of default. Defaulting results from:

- a. Improper construction standards and specifications.
  - b. Failure to install agreed upon improvements.
  - c. Construction of improvements not according to agreed upon time schedule, allowing for unexpected or unavoidable delays.
  - d. Other financial and/or contractual conditions which might lead to the developer being unable to complete the agreed upon improvements.
3. **Default Proceedings:** The Governing Body may find the developer not in default, extend the time limit, or:
- a. Should the Governing Body find the Subdivision Improvements Agreement to have been violated, it may liquidate the improvements guarantee, in whatever form it takes, and apply the proceeds of this guarantee to the construction of the improvements set out in the Subdivision Improvements Agreement.
  - b. Should the proceeds of the guarantee not be sufficient to cover the costs of said improvements, the Governing Body may assess to the developer, property owners, or both, the construction costs of the improvements that exceed the amount provided by the developer. This may take the form of a lien against the property covered in the Subdivision Improvements Agreement.
  - c. Should the proceeds of the guarantee exceed the actual cost of the improvements, and any cost incurred in the default procedures, the City shall return the unexpended balance to the individual named on the Subdivision Improvements Agreement as the one having secured the guarantee.
4. **Guarantee Release:** When all improvements have been completed and have been inspected, approved and accepted, the City shall authorize the release of the guarantee.

### **5-104 Relation to Plat Approval:**

1. **Adequate Public Facilities:** Prior to approval of the Preliminary Plat, the Planning Commission shall find that sufficient public facilities and services are either available, shall be available within a reasonable time as programmed in the Capital Improvements Program, or shall be provided by the developer in accordance with the requirements of this Ordinance to adequately service the type of subdivision and development being proposed.
2. **Subdivision Improvements:** When the construction or installation of street improvements, sidewalk improvements, public water supply, sanitary sewer systems, storm sewer systems or other drainage improvements, or other facilities is required to serve the proposed development within a subdivision, a prerequisite for the consideration of the Final Plat shall be the submission of a Benefit District Petition or a Subdivision Improvements Agreement specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The Benefit District Petition or the Subdivision Improvements Agreement shall contain sufficient information to make a determination that the proposed construction or installation shall meet or exceed the standards set forth in the Subdivision Regulations herein. A phased construction time schedule may be recommended by the Planning Commission, subject to Governing Body approval, which is based on the owner's or developer's estimate of the pace at which development will proceed within the subdivision.

3. **On-Site Systems:** When on-site sewerage and/or water systems are proposed to be used in a County subdivision, a prerequisite for the approval of a Final Plat shall be a plan of such systems bearing the signed approval by the Director of the County Health Department. The approved plan for the on-site system shall be presented to the City along with the submission of the Final Plat.
4. **Central Systems:** When a central sewerage and/or water system is proposed for immediate or future use to serve all units within a County subdivision, a prerequisite for the approval of a Final Plat shall be an engineering report and a plant approved by the Director of the County Health Department. Such approved plan shall be presented to the City along with the submission of the Final Plat. In addition to the preparation and approval of such plans, the owner may file a formal written application with the County Commissioners for establishment of a County Sanitary Sewer and/or Water District to serve the subdivision. Such application, or "petition", shall be presented to the County Commissioners prior to the submission of the Final Plat to the City. A preliminary plan for the development and maintenance of such sewerage and/or water systems by either the owner or a Benefit District shall be prepared by the owner and presented to the City along with the Preliminary Plat.
5. **Final Approval:** Any approval required under this section does not obligate the Planning Commission to approve the proposed plat if the Planning Commission finds the overall development to be inconsistent with any established policies and plans.

#### **5-105 Relocation of Existing Facilities:**

1. **Financial Obligations:** Whenever any existing improvements and/or utilities are required to be relocated or upgraded due to the subdivision or construction of improvements required as a condition for approval of the subdivision plat, and in the event such was not known at the time of initial construction, the costs of such relocation or upgrading shall be the sole responsibility of the new subdivision. Franchise agreements between the City and private utilities in effect at the time of construction, may dictate the responsibility for absorbing costs associated with relocating or repairing utility lines. Responsibility may also depend on whether the relocation or repair is a private or public benefit.
2. **Duplication of Improvements:** Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out above, and where such improvements meet the requirements of this Ordinance and are in good condition as determined by the City Engineer, no further provision need be made by the developer to duplicate such improvements. The developer shall provide for the repair, correction or replacement of improvements so that all improvements will then meet the said requirements.
3. **Street Widening or Reduction:** Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street or less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by this Ordinance and/or City policy. The developer of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by this Ordinance and the City Engineer. The City Engineer shall determine what adjustment to make where the widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The City Engineer may approve reduction of the minimum roadway width, as required by this Ordinance, to match an existing roadway system where physical consideration warrants such action.

#### **5-106 Acceptance:**

No improvements may be accepted until the City Engineer has inspected said improvements and certified that they meet the applicable standards.

### **5-107 Building Permits:**

No building permits may be granted until the proposed subdivision has been approved and recorded.

### **5-108 Off-Site Improvements:**

The Planning Commission may, upon advice and findings, require the developer to submit a Subdivision Improvements Agreement or a Benefit District Petition, in accordance with the provisions of this Article, for the installation or upgrading of off-site improvements if such need is substantially created by a proposed subdivision. Off-site improvements should be within dedicated easements or rights-of-way and serve a public purpose. The financing of such improvements shall be handled as if they were on-site improvements. The Governing Body may

require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

1. Special grading requirements;
2. Street improvements;
3. Drainage improvements;
4. Traffic control devices;
5. Landscaping.

**ARTICLE 6  
ADMINISTRATION**

<b>6-101 RULE EXCEPTIONS.....</b>	<b>37</b>
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**6-101 Rule Exceptions:**

The standards and procedures required in this Ordinance shall be interpreted and applied literally in the case of all subdivision plats submitted after the date of the adoption of this Ordinance. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the applicant may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested, on forms provided, at the time of filing of the preliminary or final plat application. A rule exception may be approved by the Governing Body, provided, that in its judgment, such action will not violate the public interest, unnecessarily burden the City, or will annul the intent and purpose of this Ordinance.

**6-102 Appeals:**

Any decision of the Planning Commission or the Zoning Administrator on matters contained herein may be appealed to the Governing Body and the Governing Body may reverse or affirm such decision.

**6-103 Penalty for Violations, Actions:**

The violation of any provision of this Ordinance shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500.00 and that each day's violation shall constitute a separate offense. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Ordinance and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land.

**ARTICLE 7  
MISCELLANEOUS**

<b>7-101 VALIDITY.....</b>	<b>39</b>
<b>7-102 ACCRUED RIGHTS AND LIABILITIES SAVED.....</b>	<b>39</b>
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<b>7-105 REPEALING CLAUSE .....</b>	<b>39</b>

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**7-101 Validity:**

If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**7-102 Accrued Rights and Liabilities Saved:**

The repeal of ordinances provided in Section 7-105 herein, shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances below repealed are hereby continued in force and effect, after the passage, approval and publication of this Ordinance, for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

**7-103 Severability:**

Each article, section, and subdivision of a section of this Ordinance is hereby declared to be independent of every other article, section, or subdivision of a section, so far as inducement for the passage of this Ordinance is concerned.

**7-104 Effective Date:**

This Ordinance, being designated as the "Subdivision Ordinance of Pittsburg, Kansas", shall be in full force and effect from and after its passage and publication in accordance with K.S.A. 12-3009 through 12-3012.

**7-105 Repealing Clause:**

This Ordinance repeals the Subdivision Regulations of Pittsburg, Kansas, in its entirety.