

ZONING REGULATIONS
for the
CITY OF CANEY, KANSAS

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MODEL CODE
prepared for
CANEY CITY PLANNING COMMISSION

by

Foster & Associates
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in cooperation with

Southeast Kansas
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ZONING REGULATIONS
for the City of
Caney, Kansas

ARTICLE I. TITLE, PURPOSE, AUTHORITY AND JURISDICTION

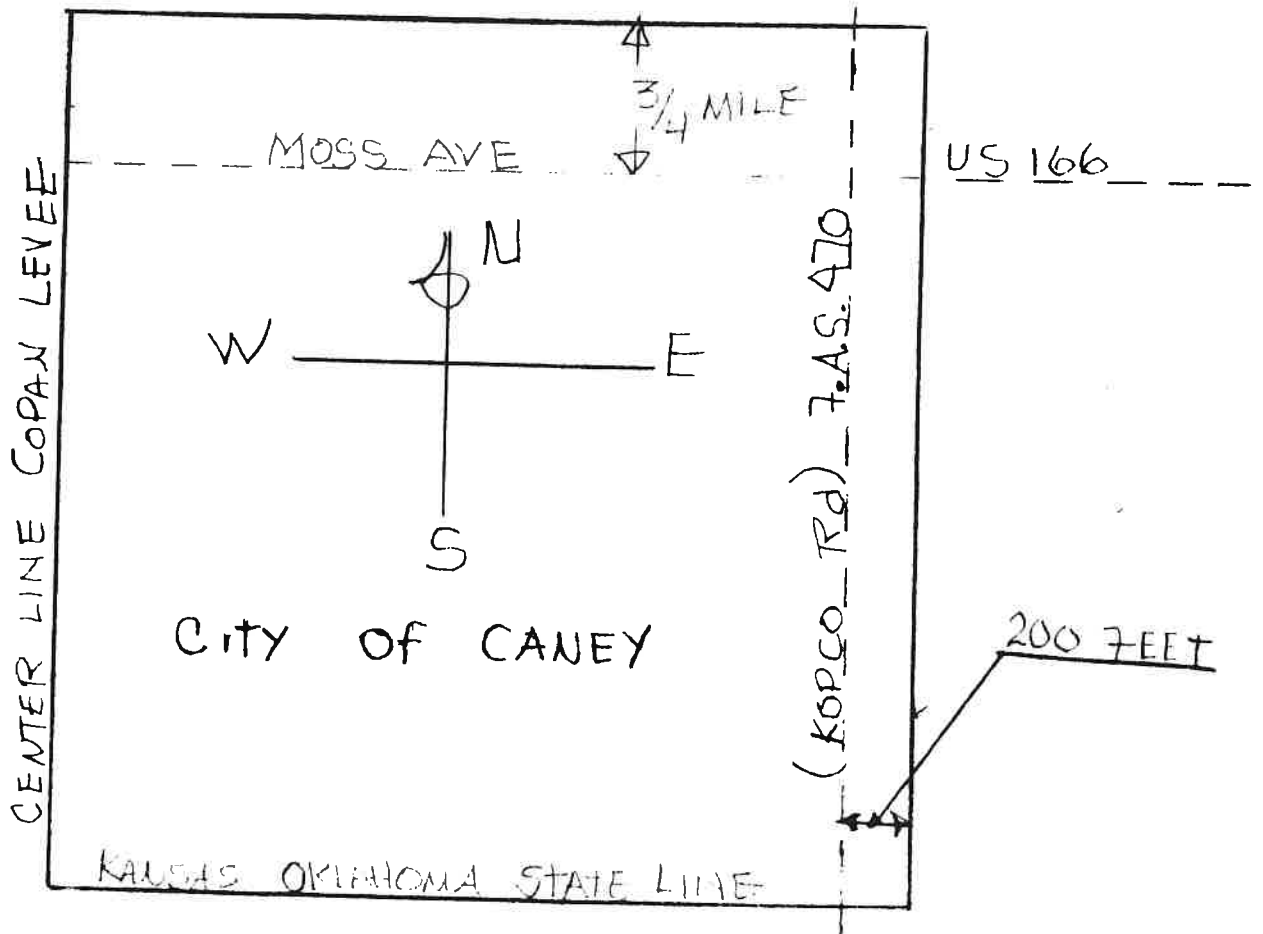
- 100 Title. These regulations, including the zoning district map(s) made a part thereof, shall be known and may be cited as the "Caney Zoning Regulations", and shall hereinafter be referred to as "these regulations".
- 101 Purpose. These regulations are intended to serve the following purposes:
- A. To promote the health, safety, morals, comfort, and general welfare of the residents;
 - B. To create a variety of zoning districts with varying intensities of uses and standards whose interrelationships of boundary zones form a pattern of buffer areas and enhance the value of each zone;
 - C. To regulate and restrict the location and use of buildings and the uses of land within each district and zone for residential, business, industrial, and other purposes;
 - 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; and size of yards, courts and other open spaces;
 - E. To conserve and protect property values;
 - F. To provide for adequate light and air, and acceptable noise levels;
 - G. To avoid the undue concentration of population and to prevent overcrowding the use of land;
 - H. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements; and
 - I. To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters which are an implementation of the Comprehensive Plan for orderly development within the zoning jurisdiction.
- 102 Authority. The regulations set forth herein are adopted under authority established by K.S.A., as amended, 12-707 through 12-715b, 12-3009 through 12-3012, and 12-3301 through 12-3302.
- 103 Zoning Jurisdiction. These regulations shall apply to all structures and land within the corporate limits of the City of Caney, Kansas, as presently exists or are hereafter established, and within the following land descriptions which are located outside the City of Caney but located within Montgomery County, Kansas:

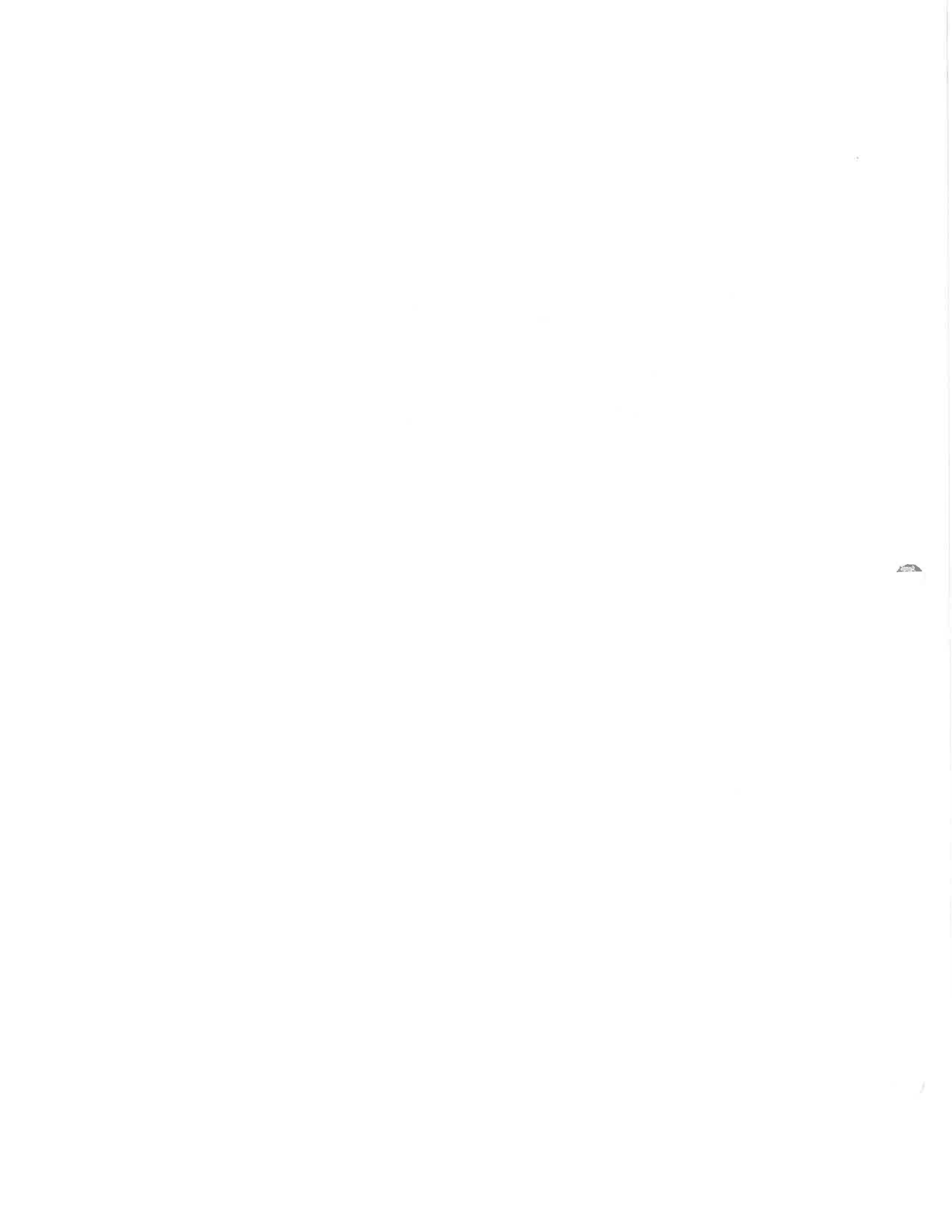
That land area surrounding and including the City of Caney, Kansas which forms a rectangle bounded on the South by the Kansas-Oklahoma State Line; on the West by the center line of the proposed Copan Levee location as extended in a straight line northward and southward; on the North by a line three-fourth mile north and parallel to the east-west direction of the center line of Moss Avenue and U. S. 166; and on the East by a line 200 feet east of the center line of F.A.S. 470 as extended northward and southward. Such area is delineated on the official zoning map of the City of Caney which is on file in the office of the City Clerk.

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JURISDICTION

That land area surrounding and including the City of Caney, Kansas which forms a rectangle bounded on the South by the Kansas-Oklahoma State Line; on the West by the center line of the proposed Copan Levee location as extended in a straight line northward and southward; on the North by a line three-fourth mile north and parallel to the east-west direction of the center line of Moss Avenue and U. S. 166; and on the East by a line 200 feet east of the center line of F.A.S. 470 as extended northward and southward. Such area is delineated on the official zoning map of the City of Caney which is on file in the office of the City Clerk.





ARTICLE 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

100 Rules of Interpretation.

- A. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.
- B. Overlapping or Contradictory Regulations. Where the conditions imposed by the provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. Private Agreements. The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
- D. Unlawful Uses. No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.
- E. Not A Licensing Regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation or activity.
- F. Effect on Existing Permits. Nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any structure in the event that:
 1. A building permit and/or a zoning permit for such structure was lawfully issued prior to the effective date of these regulations, or the effective date of any amendment thereof; and
 2. Such permits had not by their own terms expired prior to such effective date; and
 3. Such permits were issued on the basis of an application showing complete plans for proposed construction; and
 4. There has been a substantial change of position, substantial expenditure, or incurrence of substantial obligations by the permit holder in reliance on such permits; and

5. Such change of position, expenditures or incurrence of obligations were made prior to published or actual notice of a proposed amendment of these regulations which amendments would have made illegal the issuance of such permits; and
6. Construction pursuant to such permits is completed prior to the expiration of such permits; and
7. When a structure is completed under a permit to which this Sub-section 2-100(F) applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the building permit or zoning permit was issued.

101 Rules of Construction.

- A. In the construction of these regulations the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise:
1. The singular number includes the plural and the plural the singular.
 2. The present tense includes the past and future tenses and the future the present.
 3. The word "shall" is mandatory while the word "may" is permissive.
 4. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
 5. The word "person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 6. The word "Municipality" means the City of Caney, Kansas.
 7. The words "Governing Body" mean the Mayor and Council members of the City of Caney, Kansas which together constitute the governing body.
 8. The word "Clerk" means the City Clerk of the City of Caney, Kansas.
 9. The words "Planning Commission" mean the Caney City Planning Commission.
 10. The words "Comprehensive Plan" mean the adopted Comprehensive Development Plan for the City of Caney, Kansas and surrounding Planning Area, which includes, among other elements, a plan for land use.
 11. The words "zoning jurisdiction" mean the area as defined in Section 1-104 for which the jurisdiction of these regulations is applicable for zoning purposes.
 12. Unless otherwise specified, all distances shall be measured horizontally.

- B. Any word or phrase which is defined in this Article, or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
- C. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

102 Definitions. The following definitions shall be used in the interpretation and construction of these regulations:

Accessory Use or Structure: As defined in Article 5.

Agriculture Uses: The growing of crops, pasturage, nursery, or the raising of poultry, cattle and other livestock, including the structures necessary for carrying out farming operations and the residence(s) of those owning and operating the premises such as a member of the family thereof, or persons employed thereon and their families. So long as such land and structures are used for such purposes, these regulations do not apply. (See Feed Lot, Commercial.)

Alley: A strip of land along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots.

Animal Hospital or Clinic: An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. (This does not include open kennels or runs.)

Apartment: See Dwelling, Multiple-Family.

Automobile Service Station: A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs, but not including tire recapping, body repairs, or major overhaul.

Basement: That portion of a building having more than one-half of its height below grade.

Boarding Home for Children: A residential facility where children not related to the family by blood, marriage, or adoption are cared for twenty-four hours a day by adult supervision which is licensed by the Kansas Department of Health and Environment.

Boarding or Rooming House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, lodging only or with meals are provided for not members of the same family. Individual cooking facilities are not provided.

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.

Bulk Regulations: Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yard and setbacks.

✓ Business and Professional Office: The office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

Campgrounds: Any piece, parcel, tract or plot of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers, tents or similar recreational vehicles. No camper shall occupy a campground for a period exceeding 30 consecutive days. The term campgrounds does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection, or sale.

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

Capacity in Persons: The maximum number of persons that can avail themselves of the services (or goods) of an establishment, at any one time, with reasonable comfort.

Car Wash: An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.

X Day Care Center: A day nursery providing care for six or more children over three years of age, for part or all of a day, away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, centers giving emphasis to special programming for children, kindergartens not accredited by the State Department of Public Instruction, and other establishments offering care to groups of children for part or all of the day. Day care centers shall meet all requirements of the Kansas Department of Health and Environment.

Day Care Home: A home in which care is given to five or less children, not related to the operator by close ties of blood, marriage, or legal adoption, outside their own home during any part of the day. Day care homes shall meet all requirements of the Kansas Department of Health and Environment.

Density: Restrictions on the number of dwelling units that may be constructed per acre or per square feet of a zoning lot area.

Developer: The legal or beneficial owner or owners of all of the land proposed to be included in a planned development, or the duly authorized agent thereof. The holder of an option or contract or purchase, a lessee having a remaining term of not less than 40 years, or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these regulations.

District: A section or sections of the zoning jurisdiction for which the regulations governing the use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.

Dog Kennel: Any place where four or more dogs are kept, maintained, boarded, and/or bred for a fee and/or offered for sale. A dog is defined as any canine specie over six months of age.

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

Dwelling: A building or portion thereof, but not a mobile or modular home, designed or used for a residential occupancy.

Dwelling, attached: A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

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

Dwelling, Multiple-Family: A residential building containing three or more dwelling units.

Dwelling, Single-Family: A residential building containing one dwelling unit only.

Dwelling, Two-Family: A residential building containing two dwelling units only.

Dwelling Unit: One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

Family: Either (1) an individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (2) a group of not more than four persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; plus in either case, usual domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.

Feed Lot, Commercial: The confined feeding of food, fur or pleasure animals in buildings, lots, pens, pools, or ponds which normally are not used for raising crops or for grazing animals. For the purpose of these regulations, the term feed lot shall include the confined feeding of: 150 or more feeder or fat cattle, 100 or more beef cows, 100 or more dairy cattle, 500 or more swine, 2,000 or more sheep, 3,000 or more turkeys, or 10,000 or more chickens, ducks or geese.

Fence: A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

Floor Area: For computing off-street parking requirements, floor area shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include all floors except that space which is used for storage or for group meeting rooms.

Fraternal and/or Service Clubs: An association formally organized for either fraternal, social, educational, philanthropic or other similar purposes, including union and professional organizations, and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all Federal, State, County and local laws.

Frontage: The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

Garden Stores: Stores which sell growing plants, seeds, bulbs, shrubs and gardening and landscaping tools, implements and supplies, including lawn furniture.

Height, Maximum: A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. No part of any structure shall project through such plane except:

1. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located;
2. Flag poles, television and radio aerials, water towers and tanks, steeples and bell towers, carillons, monuments, cupolas, broadcasting and microwave transmitting and relay towers and electric transmission line towers.

Home Occupation: As defined in Article 5.

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.

Junk or Salvage Yard: A lot, parcel or tract of land, including buildings, used primarily for the collection or storage or sale of wastepaper, trash, rags, fibrous material, scrap metal or other discarded material; or for the collecting or dismantling or storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures.

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

Lot Area: The area of a horizontal plane bounded by the front, side and rear lot lines.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot Coverage: That 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.

Lot Depth: The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot Line, Front: A street right-of-way line forming the boundary of a lot.

Lot Line, Rear: The lot line that is most distant from, and is, or is most nearly, parallel to, the front lot line. If a rear lot line is less than 15 feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines the owner or developer shall designate the yard which is to be the rear yard.

Lot Line, Side: A lot line which is neither a front lot line or a rear lot line.

* Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds, or a parcel of land the deed to which was recorded prior to adoption of these regulations.

Lot Size Requirements: Restrictions on the dimensions of lots including (1) minimum lot area, width and depth; and (2) maximum density. Minimum

lot area, width and depth establish the size of the zoning lot on which a structure or use, or two or more structures or uses, may be constructed or established.

Lot Width: The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the established front building line.

Lot, Zoning: A parcel of land that is designated by its owner or developer, at the time of applying for a zoning permit as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of: (1) A single lot of record, or (2) A portion of a lot of record, or (3) A combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

Medical, Dental, or Health Clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care, and treatment of physical or mental diseases or ailments of human beings; including, but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists, and in which no patients are lodged overnight, but which may include an apothecary.

Mobile Home or Trailer: As defined in Article 4.

Mobile Home Park: As defined in Article 4.

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

Nonconforming Lot of Record: An unimproved lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.

Nonconforming Structure or Use: A lawfully existing structure or use at the time these regulations or any amendments thereto became effective which does not conform to the requirements of the zone in which it is located.

Nursing or Convalescent Home: An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

Outdoor Storage: The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

Principal Structure: A structure in which a principal use of the lot on which the structure is located is conducted.

Principal Use: The main use of land or structures as distinguished from a subordinate or accessory use.

* Private Club: An association organized and operated either for or not for profit for persons who are bonafide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable Federal, State, County and local laws.

Public Sewer and Water System: Any system, other than an individual septic tank or tile field, or individual well, operated by a municipality or other governmental agency or a public utility for the disposal of wastes and the furnishing of water.

