

CHAPTER I. TITLE, APPLICABILITY & PURPOSE

ARTICLE 1. General Provisions

ARTICLE 1. GENERAL PROVISIONS

- 1-101 CODE DESIGNATED. The chapters, articles, sections, and zoning district map herein shall constitute and be designated as “THE ZONING REGULATIONS of the City of McLouth, Kansas,” and may also be cited as the “McLouth City Zoning Regulations.”
- 1-102 APPLICABILITY. These regulations shall apply to the incorporated territory of the city of McLouth, Kansas.
- 1-103 PURPOSE. These zoning regulations for McLouth adopted pursuant to the provisions of Section 12-741, *et seq.* of the Kansas Statutes Annotated, are intended to serve the following purposes:
1. To promote the health, safety, morals, comfort, and general welfare of the citizens of McLouth, Kansas.
 2. To create a variety of zoning districts sensitive to the peculiarities of the various permitted uses and designed to protect and enhance the values inherent in each zone, while encouraging the redevelopment and revitalization of McLouth.
 3. 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 the size of yards, courts, and other open spaces.
 4. To provide for adequate light and air and acceptable noise levels.
 5. To avoid the undue concentration of populations and to prevent overcrowding in the use of land and community facilities.
 6. To provide adequate notice on subsequent changes to these regulations and an opportunity for interested parties to be heard.
 7. To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas.
 8. To inform the public regarding future development in McLouth, Kansas, thereby providing a basis for wise decisions with respect to such development.

1-104. DEFINITIONS. For the purposes of these regulations, certain terms and words are hereby defined. Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present; words in the singular number shall include the plural and words in the plural number shall include the singular; the word “building” shall include the word “structure”; the word “dwelling” shall include the word “residence”; the word “lot” shall include the word “plot”; the word “person” shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities; the word “shall” is mandatory and not directory while the word “may” is permissive; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”. Words or terms not herein defined shall have their ordinary and customary meaning in relations to the context.

1. ABANDONED VEHICLE: Any inoperable motor vehicle to which the last registered owner of record thereof has relinquished all further dominion and control.
2. ABANDONMENT: The discontinuance of use of or the vacating of a building for a period of six (6) months (180 consecutive calendar days) or longer, except however, that such discontinuance or vacation shall not be interpreted to be abandonment when resulting from actions other than from those of the owner of said building.
3. ACCESS: The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.
4. ACCESSORY BUILDING: A subordinate building or portion of the main building, located on the same lot, the use of which is clearly incidental to that of the main building or to the use of the land on which it is located. Customary accessory buildings include, but are not limited to garages, carports, garden houses, small storage sheds, and children’s playhouses.
5. ACCESSORY USE: A subordinate use, which serves an incidental function to that of the principal use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, air conditioners, barbecue grills, fireplaces, and satellite dish antennas.
6. AGRICULTURAL USE: The use of a tract of land for the production of plants, animals or horticultural products, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; beef cattle, sheep, swine, and horses; bees and apiary products; trees and forest products; fruits, nuts, and berries; vegetables; or nursery, floral, ornamental, or greenhouse products. Land use for agricultural purposes shall not include the following: lands which are used for recreational purposes; the operation or maintenance of greenhouses, nurseries, or hydroponic farms operated at retail; wholesale or retail sales as an accessory use unless the same are permitted by these

regulations; the operation of a riding stable as defined in these regulations; the operation or maintenance of a commercial stockyard or feedlot; and the operation of an auction sales yard.

7. AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie down areas, hangars, and other necessary buildings and open spaces.
8. ALLEY: Public right-of-way, which provides a secondary means of access to abutting property.
9. ALTERATION: A change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
10. AMENDMENT: The process of change or alteration to the zoning Regulations in one of the following forms:
 - a. A comprehensive revision or modification of the zoning text and/or maps.
 - b. A text change in the zone requirement.
 - c. The approval of a Conditional Use Permit as provided within these regulations.
 - d. A change in the maps, i.e., the zoning designation of a particular parcel or parcels. This form is also known as “rezoning.”
11. 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.
12. APARTMENT: A room or a suite of rooms within an apartment house or complex arranged, intended, or designed as a place of residence of a family.
13. APARTMENT HOUSE: A building or buildings containing apartments used as a place of residence for more than two (2) families.
14. APPLICANT: The owner of a tract of land, or his duly designed representative, for which an amendment has been requested. Consent shall be required from the record owner of the premises if the applicant is someone other than the owner.