Remodeling: Any change in a structure (other than normal repairs and maintenance) which may prolong its useful life, or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

Residential Building: A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, dormitories, sororities and fraternities, as well as modular or mobile homes.

Restaurant: A public eating house, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants and soda fountains, but not a drive-in establishment.

Screening: Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet in height.

Setback, Building: A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the front street right-of-way. The setback distance shall be measured from the existing right-of-way line or the proposed right-of-way line, whichever is the greater. (Note: Proposed right-of-way lines are based on the Comprehensive Plan and may be further specified in local Subdivision Regulations for arterial, collector, local, and marginal access streets.)

Sign: Any writing (including letters, words or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols, or trademarks), flag, banner, streamer, pennant, string of lights, or display calculated to attract the attention of the public, or any other figure of similar character which:

1. Is a structure or any part thereof, or a portable display, or is attached to, painted on, or in any other manner represented on a building or other structure or on the ground, and
2. Is used to announce, direct attention to, or advertise, and
3. Is not located inside a building.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences, driveways, hard surfaced walk and terraces, swimming pools, or public items such as utility poles, street light fixtures, and street signs.

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

1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support walls are not materially changed.
4. Repair or replacement of non-structural members.

Tavern: An establishment in which cereal malt beverages are sold or served to customers.

Use: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Use Regulations: The provisions of these regulations which identify permitted and conditional uses, impose use limitations, and regulate home occupations and accessory and temporary uses.

Yard: Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in Article 3.

Yard, Front: A yard extending along a full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard. On a corner lot, each yard that abuts a front lot line shall be considered a front yard.

Yard, Side: A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of a required minimum side yard, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of these regulations refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified.

YMCA, YWCA, Boy Scouts, Girl Scouts, Camp Fire Girls and Other Similar Groups:

An association formally organized for a common purpose, or interest, and operated not for profit for persons who are bona fide members, which owns, hires, or leases premises, the use of which premises is primarily utilized for the promotion of a common purpose or interest of the association. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. No alcoholic beverages may be served or sold on the premises.



ARTICLE 3. GENERAL PROVISIONS

100 : Activities Governed by These Regulations.

- A. New Structures. All structures built hereafter shall comply with all of the provisions of these zoning regulations. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage or destruction by fire or other casualty shall be considered to be a structure built hereafter, unless Article 8 of these regulations permits such structures to be rebuilt or restored.
- B. New Uses of Old Structures. If a use of any structure is hereafter changed to another, then the new use must comply with the use regulations of these regulations unless permitted by provisions in Article 8. The mere establishment of the new use does not require the existing structure to conform to the lot size requirements or the bulk regulations.
- C. Remodeling. If any structure is hereafter remodeled:
1. The entire structure as remodeled shall comply with the use regulations of these regulations.
 2. Any alterations of, enlargements or additions to the structure shall comply with the bulk regulations of these regulations.
 3. The off-street parking facilities shall not be reduced below (or if already less than, shall not be further reduced below) the requirements applicable to a similar new structure or use.
- D. Uses of Open Land. If any use of open land is hereafter established or if any use of open land is hereafter changed to another use, such new use shall comply with all the provisions of these regulations.
- E. Exemptions. The following structures and uses shall be exempt from the provisions of these regulations:
1. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water operated or maintained by public utility but not including substations located on or above the surface of the ground.
 2. Railroad track, signals, bridges and similar facilities and equipment located on a railroad right-of-way, and maintenance and repair work on such facilities and equipment.
 3. Agricultural structures or land used for agriculture. In the event that any structure or land ceases to be used only for agriculture, then such structure or land shall be subject to the applicable regulations of these regulations.

101 Districts, Zoning Maps and Boundaries.

A. Establishment of Districts.

1. The zoning jurisdiction is hereby divided into the districts as described in Article 4. References to "residential districts" shall mean those districts in which residential uses are the main permitted use. References to "industrial districts" shall mean those districts in which industrial uses are the main permitted use. References to "business districts" shall mean those districts not otherwise identified as "residential" or "industrial", but in any case not to include a district in which agriculture is the main use.

B. Zoning Maps.

1. The boundaries of the districts described in Article 4 are as indicated on the zoning map(s) of the Municipality, a copy of each of which is on file in the office of the Clerk and identified on its face as part of these regulations. Each of the zoning map(s), with all notations, references and other matters shown thereon, is as much a part of these regulations as if specifically set forth herein.
- * 2. It is the intent of these regulations that the entire area of the zoning jurisdiction, including all the land and water areas, rivers, streets, alleys and railroads and other rights-of-way be included in the districts established in these regulations. Any area not shown on the said zoning map as being included in any district shall be deemed to be in the most restrictive district.

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

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

D. Zoning of Streets, Alleys, Public Ways, Waterways and Railroad Rights-of-Way.

All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the center line of a street, alley, public way, waterway or railroad

right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

102 General Requirements for All Zoning Districts.

- A. Permitted Uses. No structure shall hereafter be built, moved or remodeled and no structure or land shall hereafter be used, occupied or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located or provided for otherwise in these regulations.
- B. Conditional Uses. No use of a structure or land that is designated as a conditional use in any zoning district shall hereafter be established, and no existing conditional use shall hereafter be changed to another conditional use in such district unless a conditional use permit is secured from the Board of Zoning Appeals as provided for in Article 10.
- C. Lot Sizes.
 1. No structure, or part thereof, shall hereafter be built, or moved or remodeled and no structure or land shall hereafter be used, occupied or arranged or designed for use of occupancy on a zoning lot, unless otherwise provided for in these regulations, which in its district is:
 - (a) Smaller area than the minimum area, or minimum lot area per dwelling unit required;
 - (b) Narrower than the minimum lot width required; or
 - (c) Shallower than the minimum lot depth required.
- D. Bulk Regulations. In these regulations, bulk requirements are expressed in terms of maximum structure height, maximum lot coverage, minimum setbacks and minimum front, side and rear yards. No structure, or part thereof, shall hereafter be built or moved or remodeled and no structure or land shall hereafter be used, occupied or designed for use of occupancy:
 1. That would exceed the maximum lot coverage percentage, or the maximum of structure height specified for the zoning district in which the structure is located; or
 2. That would provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such district or use of land is located or maintained except as front yard setbacks may be applied in Sections 3-103(B) and 3-103(C).
- E. Use Limitations. No permitted or conditional use hereafter established, altered, modified or enlarged shall be operated or designed so as to conflict with the use limitations for the zoning district

in which such use is, or will be, located. No permitted or conditional use already established on the effective date of these regulations shall be altered, modified or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located.

- F. Accessory Structures or Uses. No accessory structures or use, as defined in Article 5 shall hereafter be built, moved or remodeled, altered or enlarged unless such accessory structure or use is permitted by Article 5 of these regulations.
- G. Temporary Structures and Uses. No temporary structure or use shall hereafter be built, moved or remodeled, altered or enlarged unless such temporary structure or use is permitted by Article 5 of these regulations.
- H. Home Occupations. No home occupation, as defined by Article 5 shall hereafter be established, altered or enlarged in any residential district unless such home occupation complies with the conditions, restrictions and permitted uses as provided for in Article 5.
- I. Signs. No signs shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies, or will thereafter comply, with the restrictions imposed by Article 6.
- J. Off-Street Parking and Loading. 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 off-street loading spaces required by Article 7 are provided. No structure or use already established on the effective date of these regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Article 7, for such enlargement, are provided.

103 Miscellaneous Requirements.

- A. Number of Structures and Uses on the Zoning Lot. Where a zoning lot is used for other than a single-family or two-family dwelling, more than one principal structure and use may be located upon the lot, but only when the structures and uses conform to all requirements for the district in which the lot is located.
- B. Platted Building and Setback Lines. If a recorded subdivision plat imposes a building or setback line for a lot which is different from the minimum setback or front yard required by the applicable section of these regulations, then, notwithstanding any other provision of these regulations, the minimum setback or minimum front yard shall be the same as that shown on such subdivision plat provided that it has been recorded prior to the effective date of these regulations.
- C. Average Setback in Existing Residential Districts.
 - 1. On streets where a front yard more than that required by these regulations has been maintained for existing structures on lots

having a frontage of 50 percent or more of the total frontage on one side of that portion of the street line between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the said existing structures, provided that these regulations shall not be interpreted to require a front yard setback of more than 50 feet.

2. On streets where a front yard less than that required by these regulations has been maintained for existing structures on lots having a frontage of 50 percent or more of the total frontage on one side of that portion of the street line between two intersecting streets, the front yard setback need not be greater than the average setback of the existing structures, provided that these regulations shall not be interpreted to permit a front yard setback of less than 20 feet.

D.

Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for said zoning lot shall be provided and maintained unless some other provision of these regulations requires or permits a different minimum setback, front or side or rear yard. The front, side and rear yards shall not be required on zoning lots used for open public recreation areas.

E. Restrictions on Allocation and Disposition of Required Yards or Open Space.

1. No part of the lot area, or of a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area or of a yard, or open space, or off-street parking or loading space required for any other structure or use, except as specifically provided herein.
2. All of the lot area and all yards in other open spaces provided in connection with any structure or use in order to comply with these regulations shall be located on the same lot as such structure or use.
3. No part of the lot area or of the yard, other open space, or off-street parking or loading space provided in connection with any structure or use (including but not limited to, any structure or use existing on the effective date of these regulations or of any amendment thereof) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for the equivalent new construction.

F. Permitted Obstruction in Required Yards. The following shall not be considered to be obstructions when located in a required yard:

1. In all yards: Open terraces not over four feet above the average level of the adjoining ground but not including a permanent roof

over a terrace or porch; awnings or canopies; steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot or to a lot from a street or alley; one story bay-windows and overhanging eaves and gutters projecting 30 inches or less into the yard; chimneys projecting 30 inches or less into the yard; arbors and trellises; flagpoles; and signs, when permitted by Article 6.

2. In any yard except a front yard: Accessory uses permitted by Article 5; recreational and laundry drying equipment; and open and closed fences not exceeding six feet in height.

If any provision in these regulations requires a fence in a front yard, then such fence shall be a permitted obstruction within the meaning of this Section.

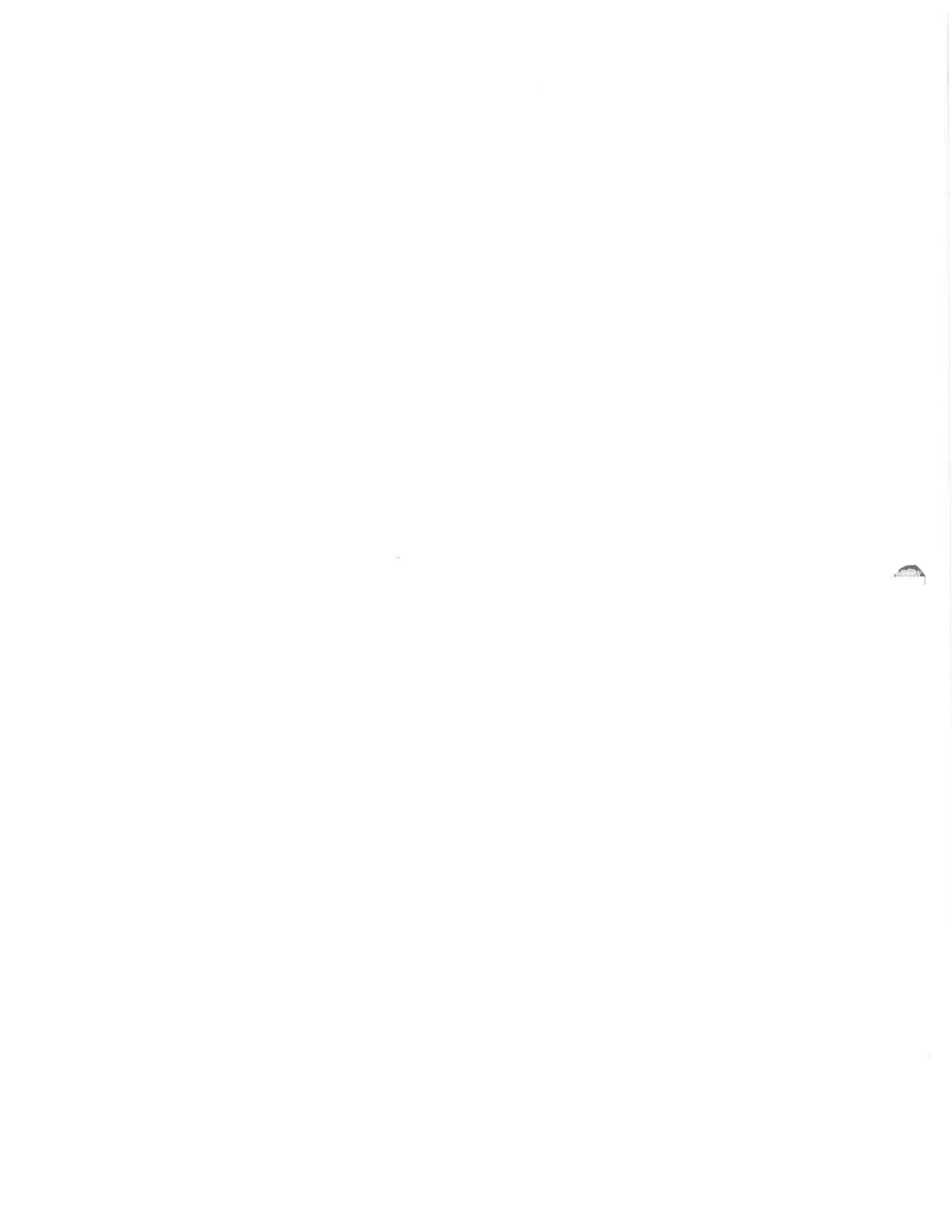
- G. Access to Business and Industrial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any business or industrial district.

- H. Lot Size Requirements and Bulk Regulations for Public Utility Facilities.

Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located except as may be determined by the Board of Zoning Appeals where a conditional use permit is required in certain districts:

1. Electric and telephone substations and distribution systems.
 2. Gas regulator stations.
 3. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas or water.
 4. Pumping stations.
 5. Radio, television and micro-wave transmitting or relay stations and towers.
 6. Transformer stations.
 7. Water or standpipes.
- I. Sewer and Water Facilities. All principle structures built hereafter, shall be served by and connected to a municipal type or public sewer and water system, whenever such facilities are provided within an economically feasible distance.

- J. Dedication of Rights-of-Way and Easements. The Governing Body after receiving a recommendation from the Planning Commission, may require the dedication of additional street rights-of-way and/or easements for utilities as a condition related to a change in zoning on a lot by either requiring that the lot be platted or replatted according to any Subdivision Regulations of the Municipality or, in lieu of platting, by a legal document making such required dedications to the applicable Municipality.



ARTICLE 4. ZONING DISTRICTS

100 Permitted Uses in All Districts.

- A. Accessory and temporary uses and home occupations as permitted by Article 5.
- B. Signs as permitted by Article 6.
- C. Off-street parking and loading as required by Article 7.

101 A-1 Agricultural District. This district is intended to conserve and promote the preservation of productive agricultural areas and through the control of density, land use, and land coverage to discourage the effects of "urban sprawl" into the rural areas.

A. Permitted Uses.

1. Agricultural uses as defined by Article 2.
2. Single-family dwellings.
3. Parks and recreation areas and community buildings owned by a public agency.
4. Public and private schools: elementary, junior high and senior high.
5. Churches, chapels, temples, and synagogues.
6. Golf courses including accessory club houses, but not golf driving ranges, pitch and putt or miniature golf courses.
7. Greenhouses and nurseries.
8. Exploration and extraction of oil and natural gas.

B. Special Uses.

1. Airports.
2. Automobile salvage yards, junk yards, and scrap processing yards, subject to the following conditions:
 - (a) Located on a tract of land at least 300 feet from a residential district.
 - (b) The operation shall be conducted wholly within an enclosed noncombustible building or within an area completely surrounded by a fence or wall at least eight feet high, but not more than ten feet high. Such fence or wall shall be of uniform texture and color and shall be properly maintained by the owner.

- (c) No junk shall be loaded, unloaded, or otherwise placed temporarily or permanently outside the enclosed building, fence, wall, or within the public right-of-way.
- (d) No junk or scrap or other material shall be piled higher than the top of the required fence or wall.
- (e) Burning of junk, scrap and other waste materials shall be subject to the applicable local, State and Federal laws.

3. Cemeteries, crematories and mausoleums.

4. Campgrounds, subject to the following regulations:

- (a) Campgrounds shall be utilized only for the accommodations of camping trailers, tents, and other similar camping vehicles, and under no circumstances shall a campgrounds be utilized for the occupancy of mobile homes.
- (b) The tract to be used for a campground shall not be less than two acres in area.
- (c) The applicant for a campground shall submit a preliminary plan, drawn to a scale of not less than 1"=100', and three copies of said plan shall be submitted to the Board for their review and recommendations. Such plans shall comply with the following minimum requirements:
 - (1) Contours at intervals of one foot shall be indicated on the plan.
 - (2) The campgrounds shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (3) Campgrounds shall have a maximum density of 20 camping spaces per gross acre, and a minimum area of 1,250 square feet shall be provided for each space.
 - (4) Each camping space shall be at least 25 feet wide and a minimum of 50 feet in depth.
 - (5) Travel trailers shall be located on each space so as to maintain a setback of no less than 20 feet from any public street, highway right-of-way, or property line.
 - (6) All camping spaces shall front on a private roadway of not less than 24 feet in width, and all roadways shall have unobstructed access to a public street.
 - (7) A solid or semi-solid fence or wall at least six feet high, but not more than eight feet high, shall be provided between the campgrounds and any adjoining property

which is zoned for residential purposes. In lieu of said fence or wall, a landscape buffer may be provided not less than 25 feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a camping space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner.

- (d) A service building shall be provided which shall:
- (1) Be located not nearer than 25 feet from a camping space or a property line.
 - (2) Be so located that any camping space which it serves shall not be more than 600 feet from the building.
 - (3) Be of permanent type moisture-resistant construction to permit frequent washing and cleaning and be adequately lighted.
 - (4) Have adequate flush-type toilets, lavatories and showers or bathtubs for each sex. All lavatories, bathtubs and showers shall be connected with both hot and cold running water.
 - (5) Have adequate heating facilities to maintain a temperature of 68 degrees Fahrenheit in the building and provide hot water (140°F.) adequate in volume for the required fixture units.
 - (6) Have an accessible, adequate, safe and potable water supply, and if a public water supply is reasonably available to the campgrounds, it shall be used.
 - (7) Have an adequate method for on-site sewage disposal as provided for in these regulations, however, if a public sewer system is reasonably available, it shall be used.
 - (8) Have all rooms well-ventilated with all openings effectively screened.
 - (9) When applicable, comply with all construction codes for buildings and the installation of electrical, plumbing, heating and air conditioning systems.
 - (10) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants or the public or constitute a nuisance.

- (e) Upon approval of the preliminary campgrounds plan by the Board, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested.
- (f) Any substantial deviation, as determined by the Zoning Administrator, from the approved plan shall constitute a violation of the zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the Board prior to the issuance of a zoning permit.
5. Commercial agricultural product storage (elevators) when no other business is in combination with such storage.
 6. Commercial auction yards and barns.
 7. Commercial development of natural resources and extraction of raw materials such as rock, gravel, or sand.
 8. Drive-in-movies.
 9. Feed lots as defined in Article 2.
 10. Feed mills and fertilizer plants.
 11. Hospitals, isolation homes, penal institutions, sanitoriums or asylums for the treatment of mental illness, alcoholism or narcotics addiction.
 12. Kennels for breeding and boarding dogs, provided that:
 - (a) No kennel buildings or runs or open areas shall be located closer than 300 feet to any property line.
 - (b) All kennel runs or open areas shall be screened around such areas or at the property lines. Such screening may be densely planted deciduous foliage or a solid wall or fence of masonry, wood or metal designed so as to reduce noise and prevent the distraction or excitement of the dogs.
 13. Privately owned seasonal or temporary or permanent parks and recreational areas such as campgrounds; adult and family retreat areas; gun clubs; and archery, trap and skeet ranges; rodeo or fairgrounds.
 14. Public and private utility substations, towers, and transmitters.
 15. Public buildings erected or land used by any agency of a City, or the County, State or Federal government.
 16. Race tracks.
 17. Riding stables and academies providing no structure housing horses shall be located nearer than 500 feet to the boundary of any residential district.

18. Sanitary landfills.

19. Seasonal or temporary uses such as recreational or church related camps or similar enterprises.

20. Storage of anhydrous ammonia or propane tanks.

C. Lot Size Requirements.

1. Minimum lot area and width:

(a) Single-family detached dwellings:

(1) 10,000 square feet where both a public water and sewer system is available on a minimum width of 70 feet, or

(2) 20,000 square feet where a public water supply is available, but an on-site sewage disposal system is used with a 100-foot width, or

(3) 40,000 square feet if both an on-site water supply and sewage disposal system is to be used with a 140-foot width.

(b) All other permitted uses: 10,000 square feet with a 90-foot lot width.

2. Minimum lot depth: 100 feet.

D. Bulk Regulations.

1. Maximum structure height: 35 feet for residential dwellings; all others not restricted.

2. Yard requirements:

(a) Minimum front yard: 25 feet on all sides abutting a street.

(b) Minimum side yards:

(1) Single-family: 8 feet on each side of the lot.

(2) All other permitted uses: 15 feet on each side of the lot.

(c) Minimum rear yard: 25 feet.

3. Maximum lot coverage: 30 percent.

102 R-1 Residential District. This district is designed for a medium density mixture of dwelling types and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

A. Permitted Uses.

1. Agriculture as defined by Article 2.
2. Single and two-family dwellings; and modular and mobile homes as defined and permitted by Section 4-104.
3. Parks and playgrounds and community buildings owned by a public agency.
4. Public and private schools: primary, intermediate and secondary.
5. Churches, chapels, temples and synagogues.
6. Golf courses, for daytime use only, but not including accessory club houses or golf driving ranges, pitch and putt or miniature golf courses.

B. Special Uses.

1. Day care centers.
2. Swimming clubs, tennis clubs, and clubhouses accessory to golf courses.
3. Public buildings erected or land used by any agency of the City, County, State or Federal government.
4. Public utility uses as follows: electric and telephone substations and distribution centers; gas regulator stations; pumping stations; and water towers and standpipes.

C. Lot Size Requirements. (Served by public water and sewer systems.)

1. Minimum lot area:
 - (a) Single-family dwellings: 6,800 square feet. *7,200 sq*
 - (b) Two-family dwellings: 9,000 square feet. *10,000 sq*
 - (c) Mobile and modular homes: (See Section 4-104.)
 - (d) All other permitted uses: 10,000 square feet.
2. Minimum lot width:
 - (a) Single-family dwellings: 60 feet.
 - (b) Two-family dwellings: 70 feet.
 - (c) Mobile and modular homes: (See Section 4-104.)
 - (d) All other permitted uses: 90 feet.
3. Minimum lot depth: 90 feet.

ORDINANCE NO. 2035

AN ORDINANCE AMENDING ARTICLE 4 (ZONING DISTRICTS), SECTION 104 (MOBILE AND MODULAR HOME REGULATIONS AND DISTRICTS), OF THE ZONING REGULATIONS FOR THE CITY OF CANEY, KANSAS, AND REPEALING CERTAIN PROVISIONS OF ORDINANCE NO. 2012 AND ANY AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. The Zoning Regulations for the City of Caney, Kansas are hereby amended as follows:

(a) Article 4, Section 104.B, relating to the use of mobile homes and modular homes in the R-1 Residential District, is hereby amended as follows:

B. Within the R-1 Residential District, only the following uses with respect to all defined structures shall be permitted:

1. A Residential-Design Manufactured Home, as that term is defined in Ordinance No. 2012, subject to the architectural and aesthetic standards set forth therein.

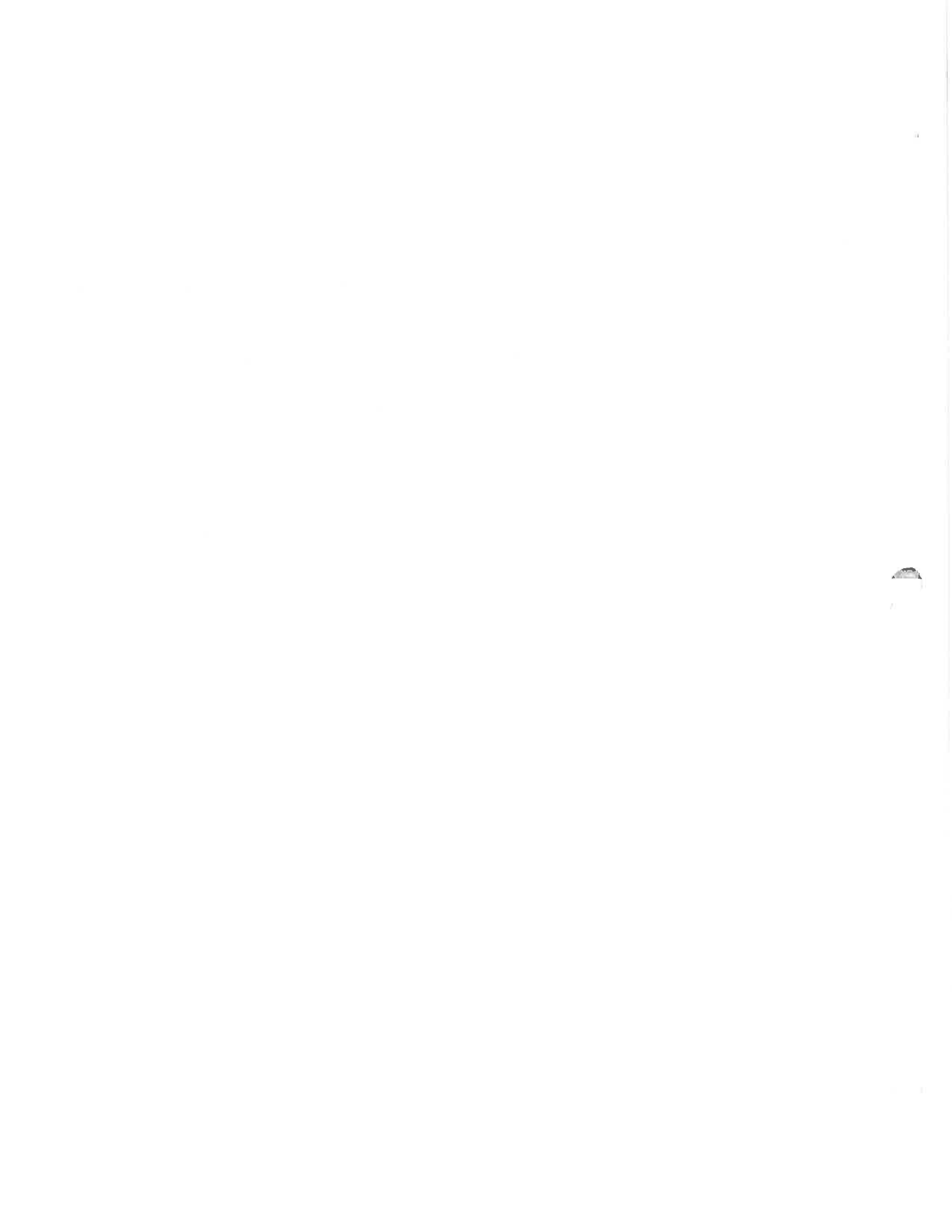
2. A Modular Home, as that term is defined in Ordinance No. 2012, having a pitched roof, may be permanently situated on a concrete slab, basement or foundation on any lot or lots by the owner having in the aggregate not less than fifty (50) feet and containing not less than 6,250 square feet; provided, however, that the proposed placement of a Modular Home shall first be submitted to the Planning Commission for review and approval as to architectural and aesthetic conformity with the surrounding neighborhood based upon (a) the physical condition and appearance of the structure, (b) the effect on property values in the area, and (c) any other reasonable standard imposed by the Planning Commission

(b) Article 4, Section 104.C, relating to the use of mobile homes and modular homes in the R-2 Residential District, is hereby amended as follows:

C. Within the R-2 Residential District, only the following uses with respect to all defined structures shall be permitted:

1. A Residential-Design Manufactured Home, as that term is defined in Ordinance No. 2012, subject to the architectural and aesthetic standards set forth therein.

2. A Modular Home, as that term is defined in Ordinance No. 2012, having a



pitched roof, may be permanently situated on a concrete slab, basement or foundation on any lot or lots by the owner having in the aggregate not less than fifty (50) front feet and containing not less than 6,250 square feet; provided, however, that the proposed placement of a Modular Home shall first be submitted to the Planning Commission for review and approval as to architectural and aesthetic conformity with the surrounding neighborhood, including: (a) the physical condition and appearance of the structure; (b) the effect on property values in the area; (c) the Modular Home meeting the bulk regulations; (d) the roof must be double-pitched and have a minimum vertical rise of 2.5 feet for each 12 feet of horizontal run, and covered with material that is residential in appearance, including approved wood or asphalt composition shingles or approved metal, and excluding corrugated aluminum and corrugated fiberglass; (e) All roof structures shall provide an eave projection of no less than six inches, which may include a gutter; (f) Exterior siding must be residential in appearance, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels; (g) the home shall be permanently supported and attached to its foundation within sixty (60) days from delivery to the site; (h) stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City building code and attached firmly to the primary structure and anchored securely to the ground; (i) the unit must be oriented on the lot so that its long axis is parallel with the street (a perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50 percent of the unit's long dimension); (j) the lot must be landscaped to ensure compatibility with surrounding properties; and (k) if a garage or carport is added, the external material and roofing of the garage or carport shall be the same as that of the dwelling unit.

3. A Mobile Home or Manufactured Home may be permitted by the Governing Body after public hearing, for the purpose of temporary relief from a local disaster, such as fire, wind or flood damage, provided such Mobile Home or Manufactured Home shall be removed from the premises within six (6) months of its original placement.

Section 2. Nothing in this Ordinance shall be construed to preempt or supersede valid restrictive covenants running with the land.

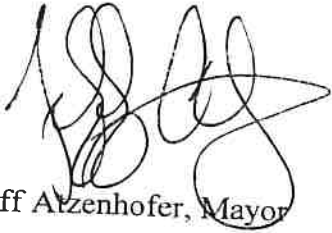
Section 3. That subsection (c) of Ordinance No. 2012, creating Conditional Uses for the use of manufactured Homes in R-1, R-2 and R-3 Zoning Districts is hereby repealed.



Section 4. Any provision(s) of the Zoning Regulations for the City of Caney in conflict herewith are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective upon publication in the official city newspaper and shall apply to the placement of any home applicable thereto on or after the effective date hereof.

Passed and approved this 17th day of May, 2004.

A handwritten signature in black ink, appearing to read "Jeff Atzenhofer". The signature is stylized with large, overlapping loops.

Jeff Atzenhofer, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Carole Coker". The signature is written in a cursive style.

Carole Coker, City Clerk



Amendment to Zoning Rules

ORDINANCE NO. 2012

AN ORDINANCE AMENDING ARTICLE 2, SECTION 102 DEFINITIONS, AND ARTICLE 4, SECTION 104 MOBILE AND MODULAR HOME REGULATIONS AND DISTRICTS OF THE ZONING REGULATIONS FOR THE CITY OF CANEY, KANSAS AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. The Zoning Regulations for the City of Caney, Kansas are hereby amended as follows:

(a) Article 2, Section 102 Definitions, is hereby amended to add/amend the following definitions:

Manufactured Home [KSA 58-4202(a)]:

- (1) A structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- (2) is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. S. 5403.

Mobile home [KSA 58-4202(b)]:

- (1) A structure which is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and
- (2) is not subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. S. 5403.

Modular home [KSA 58-4202(c)] means a structure which is: (1) transportable in one or more sections; (2) not constructed on a permanent



chassis; (3) designed to be used as a dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and (4) certified by its manufacturer as being constructed in accordance with a nationally recognized building code.

Residential-Design Manufactured Home [KSA 12-742(a)(7)]: means a manufactured home on permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof and (C) siding and roofing materials which are customarily used on site-built homes.

(b) Article 4, Section 102.B (R-1 Special Uses) is hereby amended by adding the following Special Use:

5. **Residential-Design Manufactured Home.** On and after the effective date of this Ordinance, a residential-design manufactured home, as defined in this zoning ordinance, shall be permitted wherever one-family dwellings are permitted, subject to all of the following architectural and aesthetic standards:

- a. The manufactured home meets or exceeds the minimum square footage as required by the zoning district in which it is to be placed.
- b. The roof must be double-pitched and have a minimum vertical rise of 2.5 feet for each 12 feet of horizontal run, and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass, or metal roof.
- c. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
- d. Exterior siding cannot have a high-gloss finish, and must be residential in appearance, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
- e. The home shall be permanently supported and attached to its foundation within sixty (60) days after delivery to site. A masonry wall shall enclose the crawl area (space between the ground and sub-floor) around the entire perimeter of the home and with only the necessary openings for ventilation and access.
- f. Stairs, porches, entrance platforms, ramps and other means of



entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City building code and attached firmly to the primary structure and anchored securely to the ground.

- g. The unit must be oriented on the lot so that its long axis is parallel with the street. On corner lots, the unit may be oriented so that its long axis is parallel with either street so long as the orientation meets all bulk regulations applicable to said lot.
- h. The lot must be landscaped to ensure compatibility with surrounding properties.
- i. All fuel supply systems shall be constructed and installed within the foundation wall or underground within all applicable building and safety codes.
- j. The running gear, tongues, moving hitch, wheels and axles, and transporting lights must be removed.
- h. If a garage or carport is added, the external material and roofing of the garage or carport shall be the same as that of the dwelling unit.

Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land.

(c) Article 4, Section 102.C (R-1 Residential District Conditional Uses), Article 4, Section 103.N (R-2 Residential District Conditional Uses) and Article 4, Section 105 (R-3 Multiple-Family Residential District) are hereby amended to add the following Conditional Use:

On and after the effective date of this Ordinance, a Manufactured Home, as defined in this zoning ordinance, may be permitted by a Conditional Use permit, subject to all of the following architectural and aesthetic standards:

1. The manufactured home must be at least a minimum width of fourteen feet, not including overhang.
2. The manufactured home meets or exceeds the minimum square footage as required by the applicable residential district.
3. The roof must be double-pitched and have a minimum vertical rise of 2.5 feet for each 12 feet of horizontal run, and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass, or metal



roof.

4. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter.
5. Exterior siding cannot have a high-gloss finish, and must be residential in appearance, including, but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
6. The home shall be permanently supported and attached to its foundation within sixty (60) days from delivery to the site. A masonry wall shall enclose the crawl area (space between the ground and sub-floor) around the entire perimeter of the home and with only the necessary openings for ventilation and access.
7. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City building code and attached firmly to the primary structure and anchored securely to the ground.
8. The unit must be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50 percent of the unit's long dimension.
9. The lot must be landscaped to ensure compatibility with surrounding properties.
10. All fuel supply systems shall be constructed and installed within the foundation wall or underground within all applicable building and safety codes.
11. The running gear, tongues, moving hitch, wheels and axles, and transporting lights must be removed.
12. If a garage or carport is added, the external material and roofing of the garage or carport shall be the same as that of the dwelling unit.
13. A photograph or brochure of the home and a site plan must be provided at time of application for a conditional use permit.



Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land.


Section 2. Any provision(s) of the Zoning Regulations for the City of Caney in conflict herewith are hereby repealed.

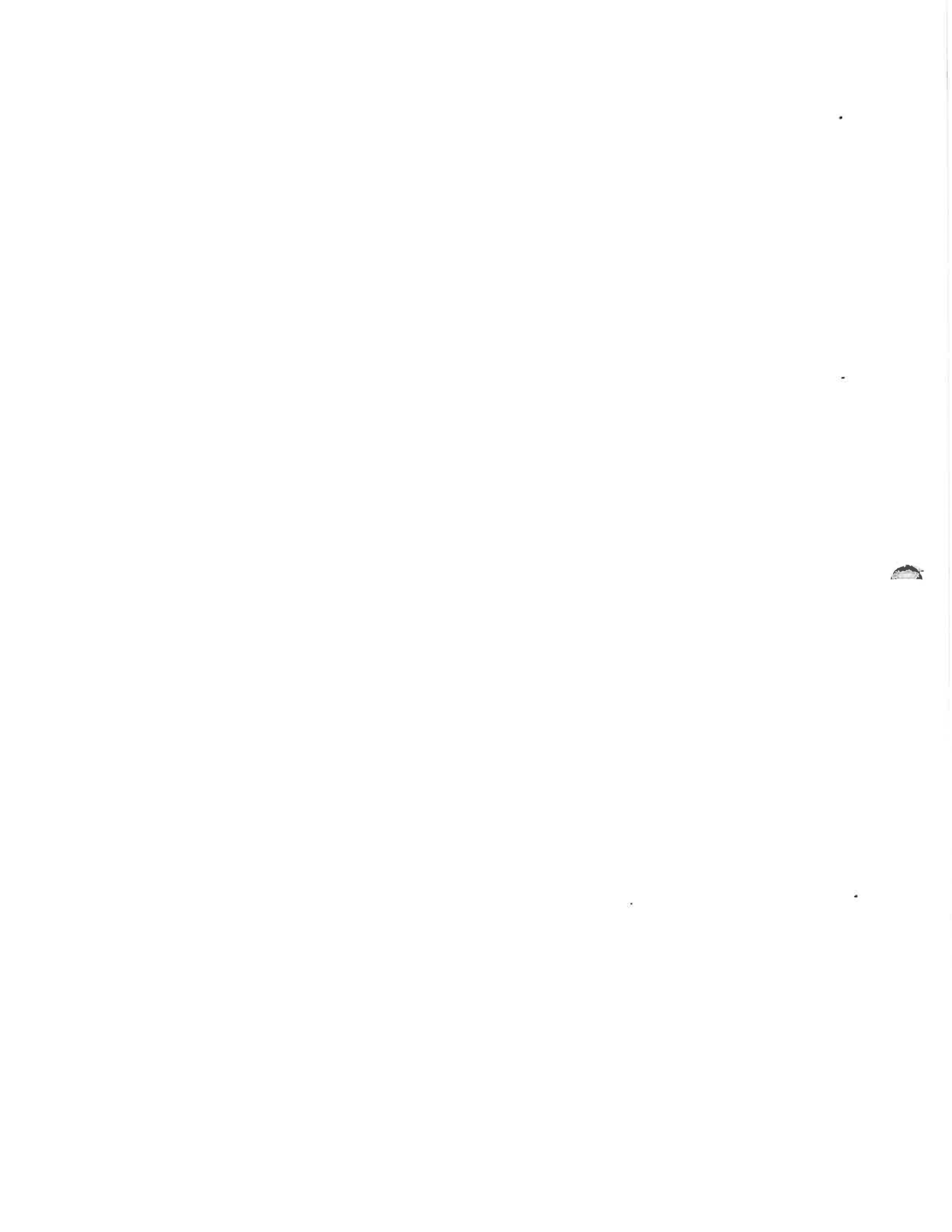
Section 3. Effective Date. This ordinance shall be effective upon publication in the official city newspaper and shall apply to the placement of any manufactured home on or after the effective date hereof.