15. AUCTION SALES YARD: A tract of land and accompanying buildings and/or other structures, if any, arranged or designed to be used for the sale by auction of merchandise offered on consignment.
16. AUTOMOTIVE AND MACHINERY REPAIR SHOPS: A building used for the repair of motor vehicles or machinery. This shall include, but not be limited to, body and paint shops, glass service shops, and auto service centers.
17. AUTOMOTIVE SALES AREA: An open area, other than a street, used for display or sale of new or used motor vehicles, and where no repair work is done except minor incidental repair of motor vehicles to be displayed and sold on the premises.
18. AUTOMOTIVE SERVICE STATION: Any building, structure or land used for the dispensing, sale, or offering for sale at retail any motor vehicle fuels, oils, or accessories, but not including tire recapping, major repair work such as motor replacement, body and fender repair or spray painting, provisions of rental equipment, or open motor vehicle sales lots.
19. BASEMENT: A space wholly or partly underground and having more than one-half of its total usable space below building grade.
20. BOARD OF ZONING APPEALS: That board created herein, which has the statutory authority to hear and determine appeals, exceptions, and variances to these regulations.
21. BOARDING OR ROOMING HOUSE: A dwelling in which roomers, lodgers, and/or boarders are housed, but individual cooking facilities are not provided.
22. BUFFER AREA: Open and unobstructed ground area of a plot in addition to any required yards or road widening around the perimeter of any plot.
23. BUILDABLE WIDTH: The width of that part of a lot not included within any required open space.
24. BUILDING: Any site-built 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.
25. BUILDING, COMMUNITY: A building used for the noncommercial social, educational, or recreational activities of a neighborhood or community.
26. BUILDING HEIGHT: The vertical distance from the ground surface to the highest point of the coping of a flat roof, or to the deck line of a mansard roof,

or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

27. **BUILDING LINE:** A line, usually fixed parallel to the lot line, beyond which a building cannot extend under the terms of these regulations. The building line is equivalent to the setback or yard line.
28. **BUILDING, PRINCIPAL:** A building in which is conducted the main or principal use of the plot on which said building is situated. In any residential district, any dwelling shall be deemed to be a principal building on the plot of which it is located.
29. **BUILDING, PUBLIC:** A publicly-owned building used or occupied for a public purpose. Public buildings include, but are not limited to: fire stations, police stations, auditoriums, gymnasiums, natatoriums, community halls, maintenance buildings, park shelters, jails or penal institutions, and schools. This shall include privately-owned buildings used for the same public-type purposes.
30. **BULKY WASTES:** Discarded or stored inoperative household appliances, disused furniture, disused equipment, junk lumber and other building debris, parts of machinery and equipment, and similar waste not ordinarily collected with compactor equipment, provided that bulky waste shall not mean abandoned or inoperable vehicles in whole or in part.
31. **CANOPY:** Any structure, movable or stationary, attached to and deriving its support from framework, posts, or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements or a roof-like structure of a permanent nature, which projects from the wall of a structure and overhangs the public way.
32. **CAR WASH:** An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
33. **CEMETERY:** Land used for burial and dedicated for cemetery purposes, including columbaries, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
34. **CHILD CARE CENTER:** A facility licensed by the State of Kansas to provide for the care of thirteen (13) or more children from two (2) weeks to sixteen (16) years of age and which is maintained for less than twenty-four (24) hours per day.
35. **CHURCH:** An establishment, the principal purpose of which is religious worship, but which may include such accessory rooms, located in the main

structure of separate buildings, such as Sunday School rooms, assembly rooms, kitchens, recreational facilities, and/or libraries.

36. **CIRCUS AND/OR CARNIVAL:** A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as riders, exhibitions, food services, sales, or small scale games.
37. **CITY:** City shall mean the City of McLouth, Kansas.
38. **CITY ATTORNEY:** The City Attorney, or such licensed attorney designated by the City Attorney or Governing Body to furnish legal assistance for the administration of these regulations and responsible for the prosecution of all violations of these regulations in accordance with the provisions contained herein and as established by law.
39. **CITY ENGINEER:** The City Engineer, or such licensed engineer designated by the City Engineer or Governing Body, to provide engineering assistance in administering these and other regulations governing areas of normal responsibilities assigned to the City Engineer.
40. **CITY HEALTH OFFICER:** The Director of the Jefferson County Health Department, or such other person designated by the Governing Body to administer the Health Regulations of the City.
41. **CLINIC:** A building designed and used for the medical, dental, or surgical diagnosis or treatment of patients under the care of doctors and/or nurses with no overnight boarding.
42. **CLUB:** Buildings and facilities owned or operated by a corporation, association, person or persons for social, educational, or recreational purposes, but not primarily for profit which inures to any individual, and not primarily to render a service that is customarily carried on as a business.
43. **CLUB, MEMBERSHIP:** Membership clubs, including private clubs, as defined by K.S.A. 41-2601, *et seq.*, and succeeding amendments, including but not limited to such clubs as the American Legion, VFW, and the Elks.
44. **CLUSTER HOUSING:** The site planning technique of grouping dwelling units around courts, parking areas, common open spaces, and private drives as opposed to fronting all on a public street.
45. **COMMON OPEN SPACE:** An area of land, water, or combination thereof, planned for active or passive recreation, but not including area utilized for streets, alleys, driveways, or private roads, off-street parking or loading areas, or required yards. The area of recreational activities such as swimming pools,

tennis courts, shuffleboard courts, etc., may be included as common open space.