Passed and approved this 21st day of January 2002 .


Darrel Roe, Mayor

Attest:


Carole Coker, City Clerk



D. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - (a) Minimum front yard: 20 feet on all sides abutting a street.
 - (b) Minimum side yard:
 - (1) Residential buildings: At least 8 feet on one side and not less than 5 feet on the other.
 - (2) All other permitted uses: 15 feet.
 - (c) Minimum rear yard: 25 feet.
3. Maximum lot coverage: 35 percent.

103 R-2 Residential District. This district is the same in all respects as the R-1 Residential District except for the mobile and modular home provisions as set forth in Section 4-104.

104 Mobile and Modular Home Regulations and Districts. These provisions are to define the terms used in relation to mobile homes; to delineate the uses of mobile and modular homes in the R-1 and R-2 Residential Districts; to establish a MH-1 Mobile Home Park District and a MH-2 Mobile Home Sub-division District.

A. Definitions. As used in these regulations, the following terms shall be defined as follows:

Modular Mobile Home: A residential structure, assembled in total or in not more than three (3) sections at a factory, and transported over the road by truck or by temporary wheel carriage to its destination.

Mobile Home, Single Wide: A mobile home, as defined above, and being of the width of not more than fourteen (14) feet, measured between the permanent sidewalls thereof.

Mobile Home, Double Wide: A mobile home, as defined above, and having been built in two sections at the factory, which two sections are transported over the road separately, with assembly into one structure of a width of not less than twenty (20) feet occurring at the destination.

Trailer: A vehicle equipped with wheels, and normally towed over the road behind an automobile or light truck.

Trailer, Camping: A trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration, such camping trailers may also contain cooking, bath and sanitary equipment.

Trailer, Hauling: A trailer, as defined above, and designed and normally used for over the road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

Trailer, Advertising: A trailer as defined above, but carrying or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

Mobile Home Park: A tract of land containing suitable drives, utilities and other supporting easements and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

Mobile or Modular Home Subdivision: An area of land containing not less than thirty (30) lots, and the public streets necessary to serve such lots, the purpose of which is to convey in fee the individual lots for the location of mobile homes or modular homes in a permanent fashion.

Trailer Park: A tract of land containing sites for the over-night or short term parking of camping trailer.

Mobile Home Space: That area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around said mobile home, as are required in these regulations.

Street: A right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is held in fee by the public or governmental unit thereof.

Drive: A right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is owned and maintained by the owner or operator of the park.

- B. Within the R-1 Residential District, only the following uses with respect to all defined structures shall be permitted:
1. Mobile homes, double-wide, having pitched roofs of a design compatible with surrounding structures may be installed on permanent slab, footings or foundation on a lot or lots by the owner, having no less than 50 front feet in the aggregate, and containing no less than 6,250 square feet. Said structure shall be skirted, or equivalent, and tied down as provided in Section 4-104(C)(1) and meet all sanitation requirements.
 2. A modular home, having a pitched roof, may be permanently situated on a concrete slab, basement or foundation on any lot or lots by the owner having in the aggregate not less than 50 front feet and containing not less than 6,250 square feet.
 3. In each case, bulk regulations contained in the R-1 District shall be applied in any installation of said structures.

4. Double-wide and modular structures to be located in this district shall first be submitted to the Planning Commission for review and approval as to architectural conformity with the surrounding neighborhood based upon the following:
 - (a) The physical condition and appearance of the structure.
 - (b) The proposed site of the structure is not in a neighborhood in which the establishment of a double-wide mobile home or modular home will depress property values in the neighborhood.
- C. Mobile home, single-wide, mobile home, double-wide, and modular homes shall be permitted in the R-2 Residential District under the following uses:
 1. Mobile home, single-wide, dwellings may be installed on any lot in said district by the owner having in the aggregate 50 front feet and having an area of not less than 6,250 square feet. Said mobile home shall be skirted on all sides with skirts of suitable fire retardent material harmonious to the mobile home structure. All liquid waste shall be disposed of through connection with the public sewer system or by disposal in a septic tank system meeting all requirements of the Kansas Department of Health and Environment and being approved by the County Sanitarian. All such mobile homes shall be placed on concrete blocks or footings and shall be tied down in accordance with the specifications set out in PR-75 Defense Civil Preparedness Agency, Department of Defense, June 1972, Protecting Mobile Homes from High Winds, which publication is incorporated herein by reference as though set out in full at this point.
 2. All mobile homes, double-wide and modular homes shall be installed in accordance with the provisions of Section 4-104(B)(1) and (2).
 3. Single-wide mobile homes and double-wide mobile homes may be permitted in an approved MH-1 Mobile Home Park District.
 4. Double-wide and single-wide structures to be located outside an approved Mobile Home Park District shall first be submitted to the Planning Commission for review and approval as to architectural conformity with the surrounding neighborhood based upon the following:
 - (a) The physical condition and appearance of the structure.
 - (b) The proposed site of the structure is not in a neighborhood in which the establishment of a double-wide or single-wide mobile home will depress property values in the neighborhood.
 5. A mobile home may also be permitted by the Governing Body after public hearing, for the purpose of temporary relief from a local disaster, such as fire, wind, or flood damage provided such mobile home shall be removed from the premises within six months of its original placement.

6. A mobile home shall not be temporarily or permanently parked or located on any public street or alley nor on any lot containing a residential or business structure, except when in complete conformity with the zoning and other laws of the Municipality.
- D. Camping trailers may be parked in a campground or trailer park, provided such camp area is in conformance with the zoning and other laws of the Municipality. No such camping trailers shall be used for permanent or semi-permanent residential purposes. Nothing in these regulations shall prohibit the use of tents, pickup campers and other such equipment from also utilizing an approved campground or camper park. Camping trailers may also be stored on the basis of two per family in private garages or in the side or rear yards of private homes, business or industrial areas, provided no such trailer shall be used for residential purposes.
1. Advertising Trailers. Advertising trailers may be permitted only on property in a commercial or industrial district, inclusive. Such trailers shall be off the public street and conform to the setback, height and area regulations for other signs, if any.
 2. Hauling Trailers. Hauling trailers as defined herein may be stored or rented only in property zoned as a commercial or industrial district, inclusive. Hauling trailers customarily towed behind passenger cars, and not exceeding eight feet of box length, may also be kept or stored on the basis of one per family in private garages or in the side or rear yard of private homes.
- E. Mobile homes and trailers as non-residential structures. One or more mobile homes or trailers may be used as a temporary office or other non-residential structure on the site of a construction project, provided such structure is removed upon completion of the project. Mobile structures may be used, also, as temporary classroom facilities in connection with public schools or private schools with equivalent curriculum.
- F. Minimum Standards for Mobile Home Parks.
1. Minimum park size. No mobile home space shall have a site smaller than will accommodate 18 mobile homes, or comprising less than three acres.
 2. Minimum space size. Each mobile home space shall have dimensions of at least 45 feet in width and 90 feet in depth. The accepted density for mobile home parks shall be six mobile homes per acre, with the maximum density being eight mobile homes per acre.
 3. Stands and Skirts. Each mobile home space shall contain a portland cement or asphalted concrete stand, slab or runner upon which the mobile home will be situated, and each home shall be equipped with skirts on all sides, such skirts to be of suitable fire retardent material harmonious to the mobile home structure.

4. Streets and Drives. All public streets within the park shall be improved to standards for residential streets. All private drives shall be surfaced with at least six inches of compacted stone base with two inches of hot mix bituminous concrete as the surface course.
 5. Parking. At least two parking spaces for each mobile home shall be provided within 60 feet of the mobile home. Such parking spaces shall be off the public street or private drive, and each shall be not less than eight and one-half feet by nineteen feet in size, and shall be surfaced at least to the standards set out above for drives.
 6. Park and Playground Space. Park and playground space shall be provided for occupants of the mobile homes park, on the basis of 300 square feet for each space in the park, such playgrounds shall be separate and aside from the open space provided on each mobile home space, and shall be equipped and maintained for the use of the residents of the park.
 7. Open Space. Each mobile home shall be located on the mobile home space so that no part of mobile home structure, including canopies, awnings, carports and other protrusions, is closer than twelve feet to another mobile home, or to the edge of the surface of the drive. No mobile home shall be located closer than 30 feet to the boundary line of the home park or to a public street.
 8. Utilities. All liquid waste shall be disposed of through a sanitary sewer system and treatment facility. The plans of which shall be approved by the County Sanitarian prior to construction. All solid waste shall be disposed of by accumulation in tight containers and removed at regular intervals in accordance with the Municipality's laws. All power and telephone lines shall be underground, and shall be in compliance with standards of the utility corporation involved. All water supply and distribution shall be approved by the County Sanitarian or independent engineer prior to construction. The site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage system shall be approved by the County Sanitarian or an engineer or other enforcement office designated by the Governing Body prior to construction of streets or other portions of the park.
 9. All mobile homes shall have tie downs as specified in Section 4-104(C)(1).
- G. Plan Approval. Construction of a mobile home park shall begin only after a special use permit has been granted by the Governing Body after hearing before the Planning Commission, in compliance with these regulations. No such permit shall be granted, however, until a development plan for the proposed mobile home park has been prepared and submitted to the Governing Body with a recommendation for approval. The Governing Body may appoint and designate a qualified engineer to evaluate said plan.



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1. Such plan shall be accurately drawn at a scale acceptable to the engineering officer or other official designated by the Governing Body to examine said plan, and shall show the following:
 - (a) Proposed street and drive pattern.
 - (b) Proposed mobile home spaces and their approximate dimensions.
 - (c) Any existing streets in or abutting the property.
 - (d) Location and size of parking spaces.
 - (e) Location and size of park and playground area.
 - (f) Screening and landscaping.
 - (g) Legal description of the tract.
 - (h) Name of the developer and the firm preparing the plan.
 - (i) North point, scale and date.
2. The Planning Commission shall, upon submission of three copies of the plan and an application for a special use permit, publish notice and hold a hearing on the proposal in conformance with these regulations. The decision of the Commission to recommend approval or denial of the proposed mobile homes park shall be based upon the following criteria:
 - (a) The proposed property will be in harmony, in general, with any Comprehensive Plan which may be adopted by the Municipality, when applicable.
 - (b) Safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services is assured.
 - (c) A safe and healthful living environment will exist for the occupants of the park.
3. Upon hearing and consideration of the project, the Planning Commission shall, within reasonable time, submit its recommendation and an endorsed copy of the plans to the Governing Body for final action.
4. After 24 months from the date of approval of the special use permit by the Governing Body, if the mobile home park is not improved in accordance with the plans to the extent that utilities, surface drives, and occupied mobile home spaces exist over at least twenty percent of the area of the approved park, the special use permit shall expire and further development and additional occupancy of the park shall be prohibited. All mobile homes shall be removed within six months of the date of expiration of a special use permit

The owner or his agent may apply for a new special use permit in the case of expiration or cancellation under the same procedures.

- H. M-2 Mobile Home Subdivision District. A subdivision for the purpose of selling individual lots in fee for the purpose of mobile home sites may be permitted. Only single-wide, double-wide or larger mobile homes, modular homes, or customary conventional single-family dwellings shall be permitted in a mobile homes subdivision. Such structures shall be located in compliance with the yard and lot area requirements as set forth in the R-1 Residential District, and shall be attached to a permanent concrete foundation or slab. Off-street parking spaces shall be provided as set out above.
- I. Structural Quality of Mobile Homes. No mobile home shall be permitted to be moved into the zoning jurisdiction, except for purposes of sale by a licensed dealer, until a zoning permit has been issued for its location in a specified mobile homes park, mobile homes subdivision, or other approved location in compliance with this and other regulations of the Municipality. All mobile homes shall comply with the minimum standards for structure, plumbing and wiring as set forth in relevant State statutes. In the event that all standards are complied with, the applicant shall be issued a zoning permit, and the mobile home shall be established in accordance therewith within six months or the permit shall become invalid.
- J. Management. Each mobile home park or subdivision shall be operated in a sanitary, orderly and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated mobile homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirtings, a collection of trash and garbage, and the attachment of appurtenances to the mobile homes shall be continually enforced. Each mobile home space shall be marked by number. All drives, playground area and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the Municipality. All portions of the mobile home park shall be open and accessible to fire, police, and other emergency and protective vehicles and personnel, including City, County, and State inspectors. Inspections shall be made at least annually to insure compliance with duly adopted safety and health standards and regulation.
- K. Licensing. All mobile home parks shall be subject to an annual license, which may be issued by order of the Governing Body. Compliance with these regulations and all other codes of the Municipality shall be necessary prior to the issuance or renewal of said license. A license fee of \$50.00 shall be paid by the owner of the mobile homes park, upon establishing the park, and the annual renewal of the license shall be in the amount of \$5.00 for each space occupied on the date of expiration of the previous license.

L. Violation. The owner and/or operator of the mobile homes park shall be responsible for the conformance to all plans, codes and ordinances and any conditions set out in the special use permit, and any deviation or non-performance or the occurrence of any nuisance or unhealthful or unsanitary condition, or the termination of a park operation for one year or more shall constitute grounds for the cancellation of a license or special use permit, or refusal to renew a license on the part of the Governing Body. In addition, the Municipality shall have all remedial and corrective powers granted by the State of Kansas.

M. None of the provisions of these regulations shall apply to mobile homes, single-wide, double-wide, or modular homes installed in place on the date of its adoption, provided, however, that all mobile homes in place shall be skirted and tied down in accordance with the specifications herein contained and have approved sanitary disposal systems within six months from the effective date of these regulations.

105 R-3 Multiple-Family Residential District. This district is intended to permit various types of low density multiple dwelling units with compatible home occupations, community facilities and certain special uses, yet retain a basic residential quality. The District is not intended for general single or two-family use except as incidental to the area. All permitted and special uses shall be connected to public water and sewer facilities.

A. Permitted Uses.

1. Any use permitted in the R-1 and R-2 Residential Districts.
2. Multiple-family dwellings.
3. Boarding or rooming houses.

B. Special Uses.

1. Any special use that may be allowed in the R-1 and R-2 Residential Districts.
2. Nursing and convalescent home.
3. Fraternity or sorority houses or dormitories.
4. Hospitals.

C. Lot Size Requirements.

1. Minimum lot area:
 - (a) Single-family dwellings: 6,800 sq. ft.
 - (b) Two-family dwellings: 9,000 square feet.
 - (c) Mobile and modular homes: (See Section 4-104).

(d) Multiple-family attached dwelling units: 3,000 square feet per dwelling unit, but no zoning lot less than 10,000 sq. ft.

(e) All other permitted uses: 10,000 square feet.

2. Minimum lot width:

(a) Single-family dwellings: 60 feet.

(b) Two-family dwellings: 70 feet.

(c) Mobile and modular homes: (See Section 4-104).

(d) Multiple-family dwellings: 80 feet.

(e) All other permitted uses: 90 feet.

3. Minimum lot depth: 90 feet.

D. Bulk Regulations.

1. Maximum structure height: 35 feet.

2. Yard requirements:

(a) Minimum front yard: 20 feet on all sides abutting a street.

(b) Minimum side yard:

(1) For all residential dwellings a side yard on each side of the lot at least five feet in width.

(2) All other permitted uses: 15 feet.

(c) Minimum rear yard: 25 feet.

3. Maximum lot coverage: 40 percent.

105 B-1 Central Business District. This district is intended to group the main retail merchandising activities into a concentrated area serving the general shopping needs of the City and its trade area. Related activities which are compatible and strengthen the business area are included. All uses must be connected to a public water and sewer facility.

A. Permitted Uses.

1. Animal hospitals limited to the care, treatment, and grooming of dogs, cats, and other small animals, where all activities take place within a completely enclosed building.

2. Automobile salesrooms, used car lots, garages, and service stations.

3. Business and professional offices and financial institutions.

4. Bus station and taxicab stands.
5. Churches, chapels, temples, and synagogues.
6. Commercial recreational activities.
7. Department stores.
8. Establishments employing not more than five persons in service and construction businesses working on the premises such as plumbing and electrical work, watch and shoe repairing and barber and beauty shops.
9. Hotels, motels, and theaters.
10. Mortuaries and funeral homes.
11. Multiple-family dwelling units constructed in conjunction with and above the first floor of business establishments.
12. Newspaper and publishing offices with printing as an accessory use.
13. Private and public assembly halls and fraternal organizations.
14. Public buildings erected on land used by any agency of the City, County, State or Federal government.
15. Restaurants, as well as drive-in and carry-out food service places; and private clubs and taverns.
16. Retail businesses.
17. Shops employing not more than five persons for manufacturing items which are sold at retail on the premises.
18. Other uses which in the opinion of the Planning Commission are in keeping with the intent of Section 4-106 and compatible with the uses permitted in Section 4-106(A).

B. Special Uses.

1. Storage warehouses.

C. Lot Size Requirements.

1. Minimum lot area: None required.
2. Minimum lot width: 25 feet.
3. Minimum lot depth: 75 feet.

D. Bulk Regulations.

1. Maximum structure height: 45 feet.
2. Yard requirements:
 - (a) Minimum front yard: None.
 - (b) Minimum side yard: None, but if there is one provided, it shall not be less than five feet.
 - (c) Minimum rear yard: None, but if there is one provided, it shall not be less than five feet.
3. Maximum lot coverage: A building, structure, or use may occupy all that portion of the lot not otherwise required for the yard regulations.

E. Use Limitations.

1. All business, service, storage and display goods shall be located within a completely enclosed structure, except:
 - (a) Automobiles, and recreational trailers for sale, both new and used;
 - (b) Open display and sales area equivalent to not more than five percent of the total floor area of the business establishment.
 - (c) Drive-in establishments except for viewing motion pictures.

107 B-2 Service Business District. This district is designed to provide for those businesses which draw their customers from motorists on the highway and at the same time serve a local need for retail and service businesses. Such businesses would not generally locate in the Central Business District because of their size and outdoor activities or operate as a home occupation.

A. Permitted Uses.

1. Any use permitted in the B-1 Central Business District except multiple-family dwelling units.
2. Business, technical or trade school.
3. Car washes.
4. Commercial recreation centers such as for bowling, miniature golf, roller skating, and amusement rides.
5. Construction and agricultural equipment sales and services.
6. Contractor shops.

7. Garden stores.
8. Gift and souvenir shops.
9. Marine supplies and sales.
10. Medical clinics and hospitals.
11. Mobile home and trailer sales and supplies.
12. Motorcycle sales and services.
13. Self-service laundries or dry cleaning establishments.
14. Service and fraternal clubs and lodges.
15. YWCA, Boy Scout and other similar groups.
16. Any other retail or service business not specifically listed above is permitted if in the opinion of the Planning Commission it complies with the intent of Section 4-107, is compatible with the uses listed, and meets the lot size and bulk regulations herein.

B. Special Uses.

1. Animal hospitals, provided that all pens shall be in an enclosed structure when located within 300 feet of a residential district.
2. Drive-in theatres.
3. Utility substations.

C. Lot Size Requirements.

1. Minimum lot area: 10,000 square feet.
2. Minimum lot width: 75 feet.
3. Minimum lot depth: 100 feet.

D. Bulk Regulations.

1. Maximum structure height: 35 feet.
2. Yard requirements:
 - (a) Minimum front yard: 35 feet, except that motor vehicles, mobile homes, trailer equipment, and boats stored or displayed in the open shall be located not less than ten feet from the front property line.

(b) Minimum side yard: None, but if a side yard is provided, it shall not be less than five feet.

(c) Minimum rear yard: None, but if a rear yard is provided, it shall not be less than five feet.

3. Maximum lot coverage: 50 percent.

E. Use Limitations.

1. No structure shall be used for residential purposes except for the use of the owner or operator of the business located on the premises or a watchman or custodian, except that accommodations may be offered to transient public by motels and hotels.

108 I-1 Industrial District. This district is designed for light industrial uses which do not require large amounts of land, generate modest amounts of traffic, are consistent with the capacity and availability of public and private services, create limited nuisance effects in the way of odor, smoke, dust, glare, vibration or sounds; and does not encourage the intermixing of residential uses.

A. Permitted Uses.

1. Agricultural feed and grain manufacture, storage, and sales.
2. Agriculture.
3. Assembly, manufacture or repair of electrical and mechanical appliances, instruments, and the like.
4. Building material production, storage and sales including manufactured housing.
5. Clothing and textile manufacture.
6. Construction and agricultural equipment distribution, repair, storage, and sales.
7. Construction contractor's office, equipment and storage area.
8. Food manufacture, distribution and storage.
9. Furniture manufacture and repair.
10. Greenhouses.
11. Laundry, dry cleaning and dyeing works.
12. Manufactured products such as: bags, bicycles, brooms, brushes, cosmetics, drugs, jewelry, paint, paper goods, plastics, shoes, sporting and office equipment, and the like.

13. Metal fabrication and assembly.
14. Printing and publishing companies.
15. Research laboratories.
16. Sign shops and service.
17. Transportation storage, bus and trucking area.
18. Wholesale businesses, storage warehouses and the like.
19. Other industrial uses not specifically listed above are permitted if they are of the same general characteristics as may be determined by the Planning Commission, and comply with the intent of Section 108.

B. Special Uses.

1. Concrete and asphalt mixing plants.
2. Home occupations (For watchman or custodian only).
3. Salvage yard for automobiles and other materials.

C. Lot Size Requirements.

1. Minimum lot area: 5,000 square feet.
2. Minimum lot width: 50 feet.
3. Minimum lot depth: 100 feet.

D. Bulk Regulations.

1. Maximum structure height: 35 feet exclusive of grain elevators.
2. Yard requirements:
 - (a) Minimum front yard: 25 feet on all sides abutting a street.
 - (b) Minimum side yard: No minimum requirement, but if a side yard is provided, it shall be not less than ten feet.
 - (c) Minimum rear yard: No minimum requirement, but if a rear yard is required, it shall be not less than ten feet.
3. Maximum lot coverage: 75 percent.

E. Use Limitations.

1. No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.

2. There shall be no emission of dust, noise, odor or vibration which shall be detectable as a nuisance beyond the property line.

109 I-2 Industrial District. This district is intended for basic or primary medium sized industries which are not otherwise provided for in other districts and which are not considered compatible with residential and/or commercial activity, but could in some limited way be provided for. Care must be taken in determining their location due to the nature and intensity of the potential uses which may create obnoxious or hazardous environmental conditions and overburden the capacity of public services to perform their function. Access to arterial streets and possible rail sidings would be important considerations.

A. Permitted Uses.

1. Any use permitted in the I-1 Industrial District.
2. Other industrial uses of a more intensive type not previously provided for which in the opinion of the Planning Commission can, by adhering to these regulations, provide acceptable environmental conditions at selected locations.

B. Uses Not Permitted.

1. Acid manufacture.
2. Cement, lime gypsum, or plaster of Paris manufacture.
3. Distillation of bones.
4. Explosives manufacture or storage.
5. Fat rendering.
6. Fertilizer manufacture.
7. Garbage, offal or dead animal incineration or reduction.
8. Glue manufacture.
9. Petroleum refinery.
10. Smelting of base metals.
11. Stockyards or slaughter of animals (except poultry and rabbits).
12. Wholesale storage of gasoline and other petroleum products in car lots or more above ground.
13. Other uses which in the opinion of the Planning Commission may be considered noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, vibration, or cause safety hazards.

C. Special Uses.

1. Any special use that may be permitted in the I-1 Industrial District may also be permitted in the I-2 Industrial District.

D. Lot Size Requirements.

1. Minimum lot area: 10,000 square feet.
2. Minimum lot width: 50 feet.
3. Minimum lot depth: 100 feet.

E. Bulk Regulations.

1. Maximum structure height: 45 feet, exclusive of grain elevators.
2. Yard requirements:
 - (a) Minimum front yard: 25 feet on all sides abutting a street.
 - (b) Minimum side yard: No minimum requirement, but if a side yard is provided, it shall be not less than ten feet.
 - (c) Minimum rear yard: No minimum requirement, but if a rear yard is provided, it shall be not less than 20 feet.
3. Maximum lot coverage: 60 percent.

F. Use Limitations.

1. No building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
2. There shall be no emission of dust, odor or vibration which shall be considered as a nuisance beyond the property line. No use shall be permitted or operated that produces a noise level greater than that noise level produced by the average traffic in the area.

ARTICLE 5. ACCESSORY USES, TEMPORARY USES AND HOME OCCUPATIONS

100 Accessory Uses Authorization. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

- A. Definitions. An accessory use is a structure or use which:
1. Is subordinate to and serves a principal building and principal use;
 2. Is subordinate in area, extent or purpose to the principal building served;
 3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served;
 4. Is located on the same lot as the principal building or principal use served.
- B. Permitted Accessory Uses. Any structure or use that complies with the terms of Section 5-100A may be allowed as an accessory use or structure and may be included, but is not limited to the following list of examples:
1. A structure for storage incidental to a permitted use provided no such structure that is accessory to a residential building shall exceed 300 square feet in gross floor area.
 2. A child's playhouse.
 3. A private swimming pool and bathhouse.
 4. A guest house (without kitchen facilities) or rooms for guests in accessory building provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units for permanent occupancy as housekeeping units.
 5. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls and hedges.
 6. Fallout shelters provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
 7. Signs, when permitted by Article 6 of these regulations.
 8. Off-street parking and loading spaces as regulated by Article 7 of these regulations.
 9. Storage of major recreational equipment such as boats or camping trailers; provided that they shall not be utilized for living purposes, except for the convenience of temporary lodging only, and when parked on a residential lot shall be located not less than five feet from the front lot line.

10. Restaurants, drug stores, gift shops, clubs and lounges and news-stands when located in a permitted hotel or motel.
11. Employee restaurants and cafeterias when located in a permitted business or industrial building.
12. Outdoor storage shall not be permitted as an accessory use, except as specifically permitted in the district regulations.

C. Bulk Regulations.

1. When no alley exists, accessory structures shall be set back five feet from the rear lot line; and when an alley exists, a ten foot setback shall be required.
2. Accessory structures and uses shall maintain the same side and front yard setback as is required for the principal structure.
3. No part of any accessory building shall be located closer than ten feet to any principal structure.
4. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located.

D. Use Limitations. All accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located with the following additional use limitations:

1. No accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
2. No accessory structure or use shall be permitted in any required front yard unless it is a permitted obstruction within the provisions as stated in Article 3.

101 Temporary Uses Permitted. The following uses of land are permitted in each zoning district unless specifically restricted to particular zoning districts and are subject to the regulations and time limits which follow and to the other applicable regulations of the district in which the use is permitted:

- A. Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations provided that no tree shall be displayed within 25 feet of the intersection of the curb line of any two streets.
- B. Contractors' office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.

- C. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
- D. A carnival or circus, but only in business or industrial districts, and then only for a period that does not exceed three weeks. Such uses may be placed in all other districts if all activities are located more than 300 feet from the nearest residential or institutional or office use and for a period not to exceed three days. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within 30 feet of the intersection of the curb line of any two streets.
- E. Promotional activities of retail merchants involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than two consecutive weeks in any three month period and retail business may display merchandise of a type generally sold within the building in the area immediately adjacent to the building subject to the following conditions:
 - 1. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the Municipality.
 - 2. No food or drink may be displayed outside the building except in accordance with standards, if any, established by the applicable health agency.
 - 3. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, used appliances, used plumbing, used housewares, used building material or similar display or sale in any business districts unless permitted by other sections of these regulations.
 - 4. The periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than three days during each six months.

102 Home Occupations Authorization. Home occupations that are customarily incidental to the principal use of a residential building shall be permitted provided the residential appearance of the building is maintained and no undue traffic or parking problems are created.

- A. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or within a structure that is accessory to a residential building
- B. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling or causes goods to be displayed visibly from the dwelling or on the grounds provided the latter is not otherwise permitted by other sections of these regulations.
3. No more than 25 percent of the area of the dwelling shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.
4. Goods or stock for sale on or off the premises may be stored in enclosed areas except articles which may constitute a hazard to the safety of adjacent property owners.
5. There shall be no outdoor storage of equipment or materials used in the home occupation.
6. No equipment shall be used which shall create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands, or odors.
7. No more than one person other than a member of the immediate family occupying such dwelling unit shall be employed.
8. No sign shall be permitted other than those permitted by the applicable regulations in Article 6.

C. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations provided, however, that each listed occupation shall be subject to the requirements of Section 5-102(A) and (B):

1. Dressmakers, seamstresses, tailors.
2. Music teachers, provided that instructions shall be limited to two pupil at any time, except for occasional groups.
3. Artists, sculptors and authors or composers.
4. Office facilities for architects, engineers, attorneys, real estate or insurance agents, brokers and members of similar professions.
5. Ministers, rabbis, priests.
6. Office facilities for salesmen, sales representatives, and manufacturer's representatives, when no exchange of tangible goods is made on the premises.
7. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc.

8. Boarding homes for children and day care homes.
9. Barber and beauty shops.
- D. Home Occupations Prohibited. Permitted home occupations, for example, shall not in any event be deemed to include:
 1. Dancing schools.
 2. Funeral homes.
 3. Nursery schools and day care centers, unless specifically permitted by the district regulations.
 4. Restaurants.
 5. Tourist homes.
 6. Renting of trailers or equipment.
 7. Medical or dental clinics or hospitals.
 8. Animal kennels or hospitals.
 9. Small grocery stores.
 10. Auto and other vehicle repair.
 11. Massage parlors.



ARTICLE 6. SIGNS.

100 Sign Permits. No sign, except for signs listed in Section 6-103, shall be constructed, erected, remodeled, relocated, or expanded until a zoning permit for such sign has been obtained in accordance with the procedure set out in Article 9 of these regulations. No zoning permit for any sign shall be issued unless the sign complies with the regulations of this Article 6. All signs legally existing at the time of passage of these regulations may remain in use including those in the status of legal non-conformance.

101 Classification of Signs.

A. Functional Types:

1. Advertising Sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, or to which it is affixed.
2. Bulletin Board Sign: A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such signs may also present a greeting or similar message.
3. Business Sign: A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or an entertainment offered, on the premises where the sign is located or to which it is affixed.
4. Construction Sign: A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.
5. Identification Sign: A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.
6. 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 status.
7. Real Estate Sign: A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures, or a portion thereof located thereon.

B. Structural Types:

1. Awning, Canopy and Marquee Sign: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project below or beyond the physical dimensions of the awning, canopy or marquee.
2. Ground Sign: Any sign placed upon, or supported by, the ground independently of the principal building or structure on the property. Signs on accessory structures shall be considered ground signs.
3. Pole Sign: A sign that is mounted on a free-standing pole, the bottom edge of which sign is seven feet or more above ground level.
4. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than twelve inches from such building.
5. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve inches from such building.

102 General Standards.

- A. Gross Surface Area of Sign. The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such perimeter shall not include any structural elements lying outside the limits of such sign and which do not form an integral part of the display. When two or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations, except as is provided by Section 6-102(H).
- B. Height of Sign. Sign height shall be measured from ground level at the base of or below the sign to the highest element of the sign.
- C. Building and Electrical Codes Applicable. All signs must conform to the regulations and design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.
- D. 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. Any brightly illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible from such residential district, shall not be illuminated between the hours of 11:00 P.M. and 7:00 A.M.

- E. 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. A sign whereon the current time and/or temperature is indicated by intermittent lighting shall not be deemed to be a flash-sign if the lighting changes are limited to the numerals indicating the time and/or temperature.
- F. Accessway or Window. No sign shall block any accessway or window required by any applicable building, housing, fire or other codes or regulations.
- G. Signs on Trees or Utility Poles. No sign shall be attached to a tree or utility pole whether on public or private property.
- H. 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 phased 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.
- I. Metal Signs.
1. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a non-metal frame sign shall maintain a clearance of nine feet to ground.
 2. No metal ground sign shall be located within eight feet vertically and four feet horizontally of electric wires or conductors in free air carrying more than 48 volts, whether or not such wires or conductors are insulated or otherwise protected.
- J. Traffic Safety.
1. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
 2. No sign shall be located in any vision triangle as defined by any applicable subdivision, zoning, or other regulations, except official traffic signs and signs mounted eight feet or more above the ground whose supports do not constitute an obstruction.
- K. Location. No sign shall be permitted to project over the public right-of-way except with the approval of the Board of Zoning Appeals as a conditional use.
- L. Removal of signs. Signs advertising yard sales, garage sales, rummage sales, auctions, reunions or similar events which are of a temporary nature, shall be removed by the person erecting or placing such sign within 24 hours after the time it was originally erected or placed. (ORD. 1018) (Sept. 14, 1992)

A. The following signs shall be exempt from the requirements of this Article:

1. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property.
2. Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
3. Memorial signs and tablets displayed on private property.
4. Address numerals and other signs required to be maintained by law, rule or regulation, provided that the content and size of the sign do not exceed such requirements.
5. Political campaign signs displayed on private property, with the property owner's permission: subject to the following: (a) no part of any sign shall be located within the public right-of-way; (b) no signs may be posted on public property; (c) no signs may be attached to any tree or utility pole; (d) portable signs and banner signs are strictly prohibited; (e) no signs may be posted or displayed more than 45 days prior to a primary election or 65 days prior to a general election; and (f) all signs must be removed within 48 hours following the election, except in the event of a runoff, in which case the candidates involved may leave signs in place until 48 hours after the runoff polls close."
6. Small signs, not exceeding five square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking area, one-way drives, rest rooms, freight entrances, and the like.
7. Scoreboards in athletic fields or stadiums.

B. The following signs are exempt from the zoning permit requirements of section 6-100, but shall comply with all of the other regulations imposed by this Article:

1. Nameplate signs not exceeding two square feet in gross surface area accessory to a residential dwelling or mobile or modular home.
2. Identification signs not exceeding 40 square feet in gross surface area accessory to a multiple-family dwelling.
3. Bulletin board signs not exceeding 40 square feet in gross surface area accessory to a church, school or public or non-profit institution.
4. Business signs when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
5. Real estate signs not exceeding six square feet in gross surface area and which pertain to the sale or lease of the lot or tract or structure on which the sign is located.

ORDINANCE NO. 2069

AN ORDINANCE AMENDING ARTICLE 6 (SIGNS), SECTION 104 (DISTRICT REGULATIONS), SUBSECTION C.1 (RELATING TO B-1 BUSINESS DISTRICTS), AND SUBSECTION D.1 (RELATING TO B-2 BUSINESS DISTRICTS) OF THE ZONING REGULATIONS FOR THE CITY OF CANEY, KANSAS.

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

Section 1. Article 6 (Signs), Section 104 (District Regulations), Subsection C.1 (relating to B-1 Business Districts) of the Zoning Regulations for the City of Caney, Kansas is hereby amended as follows:

1. Functional Types Permitted: Any type listed in Section 6-101(A), except that advertising signs may advertise businesses or goods and services provided by businesses located within the Caney zoning jurisdiction only.

Section 2. Article 6 (Signs), Section 104 (District Regulations), Subsection D.1 (relating to B-2 Business Districts) of the Zoning Regulations for the City of Caney, Kansas is hereby amended as follows:


1. Functional Types Permitted: Any type listed in Section 6-101(A), except that advertising signs may advertise businesses or goods and services provided by businesses located within the Caney zoning jurisdiction only.

Section 3. Except as amended hereby, the remaining provisions of Article 6, Section 104, including all sections and subsections, shall remain in force and effect.

Section 4. Any provision(s) of the Zoning Regulations for the City of Caney in conflict herewith are hereby repealed.

Section 5. Effective Date. This Ordinance shall be effective upon publication in the official city newspaper.

Passed and approved this 30th day of April 2008.


Dale McBride, Mayor

Attest:


Carole Coker, City Clerk

104 District Regulations.

A. A-1 Agricultural District.

1. Functional Types Permitted:

- (a) Advertising signs.
- (b) Nameplate signs.
- (c) Identification signs.
- (d) Real estate signs.
- (e) Construction signs.
- (f) Bulletin board signs.
- (g) Business signs, pertaining to agricultural products produced on the premises, home occupations, and other businesses.

2. Structural Types Permitted:

- (a) Ground signs.
- (b) Pole signs.

3. Number of Signs Permitted: One per zoning lot.

4. Maximum Gross Surface Area:

- (a) Advertising signs: No maximum.
- (b) Nameplate signs: Two square feet.
- (c) Identification signs: 15 square feet.
- (d) Real estate signs: 12 square feet.
- (e) Construction signs: 20 square feet.
- (f) Bulletin board signs: 40 square feet.
- (g) Business signs: Home occupations, two square feet or the minimum required by State statutes; agricultural, 20 square feet; and other businesses, 100 square feet.

5. Maximum Height: 15 feet.

6. Required Setback: None.

7. Illumination: No sign shall be illuminated except that advertising and bulletin board signs may be indirectly illuminated with incandescent or fluorescent light.

B. R-1, R-2 and R-3 Residential Districts, MH-1 Mobile Home Park District and MH-2 Mobile Home Subdivision District.

1. Functional Types Permitted:

- (a) Nameplate signs.

- (b) Identification signs.
- (c) Real estate signs.
- (d) Construction signs.
- (e) Bulletin board signs.
- (f) Business signs, pertaining to a home occupation.

2. Structural Types Permitted:

- (a) Ground signs.
- (b) Pole signs.
- (c) Wall signs.
- (d) Business signs pertaining to a home occupation shall be affixed flush to the wall of a building.

3. Number of Signs Permitted: One per zoning lot.

4. Maximum Gross Surface Area.

- (a) Nameplate signs: Two square feet.
- (b) Identification and bulletin board signs: Fifteen square feet in R-1, R-2, MH-1 and MH-2 Districts and 40 square feet permitted in the R-3 District.
- (c) Real estate signs: Six square feet per lot, provided that one sign not more than 100 square feet in area announcing the sale of lots and/or houses in a subdivision may be located on such development. Such sign shall be removed when 75 percent of the lots in the subdivision have been sold.
- (d) Construction signs: 40 square feet.
- (e) Business signs pertaining to a home occupation: Two square feet or the minimum required by State statutes.

5. Maximum Height: 15 feet, provided that signs associated with one and two-family dwellings and mobile and modular homes shall not be located at a height greater than eight feet above ground floor elevation.

6. Required Setback: 10 feet from the front line.

7. Illumination: No sign shall be illuminated except that bulletin board signs may be indirectly illuminated with incandescent or fluorescent light.

C. B-1 Business Districts.

1. Functional Types Permitted: Any type listed in Section 6-101(A), except that advertising signs may advertise businesses or goods and services provided by businesses located within the Caney zoning jurisdiction only.

2. Structural Types Permitted: Any type listed in Section 6-101(B).

3. Number of Signs Permitted: No limitation.

4. Maximum Gross Surface Area: No single sign over 400 square feet
5. Maximum Height: 30 feet, except that roof signs shall not exceed a height of ten feet above the highest point of the roof.
6. Required Setback: No minimum required.
7. Illumination: Illuminated signs shall be permitted.

D. B-2 Business District.

1. Functional Types Permitted: Any type listed in Section 6-101(A), except that advertising signs may advertise businesses or goods and services provided by businesses located within the Caney zoning jurisdiction only.
2. Structural Types Permitted: Any type listed in Section 6-101(B).
3. Number of Signs Permitted:
 - (a) Ground and pole signs: One per zoning lot.
 - (b) Wall, projecting and awning, canopy and marquee: No limitation.
4. Maximum Gross Surface Area: Four square foot of sign area for each one foot lineal street frontage, provided no single sign shall exceed a gross surface area of 400 square feet.
5. Maximum Height: 30 feet, except that roof signs may exceed a height of ten feet above the highest point of the roof.
6. Required Setback: No minimum required.
7. Illumination: Illuminated signs shall be permitted.

E. I-1 and I-2 Industrial District.

1. Functional Types Permitted: Any types listed in Section 6-101(A).
2. Structural Types Permitted: Any types listed in Section 6-101(B).
3. Number of Signs Permitted: No limitation.
4. Maximum Gross Surface Area: Eight square feet for each lineal foot or frontage, provided no single sign shall exceed a gross surface area of 400 square feet.
5. Maximum Height:
 - (a) Wall and roof signs: 20 feet above the highest point of the roof line on which such sign is located.
 - (b) All other signs: 30 feet.
6. Required Setback: No minimum requirement.
7. Illumination: Illuminated signs shall be permitted.

ARTICLE 7. OFF-STREET PARKING AND LOADING

100 Off-Street Parking. In any applicable zoning district, all structures built and all uses established hereafter shall provide accessory off-street parking in accordance with the following regulations. When an existing structure or use is expanded, accessory off-street parking shall be provided in accordance with the following regulations for the area or capacity of such expansion.

A. General Provisions.

1. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
2. Parking space dimension: A required off-street parking space shall be at least eight feet six inches in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, or columns.
3. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
4. Open and enclosed parking: Off-street parking spaces open to the sky may be located in any yard, except that in residential districts no such parking spaces shall be located in a required front yard or a required side yard adjacent to a street. Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in the district in which located.
5. Design and maintenance:
 - (a) Design: Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the Municipality. Off-street parking spaces may be open to the sky or enclosed in a building.
 - (b) Surfacing: All open off-street parking areas except required parking spaces accessory to a single-family dwelling, shall be graded and paved or otherwise improved with an asphalt, concrete or oil surface according to specifications of the Municipality.
 - (c) Screening: All open off-street parking areas containing more than six parking spaces shall be effectively screened on each side that adjoins any property situated in a resi-

dential district by a wall, fence or densely planted compact evergreen hedge not less than six feet nor more than eight feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge.

- (d) Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
- (e) Repair and service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
- (f) Computation: When determination of the number of off-street parking spaces required by these regulations results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
- (g) Collective provisions: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use, and provided that all regulations covering the location of accessory parking spaces in relation to the use served are adhered to.
- (h) Location: All parking spaces required to serve buildings or uses shall be located on the same zoning lot as the structure or use served unless a conditional use permit is obtained under Section 7-102.
- (i) Employee parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

6. Plans and Approval Required: Plans showing the layout and design of all required off-street parking and loading areas shall be submitted and approved by the Zoning Administrator prior to issuance of a zoning permit. Before approving any parking layout, the Zoning Administrator shall satisfy himself that the spaces provided are usable and meet standard design criteria. All required off-street parking spaces shall be clearly marked.

101 Required Spaces. Off-street parking spaces accessory to the uses herein-after designated shall be provided as follows:

A. Dwelling and lodging uses:

- 1. Residential dwellings: At least one parking space for each dwelling unit.
- 2. Multiple-family dwellings: At least one and one-half spaces per unit except in housing for the elderly, one space per two units.

3. Boarding or rooming houses: One parking space for each two rooms.
4. Dormitories, fraternities, sororities and other lodging facilities and rooms for unmarried students: At least two parking spaces for each three occupants based on the designed capacity of the building.
5. Hotels and motels: One parking space for each rental unit, plus such additional spaces as are required for restaurants, assembly rooms and affiliated facilities.

B. Business and Industrial Uses:

1. Automobile, truck, trailer and mobile home sales and rental lots: One parking space for each 3,000 square feet of open sales lot area devoted to the sale, display and rental of said vehicles, plus one parking space for each service bay and employee.
2. Junk and salvage yards: One parking space for each employee, plus one parking space for each 10,000 square feet of storage area.
3. Post offices, business and professional office: One parking space for each 300 square feet of floor area plus one space per two employees.
4. Bowling alleys: Four parking spaces for each lane.
5. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees.
6. Car wash: Three holding spaces for each car washing stall plus two drying spaces for each car washing stall.
7. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee.
8. Furniture and appliance stores, household equipment or furniture repair shop: One parking space for each 400 square feet of floor area.
9. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: One parking space per two employees.
10. Medical and dental clinics or offices: One parking space for each 100 square feet of floor area.
11. Restaurants, night clubs, taverns and lounges: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of at least ten parking spaces.

12. Retail stores and financial institutions: One space per 250 square feet of floor area.
13. Service stations: One parking space for each employee plus two spaces for each service bay.
14. Theaters, auditoriums, and places of assembly with fixed seats: One space for each four seats.
15. Theaters, auditoriums, and places of assembly without fixed seats: One parking space for each three people, based upon the designed maximum capacity of the building.
16. Warehouse, storage and wholesale establishments: One parking space for each two employees.
17. All other business and commercial establishments not specified above: One parking space for each 300 square feet of floor area.

C. Other Uses:

1. Churches: One parking space for each four seats based upon the maximum designed seating capacity, including choir lofts.
2. Elementary, junior high and equivalent parochial and private schools: One space for each faculty and staff person.
3. High Schools, colleges, universities and other similar public or private institutions of higher learning: One parking space for every four persons based on the maximum design capacity for pupils, faculty and staff.
4. Hospitals: One parking space for each two beds, plus one parking space for each resident or staff doctor plus one space for each two employees.
5. Laundromats: One space for each three washing machines.
6. Nursery schools and day care centers, public or private: One parking space for each employee.
7. Nursing homes, rest homes, etc.: One parking space per each five beds based on the designed maximum capacity of the building, plus one parking space for each employee.
8. Private clubs, lodges and union headquarters: One parking space for each three seats based upon the design maximum seating capacity.
9. Trade and commercial schools: Two parking spaces for each three students and employees.
10. Parking spaces for other permitted or conditional uses not listed above shall be provided in accordance with the determination of

the Zoning Administrator with respect to the number of spaces that are required to serve employees and/or the visiting public at each such use.

102 Conditional Use for Parking. In order to provide required off-street parking areas, the Board of Zoning appeals may grant as an exception a conditional use permit for the establishment of parking areas in any zoning district under the following provisions:

- A. Location: Parking provided under this section must be within 300 feet (along lines of public access) from the boundary of the use for which the parking is provided.
- B. Use: The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
- C. Improvements:
 1. Parking areas and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the Board and shall be maintained in good condition and free of all weeds, dust, trash and other debris.
 2. Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.
 3. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling or residential district.
 4. A fence (such as solid-wall masonry, wood, louvered wood, metal or other similar materials) not less than six feet high, shall be erected along any property line adjacent to or adjoining any residential district to eliminate the passage of light from vehicles and to prevent the blowing of debris. Whenever a fence shall be required along a front yard, such fence shall not be higher than four feet.
 5. When located in a residential district, parking shall not be located within a front yard and the front yard shall remain unpaved and shall be landscaped.
 6. The Board shall determine the necessity of additional improvements in order to protect adjacent property owners and the public interest. Such improvements shall include, but not be restricted to proper setbacks, screening wall, grass, shrubs, trees and maintenance.

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

ARTICLE 8. NONCONFORMING USES

100 Nonconforming Lots of Record.

A. In Any Residential District.

1. Notwithstanding the regulations imposed by any other provision of these regulations, a single-family detached dwelling including a mobile or modular home, where permitted, which complies with the restrictions in Section 8-100(A)(2) may be erected on a lot(s) in the same ownership that is not less than 50 feet in width and that consists entirely of a tract of land that:
 - (a) Has less than the prescribed minimum lot area, width or depth, or all three, and that
 - (b) 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 ordinance.
2. Construction permitted by Section 8-100(A)(1) shall comply with all of the regulations (except lot area, width and depth) applicable to single-family dwellings including a mobile or modular home, where permitted, 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:
 - (a) The dwelling shall be placed on the lot so as to provide a yard on each side of the dwelling.
 - (b) The sum of the widths of the two side yards on each lot shall be not less than the smaller of:
 - (1) 20 percent of the width of the lot, or
 - (2) the minimum total for both side yards prescribed by the bulk regulations for said zoning district.
 - (c) In any case, neither side yard resulting from the methods permitted in Section 8-100(A)(2)(b) shall be less than three feet wide.

B. In Districts Other Than Residential Districts.

1. Notwithstanding the regulations imposed by any other provision of these regulations, a building designed for any permitted use may be erected on a lot of the type described in Section 8-100(A)(1).
2. Construction permitted by Section 8-100(B)(1) shall comply with all of the regulations (except lot area, width and depth) applicable in the zoning district in which the lot in question is lo-

cated; provided, however, that the width of any side yard must not be less than that derived by applying the following formula (wherein the width of any side yard required = w):

$$w = \frac{\text{Actual lot width} \times \text{Minimum side yard required by district regulations}}{\text{Minimum lot width required by district regulations}}$$

101 Nonconforming Structures.

- A. Authority to Continue. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions in Sections 8-101(B) through 8-101(D).
- B. Enlargement, Repair, Alterations. Any such structure described in Section 8-101(A) may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodelling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by Sections 8-100(A)(2) or 8-100(B)(2), whichever is applicable.
- C. Damage or Destruction. In the event that any structure described in Section 8-101(A) is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in Sections 8-100(A)(2) or 8-100(B)(2), whichever is applicable. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- D. Moving. No structure described in Section 8-101(A) shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

102 Nonconforming Uses.

- A. Authority to Continue. Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is acces-

sory to such use of land, may be continued, so long as otherwise lawful, subject to the regulations contained in Sections 8-102(B) through 8-102(J).

B. Ordinary Repair and Maintenance.

1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection (1) shall not be deemed to authorize any violation of Sections 8-102(C) through 8-102(I) of these regulations.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition provided that such restoration will not be in violation of Section 8-102(F) of these regulations.

C. Remodeling. No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

D. Extension. A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

1. Extension of such use to any structure or land area other than one occupied by such nonconforming use on the effective date of these regulations or on the effective date of a subsequent amendment heretofore that causes such use to become nonconforming.
2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations or on the effective date of a subsequent amendment heretofore that causes such use to become nonconforming; provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

E. Enlargement. No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

F. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of its structural value,

such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50 percent or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

- G. Moving. No structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- H. Change in Use. If no structural alterations are made other than those necessary to repair or maintain the structure as described in Section 8-102(B)(1), a nonconforming use of a structure may be changed to another nonconforming use of the same or higher restrictive classification. When a nonconforming use has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use.
- I. Abandonment or Discontinuance.
1. When a nonconforming use of land, not involving a structure, or involving only a structure which is accessory to the nonconforming use of land, is discontinued or abandoned, for a period of six consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.
 2. When a nonconforming use of a part or all of a structure which was not designed and intended for any use which is permitted in the zoning district in which such structure is located, is discontinued or abandoned for a period of 12 consecutive months (regardless of any reservation of an intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.
- J. Nonconforming Accessory Uses. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

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Nonconforming Residential Uses. Notwithstanding the provisions of Sections 8-102(C), (D) and (E), any structure which is devoted to a residential use and which is located in a business or industrial district, may be remodeled, extended, expanded and enlarged; provided that after any such remodeling, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work or to remove any nonconforming use status.

ARTICLE 9. ADMINISTRATION

100 Office of the Zoning Administrator. A Zoning Administrator shall be appointed by the Governing Body. The Zoning Administrator shall be authorized to expend such funds to employ deputies and clerical assistants and to carry out his duties under these regulations as shall be approved from time to time by the Governing Body except for those duties specifically assigned to the Clerk.

A. Duties of the Zoning Administrator. The Zoning Administrator, or his duly designated and acting deputy, shall enforce these regulations, and in addition thereto and in furtherance of said authority, he shall:

1. Approve and issue all zoning permits and occupancy certificates and make and maintain records thereof.
2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of these regulations.
3. Receive, file, and forward to the Board of Zoning Appeals the records and applications for all appeals, variances, and conditional uses.
4. Maintain permanent and current records of the zoning regulations, including but not limited to all zoning maps, amendments, conditional uses, variances, appeals and applications thereof and records of hearings thereon.
5. Maintain for distribution to the public a supply of copies of the zoning map(s), the compiled text of the zoning regulations, and any rules of the Board of Zoning Appeals. A fee may be charged to defray the cost of printing and distribution.
6. Provide such clerical and technical assistance as may be required by the Planning Commission and the Board of Zoning Appeals and other agencies and officials in the exercise of their duties relating to these regulations.

B. Duties of the Clerk. The Clerk shall maintain certain official records and carry out certain responsibilities in the administration of these regulations as follows:

1. That not less than three copies of these regulations shall be marked by the Clerk as "Official Copy as Incorporated by Ordinance No. 775", (i.e., The ordinance approved by the Governing Body) and all sections or portions thereof intended to be omitted clearly marked to show any such omissions or showing the sections, articles, chapters, parts or portions that are incorporated and to which shall be attached a copy of the incorporating ordinance. Such copies maintained by the Clerk shall be open to inspection and available to the public at all reasonable business hours.

2. That the Clerk supply the applicable police department, court, Zoning Administrator, and all administrative departments of the Municipality charged with the enforcement of the regulations official copies similarly marked as described in Section 9-100 (B)(1.) and at the cost to the Municipality.
3. That the Clerk or his duly designated deputy currently maintain the official copy of the zoning map(s) showing the district boundaries. Such maps shall be marked "Official Copy as Incorporated by Ordinance No. 775", (i.e., The Ordinance approved by the Governing Body) and shall be open to inspection and available to the public at all reasonable business hours.
4. That such clerical assistance be provided by the Clerk to the Governing Body as to facilitate and record the actions of the Governing Body in the exercise of their duties relating to these regulations.

101 Zoning Permits and Occupancy Certificates.

A. Zoning Permits. Unless a zoning permit shall first have been obtained from the Zoning Administrator, the construction, building, moving, remodelling or reconstruction of any structure or the improvement of land prior to its use shall not be commenced. Permits pertaining to the use of land or structures shall not be issued by any other official, officer, employee, department, board or agency of the municipality. Any zoning permit issued in conflict with the provisions of these regulations shall be null and void.

1. Application. Every application for a zoning permit shall be accompanied by the following:

- (a) A drawing, in duplicate, of the piece or parcel of land, lot(s), or block(s), or parts or portions thereof, drawn to scale showing the actual dimensions of the area according to the recorded plat of such land.
- (b) A drawing, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, loading space, the building lines in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land, and such other information as may be required by the Zoning Administrator for the proper enforcement of these regulations. Applications for property located in a commercial or industrial district may be required to be accompanied by a drawing which shows all structures, streets, streams and other significant features within 200 feet of the proposed site.

One copy of such drawings shall be retained by the Zoning Administrator as a public record.

2. Issuance. A zoning permit shall be either issued or refused by the Zoning Administrator within ten days after the receipt of an application thereof or within such further period as may be agreed to by the applicant. When the Zoning Administrator refuses to issue a zoning permit, he shall advise the applicant in writing of the reasons for the refusal.
 3. Period of Validity. A zoning permit shall become null and void 180 days after the date on which it is issued unless within said period construction, building, moving, remodelling or reconstruction of a structure is commenced or a use is commenced. If the construction or work is abandoned or suspended for any 180-day period after such a permit is issued, then application must be made for a new permit.
- B. Occupancy Certificates. No structure or addition thereto constructed, built, moved, remodelled or reconstructed after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these regulations shall be used for any purpose; and no use of any land or structure shall be changed to any other use, unless an occupancy certificate shall first have been obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of these regulations.
1. Application. Every application for a zoning permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no zoning permit is required shall be filed with the Zoning Administrator and be in such form and contain such information as the Administrator shall provide by general rule.
 2. Issuance. No occupancy certificate for a structure or addition thereto constructed, built, moved, remodelled or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the Zoning Administrator to be in full and complete compliance with the plans and specifications upon which the zoning permit was issued. Furthermore, no occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the Zoning Administrator to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, within ten days after the receipt of an application therefore, or after the Zoning Administrator is notified in writing that the structures or premises are ready for occupancy.

102 Fees. Any application for a zoning permit, occupancy certificate, appeal, variance, conditional use permit, special use permit, or amendment (change in zoning district) shall be accompanied by such fee as shall be officially specified from time to time by the Governing Body.

ARTICLE 10. BOARD OF ZONING APPEALS

100 Authorization. A Board of Zoning Appeals shall be established by the Governing Body as prescribed by law and hereinafter in this Article will be referred to as the "Board".

101 Membership. The Board shall consist of five members all of whom shall be residents of the Municipality and shall serve without compensation. No member shall hold any other public office in the Municipality, however, a member of the Planning Commission shall serve. The members of the Board shall be appointed by the Governing Body. The members first appointed shall serve respectively for the following terms or until their respective successors are appointed and qualify; one for one year, two for two years, and two for three years. Each member succeeding the first five members appointed, except those appointed to fill an unexpired term, shall serve for a term of three years. In the event, however, that the member of the Board who is also a member of the Planning Commission ceases to serve as a member of the Planning Commission, his membership on the Board shall terminate at the same time as his membership on the Planning Commission. Vacancies upon the Board shall be filled for the unexpired term of the member whose office has become vacant in the same manner as is provided for the appointment of such member. The Governing Body shall have the power to remove any member of the Board for cause after a public hearing.

The Board shall annually elect one of its members as chairman. The Board may also select from among their members a vice-chairman and such other officers as the Board shall consider necessary. The Board shall appoint a secretary, who need not be a member of the Board, to maintain its records and keep minutes of all proceedings before the Board.

102 Jurisdiction. The Board shall have the following jurisdiction and authority:

- A. To hear and decide appeals subject to the procedure and standards set out in Section 10-106 where it is alleged there is error in any order, requirement, decision or determination (all hereinafter referred to collectively as "decision") made by the Zoning Administrator under these regulations.
- B. To hear and pass upon applications for variances from the regulations and restrictions imposed by these regulations in the manner and subject to the procedure and standards set out in Section 10-107.
- C. To hear and decide applications for conditional use permits in the manner and subject to the procedure and standards set out in Section 10-108.
- D. To hear and decide all matters referred to it upon which it is required to pass by these regulations.

103 Meetings. All meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

- 104 Hearings and Rules. All hearings that these regulations require the Board to conduct shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. The Board shall keep minutes of its proceedings showing evidence presented, findings of fact by the Board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Board shall also keep records of its hearings and other official actions. Every rule or regulation and every order, requirement, decision or determination of the Board shall be filed without unreasonable delay with the Zoning Administrator and shall be open to public inspection during reasonable business hours. The Board shall adopt and print its own rules of procedure not in conflict with the provisions of these regulations or the applicable Kansas statutes.
- 105 Finality and Judicial Review of Decisions. All decisions and findings of the Board, on appeal or upon an application for a conditional use permit or a variance, shall be final decisions, and shall, in all instances, be subject to judicial review. Any person, or department of the government, jointly or separately aggrieved by any decision of the Board may present to the District Court having jurisdiction, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom. Such petition shall be presented to the Court within 30 days after the date of filing the decision in the office of the Board.
- 106 Appeals. An appeal from a decision of the Zoning Administrator with respect to the interpretation or application of these regulations may be taken to the Board by any person aggrieved, or by any officer, department, or bureau, or any governmental agency or body affected by such decision of the Zoning Administrator.
- A. Time for Appeals. Appeals shall be taken within 45 days after a decision has been made by filing an application for appeal with the Zoning Administrator. Such application shall specify the grounds for such appeal. Upon receipt of an application for appeal, the Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.
- B. Stay of Proceedings. An 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 a stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.
- C. Hearing and Notice. The Board shall select a reasonable time and place for the hearing of the appeal. Public notice of the time, place, date and subject of such hearing shall be published once in the official newspaper at least 20 days prior to the date of the hearing. A copy of such notice shall be mailed to each party making the appeal and to

the Planning Commission. The Board may by rule provide similar notice by mail 15 days prior to the hearing date to all owners of land located within 200 feet of the property which is the subject of the hearing. When required, such a list of property owners shall be provided by the applicant. Any interested party may appear and be heard at the hearing in person, by agent, or by attorney.

X D. Decision. The Board may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator, and may issue or direct the issuance of a permit. The concurring vote of three members of the Board shall be necessary to reverse any order, decision or determination of the Zoning Administrator under these regulations. The Board shall render a written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within 45 days after the close of the hearing.

E. Records. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to appeals, and shall keep the Governing Body and Planning Commission informed on a current basis of the disposition of each case.

107 Variances. The Board may authorize such variances from the terms of these regulations as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in Section 10-107(C) and then only when the Board has made findings of fact, based upon the standards set out in Section 10-107(D), that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the owner, lessee or occupant of land or structures. Any such variance shall not permit any use not permitted by these regulations in the zoning district in which the variance is requested.

A. Application. An application for a variance, together with an application for a zoning permit, shall be filed in duplicate with the Zoning Administrator who shall forward without delay a copy of each to the secretary of the Board. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Board:

1. The particular requirements of these regulations which prevent the proposed use or construction.
2. The characteristics of the subject property which prevent compliance with said requirements of these regulations.
3. The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction.
4. The particular hardship which would result if said particular requirements of these regulations were applied to the subject property.

- B. Hearing and Notice. The Board shall select a reasonable time and place for the hearing. Notice, including public notice, of such hearing shall be given in the manner required for hearings on appeals by Section 10-106(C). Such notice shall contain the date, time and place of the hearing, the street address or common description of the property involved, and a brief description of the relief sought. Any interested party may appear and be heard at the hearing in person, by agent, or by attorney.
- C. Authorized. Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in Section 10-107(D), and may be granted only in the following instances and in no others:
1. To vary the applicable lot area, lot width, and lot depth requirements.
 2. To vary the applicable bulk regulations, including maximum height, lot coverage and minimum yard requirements.
 3. To vary the applicable off-street parking and off-street loading requirements.
 4. To vary the regulations relating to restoration of damaged or destroyed nonconforming structures contained in these regulations.
- D. Standards:
1. The Board shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented to it which support conclusions that:
 - (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 zoning district, and is not created by an action or actions of the property owner or the applicant;
 - (b) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
 - (c) The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - (d) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - (e) Granting the variance desired will not be opposed to the general spirit and intent of these regulations.

2. In determining whether the evidence supports the conclusions required by Section 10-107(D)(1), the Board shall consider the extent to which the evidence demonstrates that:

(a) The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced;

(b) The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property;

(c) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and

(d) The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

E. Conditions and Restrictions. In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 10-107(D) to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of these regulations.

F. Decisions and Records. The Board shall render a written decision on an application for a variance without unreasonable delay after the close of a hearing, but in all cases, within 45 days from the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to application for variances.

G. Period of Validity. No variance granted by the Board shall be valid for a period longer than 180 days from the date on which the Board grants the variance, unless within such 180-day period a zoning permit is obtained and the construction, moving or remodeling of a structure is started. The Board may grant additional extensions not exceeding 180 days each, upon written application, without notice or hearing.

108 Conditional Uses. The Board may authorize, as an exception to the provisions of these regulations, the establishment of those conditional uses that are expressly authorized to be permitted as a conditional use in a

particular zoning district or in one or more zoning districts. No conditional use shall be authorized as an exception to these regulations unless the Board is specifically authorized by these regulations to grant such conditional use and unless such grant complies with all of the applicable provisions of these regulations.

- A. Application. An application for a conditional use permit, together with an application for a zoning permit, shall be filed in duplicate with the Zoning Administrator who shall forward without delay a copy of each to the Secretary of the Board. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Board:
1. A statement or diagram showing compliance with any special conditions or requirements imposed upon the particular conditional use by the applicable district regulations or Section 10-108(D) if applicable.
 2. A statement as to why the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.
 3. A statement as to how the proposed conditional use is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations.
 4. Present data in support of the standards specified in Section 10-108(C).
- B. Hearing and Notice. A hearing on the application shall be held and notice thereof given as specified under Section 10-106(C).
- C. Standards for Permits. The Board shall not grant a conditional use permit unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, which support conclusions that:
1. The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards.
 2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
 3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not

dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- (a) The location, nature and height of buildings, structures, walls and fences on the site, and
 - (b) The nature and extent of landscaping and screening on the site.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 7 of these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.
 6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
- D. Conditions and Restrictions. In granting a conditional use, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in Section 10-108(C) to reduce or minimize any potentially injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
- E. Decisions and Records. The Board shall render a written decision containing specific findings of fact on an application for a conditional use without unreasonable delay after the close of the hearing, and in all cases, within 45 days from the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to applications for conditional uses.
- F. Period of Validity. No conditional use permit granted by the Board shall be valid for a period longer than 180 days from the date in which the Board grants the conditional use, unless within such 180-day period:
1. A zoning permit is obtained and the erection or alteration of a structure is started, or
 2. An occupancy certificate is obtained and a use commenced.

The Board may grant additional extensions not exceeding 180 days each, upon written application, without notice or hearing.



ARTICLE 11. AMENDMENTS

100 General Provisions for Amendments. The regulations imposed and the districts created under the authority of these regulations may be amended from time to time by the Planning Commission following a public hearing and the approval by the Governing Body. No such amendment shall be adopted except in accordance with the procedures of this Article 11.

- A. Proposal. Amendments may be proposed: (1) by the Governing Body, (2) by the Planning Commission or (3) upon application by, or on behalf of, the owner of the property affected, but only in accordance with the procedure set forth in Section 11-100(B). When the Governing Body proposes an amendment, it shall transmit its proposal to the Planning Commission for a public hearing and recommendation thereon.
- B. Application. When the owner of the property affected proposes an amendment to any of these regulations or to any zoning district created thereby, an application for such amendment shall be filed with the Planning Commission. The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning Commission, but shall in all instances contain the following information:
1. The applicant's name and address;
 2. The precise wording of any proposed amendment to the text of these regulations;
 3. In the event that the proposed amendment would change the zoning classification of any property:
 - (a) The legal description and street address of the property,
 - (b) The name and address of the owner(s) of the property,
 - (c) The present zoning classification and existing uses of the property,
 - (d) The dimensions of the property and the area stated in square feet or acres or fractions thereof, and
 - (e) An ownership list of the names, addresses and zip codes of the owners of all property located within 200 feet of the boundaries of the property as shown on the latest tax assessment roll.
- C. Public Hearing. The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by the Planning Commission. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within 45 days from the date on which the proposed amendment is received or initiated by the Planning Commission. An applicant for an amendment may waive the requirement that such hearing be held within 45 days.

D. Notice of Hearing. Public notice of a hearing on a proposed amendment shall be published once in the official newspaper. At least 20 days shall elapse between the date of such publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed changes in regulations or the zoning classification or zoning district boundaries of any property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification. When a proposed amendment will affect the zoning classification of specific property, the Planning Commission shall mail a written notice of the public hearing thereon, containing the same information as the published notice thereof, to the owner(s) of the property affected, and to the owners of all property within 200 feet of the boundaries thereof, at least 20 days prior to the date of such hearing. Failure to receive such notice shall not invalidate any subsequent action taken. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

E. Conduct of Hearing. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested person(s) prior to or at the public hearing.

The Planning Commission may make recommendations on proposed amendments to specific properties which affect only a portion of the land described in the public hearing notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the said notice. A recommendation for a zoning classification of lesser change than that set forth in the notice shall not be valid, however, without republication and, where necessary, re-mailing of notices unless the Planning Commission shall have previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications.

For action on zoning amendments, a quorum of the Planning Commission must be more than one-half of all the members. A vote either for or against an amendment by a majority of all the planning commissioners present constitutes a recommendation of the Planning Commission, whereas a vote either for or against an amendment by less than a majority of all planning commissioners present constitutes a "failure to recommend".

F. Report by Planning Commission. Within 15 days after the close of a public hearing on a proposed amendment, the Planning Commission shall submit a report to the Governing Body. A copy of this report shall

also be filed with the Clerk and with the Zoning Administrator and such copies shall be kept available for public inspection. A copy of the report shall also be mailed to the owner or his designated agent of the property affected by the proposed amendment. Such report shall contain a recommendation as to whether the proposed amendment should be approved or disapproved and specific written determinations on the items listed in Sections 11-100(G) or 11-100(H) and on such other items as the Planning Commission may consider relevant. The report submitted to the Governing Body shall be accompanied by a copy of the record of the hearing on the proposed amendment.

G. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the report of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

1. Whether such change is consistent with the intent and purposes of these regulations; and
2. Whether the proposed amendment is made necessary because of changed or changing conditions in the zoning districts affected and, if so, the nature of such changed or changing conditions.

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the Planning Commission shall contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and determinations as to the following items:

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;
2. Whether every use that would be permitted on the property reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
3. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
4. The general amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
5. In the event that the property as reclassified would be available for business or manufacturing uses, whether such uses, particularly in the area in question, are required to provide business or manufacturing services or employment opportunities;

6. Whether the proposed amendment would correct an error in the application of these regulations as applied to the subject property;
7. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; and
8. Whether the proposed amendment would be in accordance with and further enhance the implementation of the Comprehensive Plan.

- 101 Adoption of Amendments by the Governing Body. When the Planning Commission submits a recommendation of approval or disapproval of a proposed amendment, the Governing Body if it approves such a recommendation may either adopt it by ordinance or take no further action thereon, as appropriate. In the event the Planning Commission submits a "failure to recommend", the Governing Body may take such action as deemed appropriate. Upon receipt of a recommendation from the Planning Commission which the Governing Body disapproves, the Council 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 revise or amend and adopt such recommendations by ordinance, or it may take no further action thereon. If the Planning Commission fails to deliver its recommendations to the Governing Body within ten days after receipt of the Governing Body's disapproval, the Governing Body shall consider such course of inaction as a resubmission of the original recommendation and proceed accordingly.
- 102 Filing of Protest. If a written protest against a proposed amendment shall be filed in the office of the Clerk within fourteen days after the date of the conclusion of the hearing by the Planning Commission on the proposed amendment pursuant to the published notice, which protest is duly signed and acknowledged by the owners of 20 percent or more of any property proposed to be altered or changed, or by the owners of 20 percent or more of the total area, excepting public streets and ways, located within or without the corporate limits of the Municipality and within 200 feet of the boundaries of the property proposed to be rezoned, then such amendment shall not be passed except by at least three-fourths vote of the Governing Body.
- 103 Special Uses. Because of particular conditions associated with their activities, certain uses are not permitted outright in districts, but are permitted as "special uses" when their proposed location is supplemented by additional requirements such as to make the use considered compatible with the surrounding property, the neighborhood and the zoning jurisdiction. The procedures for approval of a special use shall be the same as for an amendment to a zoning district which is set forth in Sections 100 through 102 of this Article 11 with the additional requirement that all conditions further imposed upon the special use be made a part of the effectuating ordinance. Such conditions may include requirements affecting the lot size or yard dimensions; changing street width; controlling the location and number of signs, the period and time of operation, and the coverage and height of buildings; requiring screening and/or landscaping, to protect the surrounding property; establishing environmental standards for air and water pollution, noise, vibration, and other such conditions; and additional improvements, if necessary.

ARTICLE 12. SEVERABILITY AND EFFECTIVE DATE

100 Severability. If any provisions of these regulations be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these regulations, said provisions to be completely severable from the remaining provisions of these regulations, and the remaining provisions of these regulations shall remain in full force and effect.

101 Effective Date. These regulations shall take effect after adoption by the Planning Commission, approval of an ordinance by the Governing Body incorporating these regulations by reference, and publication of such ordinance in the official city newspaper.

ADOPTED by the Caney City Planning Commission this 14th day of February 1977.

Charles E. Burdick
Chairman

ATTEST:

H. S. ...
Secretary

APPROVED by the City Council of the City of Caney, Kansas, this 21st day of March, 1977.

Mayor

ATTEST:

Loretta Rablins
City Clerk

(SEAL)

(Approved by Ordinance No. 775 by the City Council of the City of Caney, Kansas, on March 21, 1977 and officially published on March 30, 1977.)

Published in the Caney Chronicle, Wednesday, March 30, 1977.

ORDINANCE NO. 775

AN ORDINANCE ENACTED APPROVING AND INCORPORATING BY REFERENCE CERTAIN MODEL ZONING REGULATIONS GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CITY OF CANEY, KANSAS, AND THE SURROUNDING AREA AS DESCRIBED, AS PREPARED AND PUBLISHED IN BOOK FORM BY FOSTER & ASSOCIATES, FOR THE CANEY CITY PLANNING COMMISSION PURSUANT TO K.S.A., AS AMENDED, 12-707 THROUGH 12-715, 12-3009 THROUGH 12-3012, 12-3301 AND 12-3302; REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH; ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATIONS OF SUCH DISTRICTS; ADOPTING BY REFERENCE AN OFFICIAL MAP OF DISTRICT BOUNDARIES; DEFINING CERTAIN TERMS USED IN SAID REGULATIONS; REGULATING THE DIMENSIONS OF BUILDINGS AND OTHER STRUCTURES THROUGH MINIMUM SET-BACK LINES AND LOT AREAS; REGULATING THE LOCATION AND SIZE OF SIGNS; PROVIDING FOR AND REGULATING VEHICULAR PARKING SPACE; ESTABLISHING A BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; PROVIDING FOR FEES TO BE CHARGED FOR AMENDMENTS, APPEALS, AND PERMITS; ESTABLISHING A MEANS FOR AMENDING SAID REGULATIONS, MAP, AND ORDINANCE; AND PROVIDING FOR PENALTIES FOR VIOLATION OF ITS PROVISIONS, AND A MEANS OF ENFORCEMENT.

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

Section 1. That there is hereby approved and incorporated by reference for the City of Caney, Kansas, Zoning Regulations as prepared and published in book form as model regulations by Foster & Associates, Planning Consultants of Wichita, Kansas,

for the Caney City Planning Commission under the date of February 14, 1977, and entitled, "Zoning Regulations for the City of Caney, Kansas," and the same is hereby declared adopted by reference as fully as if set out herein.

Section 2. That there is further herein incorporated by reference, and adopted, an Official Map defining the boundaries of zones and showing the district boundaries and the classification of such districts, which Map shall be marked "Official Copy as Incorporated by Ordinance No. 775" and shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 3. That the Zoning Regulations and Map herein adopted by reference shall govern all land use and improvements in the City of Caney, Kansas, and the surrounding area as described, placed thereon as herein provided from the effective date of this Ordinance.

Section 4. That a public hearing required by Kansas law was duly held on February 14, 1977 by the Caney City Planning Commission, and a full and complete discussion of said Zoning Regulations was had at said meeting; and that the Zoning Regulations herein adopted are a true and correct copy of those Regulations as adopted by the Caney City Planning Commission.

Section 5. That not less than three copies of the Zoning Regulations in book form marked "Official Copy as Incorporated by Ordinance No. 775" and to which there shall be a published copy of this Ordinance attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours.

Section 6. That for the purpose of wholly or partially defraying the costs of zoning district or map amendments, special use permits, appeals, variances, conditional use permits, zoning permits, or occupancy certificates, fees shall be paid upon filing an application for the following:

The above fees are \$25.00 each with the exception of the zoning permit and occu-

pancy certificate which are \$5.00.

Section 7. The owner or agent of a building or premises in or upon which a violation of any provision of the Zoning Regulations herein adopted by reference has been committed, or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor, or any other person who commits, takes part, or assists in any violation, or who maintains any building or premises in or upon which violation has been committed, or shall exist, shall be punished by a fine not to exceed \$500.00 for each offense. Each and every day that such violation continues shall constitute a separate offense and in case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of these Regulations, the appropriate authorities of the City of Caney, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure, or land.

Section 8. That any provision of this Ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 9. That any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 10. That this Ordinance shall take effect from and after its passage and upon being published once in the official city paper.

PASSED BY THE CITY COUNCIL this 21st day of March, 1977.

APPROVED BY THE MAYOR THIS 21ST DAY OF March, 1977.

FORREST MARTIN, Mayor
ATTEST:
LORETTA ROBBINS, City Clerk

(SEAL)

ORDINANCE NO. 987

AN ORDINANCE CHANGING ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF CANEY, KANSAS UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 775 OF THE CODE OF THE CITY OF CANEY, KANSAS,

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

Section 1. That having received a proper recommendation for the Caney City Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of Ordinance No. 775 of the City of Caney, Kansas, the zoning classifications or districts of the lands legally described hereby are changed as follows:

Case No. Z 89-02 Zone change from the R-1 Residential and A-1 Agricultural Districts to the B-2 Service Business District for the following described tracts, to wit:

Tract No. 1

Commencing at a point in the Northwest corner of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section Seven (7) Township Thirty-five South (35S) Range Fourteen East (14E), where the South right of way line of U.S. Highway 166 intersects with the East right of way line of U.S. Highway 75; thence South along the East right of way line of U.S. Highway 75 to the North line of the abandoned Missouri Pacific Railroad right of way; thence Easterly along the North line of the abandoned Missouri Pacific Railroad right of way to a point 150 feet East of the East right of way line of U.S. Highway 75; thence North to a point on the South right of way line of U.S. Highway 166, 150 feet East of the point of beginning; thence East to point of beginning.

Tract No. 2

Beginning at a point in the Northeast Corner of the North half of the Northeast Quarter (N/2 of the NE/4) of Section Twelve (12) Township Thirty-five South (35S) Range Thirteen East (13E), Montgomery County, Kansas, where the West right of way line of U.S. Highway 75 intersects with the South right of way line of Moss Avenue; thence South along the West right of way line of U.S. Highway 75 to the point where the West right of way line of U.S. Highway 75 intersects with the North line of the abandoned Missouri Pacific Railroad right of way; thence Westerly along the North right of way line of the abandoned Missouri Pacific Railroad right of way to a point 150 feet West of the West right of way line of U.S. Highway 75; thence North to a point 150 feet West of the point of beginning; thence West to point of beginning.

Tract No. 3

Lots 1 through 4, inclusive, Block 1, Bording's Addition to the City of Caney, Kansas

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Tract No. 4

Lots 1 through 4, inclusive, Block 2, Bording's Addition to the City of Caney, Kansas

Tract No. 5

Lot 5, Block 2, Bording's Addition to the City of Caney, Kansas

Tract No. 6

Lots 1 and 2, Block 3, Bording's Addition to the City of Caney, Kansas

Tract No. 7

Lots 3, 4 and 5, Block 3, Bording's Addition to the City of Caney, Kansas

Tract No. 8

Lots 1 and 2, Block 4, Bording's Addition to the City of Caney, Kansas

Tract No. 9

Lot 3, Block 4, Bording's Addition to the City of Caney, Kansas

Tract No. 10

Lot 8, Block 1, Odneal's Addition to the City of Caney, Kansas, and Lot 1, Block 1, Truskett's Addition to the City of Caney, Kansas

Tract No. 11

Lot 10, Block 3, Truskett's Addition to the City of Caney, Kansas

Tract No. 12

Lot 11, Block 3, Truskett's Addition to the City of Caney, Kansas

Tract No. 13

Lot 12, Block 3, Truskett's Addition to the City of Caney, Kansas

Tract No. 14

The South 70 feet of Lots 4, 5 and 6, Block 2, Bradley's Addition to the City of Caney, Kansas

Tract No. 15

Lot 7, Block 2, Bradley's Addition to the City of Caney,
Kansas

Tract No. 16

Lot 10, 11 and the W/2 of Lot 12, Block 2, Bradley's
Addition to the City of Caney, Kansas

Tract No. 17

The E/2 of Lot 8 and Lot 9, Block 3, Bradley's Addition to
the City of Caney, Kansas

Tract No. 18

Lots 3, 4 and 5, Block 6, Bradley's Addition to the City of
Caney, Kansas

Tract No. 19

Lot 6, Block 6, Bradley's Addition to the City of Caney,
Kansas

Tract No. 20

Lots 15 & 16, Block 4, McGee's Addition to the City of Caney,
Kansas

Tract No. 21

Lot 17, Block 4, McGee's Addition to the City of Caney,
Kansas

Tract No. 22

Lot 18, Block 4, McGee's Addition to the City of Caney,
Kansas

Tract No. 23

Lot 19, Block 4, McGee's Addition to the City of Caney,
Kansas

Tract No. 24

The West 10 feet of Lot 2 and Lot 3, Block 3, McGee's
Addition to the City of Caney, Kansas

Tract No. 25

Lots 5 and 6 and the West 30' of Lot 4, Block 3,
McGee's Addition to the City of Caney, Kansas

Tract No. 26

Lot 11 & 12 and the North 25 feet of Lot 13, Block 1,
Keystone's Addition to the City of Caney, Kansas

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Tract No. 27

The East 150 feet of the Following described tract:

The E/2 of the NE/4 of the NE/4 except Beckley's Addition and Except .97 acres for Highway, Section 13, Township 35S, Range 13E, Montgomery County, Kansas

Tract No. 28

Beginning at a point 750' S and 64' E of the N/W corner of Lot 1, then S along the E side of Highway 75 300'; Thence E 217'; Thence N 300'; Thence W 217' to point of beginning, in Section 18, Township 35, Range 14, Montgomery County, Kansas

Tract No. 29

Beginning at a point 1,050' S and 64' E of the N/W corner of Lot 1, Section 18, Township 35, Range 14, Montgomery County, Kansas, on the E right of way line of U. S. Highway 75, thence S following the E right of way line of U. S. Highway 75 to the S line of Lot 1, in said Section 18; thence E 150'; thence N on a line parallel to and 150' E of the right of way line of U. S. Highway 75 to a point 150' E of the point of beginning; thence W 150' to point of beginning

Section 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" as previously adopted by reference, and said map is hereby reincorporated as a part of the Zoning Ordinance as amended.

Section 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF CANBY, KANSAS this 4th day of December, 1989.

JOE E. TAYLOR, Mayor

ATTEST:



CAROLE COKER, City Clerk

ORDINANCE NO. 988

AN ORDINANCE AMENDING THE TEXT OF THE ZONING REGULATIONS OF THE CITY OF CANEY, KANSAS

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

Section 1. That the text of the Zoning Regulations of the City of Caney, Kansas, be amended as follows, to wit:

1. That Article 2, Section 102, Definitions be amended to add the following definition:

Conditional Uses: Those business or commercial uses identified in the R-1 Residential District and the R-2 Residential District, which may be authorized by a conditional use permit issued by the Planning Commission, and with respect to which the Planning Commission may require the imposition of certain conditions or the agreement of the applicants as a condition precedent to issuance of such conditional use permit.

2. That Article 4, Section 102, R-1 Residential District be amended to add the following provision:

C. Conditional Uses: Those permitted or special uses which are authorized in the B-1 Business District and the B-2 Service Business District which may be authorized by the Planning Commission under Article 11 of these regulations.

That Subsection C concerning Lot Size Requirements and Subsection D concerning Bulk Regulations of Section 102, Article 4, be renumbered as Subsections D and E respectively.

3. Article 4, Section 103, R-2 Residential District be amended to add the following provision:

N. Conditional Uses: Those permitted or special uses which are authorized in the B-1 Business District and the B-2 Service Business District which may be authorized by the Planning Commission under Article 11 of these regulations.

4. That Article 4, Section 107, B-2 Service Business District be amended to add the following provision:

F. Fencing: Any property classified and zoned in the B-2 Service Business District abutting property which is actually occupied for residential purposes shall, from and after the date of the adoption of this amendment to the zoning regulations, comply with the provisions of Article 5, Section 100 E concerning fences.

5. That Article 5, Section 100, Subsection C, Accessory Uses Authorization be amended as follows:

C. Bulk Regulations.

1. When no alley exists, accessory structures shall be set back 5 feet from the rear lot line; and when an alley exists, a 10 foot set back shall be required; provided, however, that fences may be placed on the rear lot line.

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2. Accessory structures and uses shall also maintain the same side and front yard set back as is required for the principle structure, except partition fences, which may be set on the lot line.

6. That Article 5, Section 100, Accessory Uses Authorization be amended to add the following provision:

E. Fencing Requirements - B-2 Service Business Districts.
All service business districts created from and after the effective date of this amendment shall be required to erect privacy fences upon the conditions hereafter set forth. Privacy fences shall be required on the back and side yards of any property in the B-2 Service Business District abutting property actually occupied for residential purposes, prior to commencement of any commercial use of the B-2 Service Business District property. Privacy fencing shall not be required on any side yard abutting a street, but shall be required on any rear yard abutting an alley opposite which any portion of such alley the adjoining property is actually used for residential purposes.

Such privacy fences shall be of a minimum height of 6 feet, constructed of properly treated wood or other suitable materials to be determined by the planning commission, and properly maintained by the commercial business owner. Side or rear lot drive gates shall be permitted, but restricted to use by owners, employees, or suppliers of goods or merchandise, and not allowed as a means of access to the general retail patrons of any such establishment. Fencing on side yards abutting a residence shall be to the front of the commercial building or sidewalk, so as to shield the view of the commercial building from the adjoining residential neighbors; provided, however that such side yard fence shall not be constructed to a point any closer to the front street than, in the judgement of the Chief of Police, will allow an adequate view of the street for purposes of traffic safety.

7. That Article 10, Section 102 Jurisdiction Subsection C be amended as follows:

C. To hear and decide applications for exceptions in the manner and subject to the procedure and standards out in Section 10-108.

8. That Article 10, Section 108 Conditional Uses, be amended as follows:

108.

Exceptions. The board may authorize exceptions to the provisions of these regulations in those instances where the board is specifically authorized to grant such exceptions. In no event shall exceptions be granted where the use or exception contemplated is not specifically listed as an exception in a particular zoning district or in one or more zoning districts, and where such grant complies with all of the applicable provisions of these regulations.

9. That Article 11, AMENDMENTS be amended as follows:



Article 11. AMENDMENTS AND CONDITIONAL USE PERMITS

100.

General Provisions for Amendments and Conditional Use Permits. The regulations imposed and the districts created under the authority of these regulations may be amended, or conditional use permits may be issued, from time to time by the planning commission following a public hearing and the approval by the governing body. No such amendment or conditional use permit shall be adopted except in accordance with the procedures of this Article 11.

A. Proposal. Amendments or applications for conditional use permits may be proposed: (1) by the Governing Body, (2) by the Planning Commission or (3) upon application by, or on behalf of, the owner of the property affected, but only in accordance with the procedures set forth in Section 11-100 (3). When the Governing Body proposes an amendment, it shall transmit its proposal to the Planning Commission for a public hearing and recommendation thereon.

B. Application. When the owner of the property affected proposes an amendment to any of these regulations or to any zoning district created thereby, or requests the issuance of a conditional use permit, an application for such amendment or conditional use permit shall be filed with the Planning Commission. The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning Commission, but shall in all instances contain the following information:

1. The applicant's name and address;
2. The precise wording of any proposed amendment to the text of these regulations;
3. In the event that the proposed amendment would change the zoning classification of or authorize the issuance of a conditional use permit concerning any property:
 - (a) The legal description and street address of the property,
 - (b) The name and address of the owner(s) of the property,
 - (c) The present zoning classification and existing uses of the property,
 - (d) The dimensions of the property and the area stated in square feet or acres or fractions thereof, and
 - (e) An ownership list of the names, addresses and zip codes of the owners of all property located within 200 feet of the boundaries of the property as shown on the latest tax assessment roll.

C. Public Hearing. The Planning Commission shall hold a public hearing on each proposed amendment or application for conditional use permit that is referred to, filed with, or initiated by the Planning Commission. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within 45 days from the date on which the proposed amendment or application is received or initiated by the Planning Commission. An applicant for an amendment or conditional use permit may waive the requirement that such hearing be held within 45 days.

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D. Notice of Hearing. Public notice of a hearing on a proposed amendment or application for a conditional use permit shall be published once in the official newspaper. At least 20 days shall elapse between the date of such publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed changes in regulations, zoning classification or zoning district boundaries of any property, or conditional use(s) requested. If the proposed amendment would change the zoning classification of any property, the boundaries of any zoning district, or authorize a conditional use, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification or conditional use. When a proposed amendment will affect the zoning classification of specific property, or when an application for a conditional use permit will affect the present use of specific property, the Planning Commission shall mail a written notice of the public hearing thereon, containing the same information as the published notice thereof, to the owner(s) of the property affected, and to the owners of all property within 200 feet of the boundaries thereof, at least 20 days prior to the date of such hearing. Failure to receive such notice shall not invalidate any subsequent action taken. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

E. Conduct of Hearing. The hearing shall be conducted and a record of the proceeding shall be preserved in such a manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment or conditional use permit from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested person(s) prior to or at the public hearing.

The Planning Commission may make recommendations on proposed amendments to specific properties which affect only a portion of the land described in the public hearing notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the said notice. A recommendation for a zoning classification of lesser change than that set forth in the notice shall not be valid, however, without republication and, where necessary, remailing of notices unless the Planning Commission shall have previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications.

For action on zoning amendments or conditional use permits, a quorum of the Planning Commission must be more than one-half of all the members. A vote either for or against an amendment or conditional use permit by a majority of all the planning commissioners present constitutes a recommendation of the Planning Commission, whereas a vote either for or against an amendment or conditional use permit by less than a majority of all planning commissioners present constitutes a "failure to recommend".

F. Report by Planning Commission. Within 15 days of the close of the public hearing on a proposed amendment or conditional use permit application, the Planning Commission shall submit a report to the Governing Body. A copy of this report shall also be filed with the Clerk and with the Zoning Administrator and such copies shall be kept available for public inspection. A copy of the report shall also be mailed to the owner or his designated agent of the property affected by the proposed amendment or conditional use permit. Such report shall contain a recommendation as to whether the proposed amendment or conditional use permit should be approved or disapproved and specific written determinations on the items listed in Section 11-100 (G), 11-100 (H) or 11-100 (I) and on such other items as the Planning Commission may consider relevant. The report submitted to the governing body shall be accompanied by a copy of the record of the hearing on the proposed amendment or conditional use permit.

G. Amendments to Text. (no amendment to this subsection proposed).

H. Amendments to Change Zoning Districts. (No amendment to this subsection proposed).

I. Conditional Use Permits. The Planning Commission shall not grant a conditional use permit unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, which supports conclusions that:

1. The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards.

2. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.

3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood consideration shall be given to:

(a) The location, nature and height of buildings, structures, walls and fences on the site, and

(b) The nature and extent of landscaping and screening on the site.

5. Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 7 of these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

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6. Adequate utility, drainage, and other necessary facilities have been or will be provided.

7. Adequate access roads or entrance or exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

J. Conditions and Restrictions. In granting a conditional use, the commission may impose such conditions, safeguards and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in this section to reduce or minimize any potential injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

101. Adoption of Amendments or Conditional Use Permits by the Governing Body. When the Planning Commission submits a recommendation of approval or disapproval of a proposed amendment or conditional use permit, the Governing Body if it approves such a recommendation may either adopt it by ordinance or take no further action thereon, as appropriate. In the event the Planning Commission submits a "failure to recommend" the Governing Body may take such action as deemed appropriate. Upon receipt of a recommendation from the Planning Commission which the Governing Body disapproves, the Council 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 revise or amend and adopt such recommendations by ordinance, or it may take no further action thereon. If the Planning Commission fails to deliver its recommendations to the Governing Body within 10 days after receipt of the governing body's disapproval, the Governing Body shall consider such course of inaction as a resubmission of the original recommendation and proceed accordingly.

102. Filing of Protest. If a written protest against a proposed amendment or conditional use permit shall be filed in the office of the Clerk within 14 days after the date of the conclusion of the hearing by the Planning Commission on the proposed amendment or conditional use permit pursuant to the published notice, which protest is duly signed and acknowledged by the owners of 20 percent or more of any property proposed to be altered or changed in use, or by the owners of 20 percent or more of the total area, excepting public streets and ways, located within or without the corporate limits of the municipality and within 200 feet of the property proposed to be rezoned or granted a conditional use permit, then such an amendment or conditional use permit shall not be passed except by at least three-fourths vote of the Governing Body.

103. Special Uses. (No amendments proposed to this subsection).

Section 2. That this ordinance shall take effect and be in force from and after it's passage and approval by the governing body, and publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF CANEY, KANSAS this 4th day of December, 1989.

JOE E. TAYLOR, Mayor

ATTEST:


CAROLE CORER, City Clerk

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ORDINANCE NO. 989

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF CANEY, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 775 OF THE CITY OF CANEY, KANSAS

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

SECTION 1. That having received a recommendation from the Caney City Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of Ordinance No. 775 of the City of Caney, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z 88 04. Zone change from the R-2 Residential District to the B-2 Service Business District

Lots 3, 4 & 5, Block 6, Bradley's Addition located at 205 and 207 South McGee.

SUBJECT to the terms and conditions of Article 7 of the Zoning Regulations of the City of Caney, Kansas, requiring off-street parking, which shall be provided within Sixty (60) days of the date that this Ordinance shall take effect.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" as previously adopted by reference, and said map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City newspaper.

PASSED AND APPROVED this 4th day of December, 1989, by the Governing Body of the City of Caney, Kansas.

JOE E. TAYLOR, Mayor

ATTEST:

Carole Coker
CAROLE COKER, City Clerk