46. **CONDITIONAL USE:** A use of any building, structure, or parcel of land that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses. Conditional uses are allowed only after public notice, hearing, and approval as prescribed in these regulations and may have special conditions and safeguards attached to ensure that the public interest is served.
47. **CONDITIONAL USE PERMIT:** A written document of certification issued by the Governing Body permitting the construction, alteration, or establishment of a Conditional Use.
48. **CONDOMINIUM:** A building containing two (2) or more dwelling units that are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. 58-3701 *et seq.*) of the State of Kansas.
49. **CONSTRUCTION/DEMOLITION LANDFILL:** A permitted solid waste disposal area used exclusively for the disposal on land of construction and/or demolition waste.
50. **CONSTRUCTION/DEMOLITION WASTE:** Waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on houses, commercial buildings, other structures, pavements, curbing, bridges, and trees and brush, but not including asbestos.
51. **COURT:** An unobstructed open area bounded on three or more sides by the walls of a building or buildings; an **OUTER COURT** extends to a street or yard, whereas an **INNER COURT** does not.
52. **DAY CARE HOME:** A facility licensed by the State of Kansas to provide for the care of not more than ten (10) children under fourteen (14) years of ages, not more than six (6) of whom are under kindergarten age, between the hours of 6:00 a.m. and 9:00 p.m. This term is further construed to include similar units operated under other names.
53. **DISTRICT:** A section or sections of the zoning jurisdiction for which the regulations governing permitted use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.
54. **DRINKING ESTABLISHMENT:** A premises, which may be open to the general public, where alcoholic liquor by the individual drink is served.

55. **DRIVE-IN ESTABLISHMENT:** An enterprise which accommodates a patron's automobile and from which occupants of the automobile may make purchases, transact business, or view motions pictures or other entertainment.
56. **DRIVE-THROUGH ESTABLISHMENT:** Any restaurant, financial institution, or product rendering enterprise where the patron does not necessarily enter and remain within a building during the transaction of his business. Food vending establishments where the food is not normally consumed within a building or where facilities are provided for eating outside a building are included in this definition.
57. **DWELLING:** Any building or portion thereof, designed or used primarily for residential purposes, including residential-designed manufactured homes and modular homes.
58. **DWELLING, MULTI-FAMILY:** A building, or portion thereof, arranged, intended, or designed for occupancy by three or more families.
59. **DWELLING, SINGLE-FAMILY:** A building having accommodations for and occupied exclusively by one family. A residential-designed manufactured home shall be considered a single-family dwelling.
60. **DWELLING, TWO-FAMILY:** A building, or portion thereof, arranged, intended or designed for occupancy by two families.
61. **DWELLING UNIT:** A building, or part thereof, containing complete housekeeping facilities for one family.
62. **EASEMENT:** A grant by a property owner to specific persons or to the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.
63. **EFFICIENCY UNITS:** A dwelling unit, constructed as a part of a residential complex, having a living room of at least 220 square feet, an additional 100 square feet of living area for each occupant of such unit in excess of two (2), a separate closet, a separate bathroom containing a water closet, lavatory, and bathtub or shower, and a kitchen sink, cooking appliance, and refrigeration facilities, each having a clear working space of not less than 30 inches in front.
64. **ESTABLISHED SETBACK:** The average setback on each street on which a lot fronts established by three (3) or more buildings, provided, only those properties that are within the same district and within 300 feet of each side of the said lot along the same side of the street, but not beyond any intersecting street, are used in determining the established setback.

65. **FAMILY:** One (1) or more persons related by blood or marriage or adoption, living together as a single housekeeping unit plus usual domestic servants or a group of not more than four (4) unrelated persons living together as a single housekeeping unit.
66. **FAMILY DAY CARE HOME:** A facility licensed by the State of Kansas to provide children under sixteen (16) years of age with food and lodging for less than twenty-four (24) hours per day. This term is further construed to include similar units within different homes.
67. **FEED LOT, COMMERCIAL:** A livestock feedlot or feed-yard as defined by K.S.A. 47-1501 et seq., licensed by and operated under standards set forth by the Kansas Livestock Commission.
68. **FENCE:** An unroofed barrier or unroofed enclosing structure, including retaining walls.
69. **FLOOD PLAIN:** That area of land subject to inundation of water as a result of what is commonly known as the 100-year flood.
70. **FLOOR AREA:** The square foot area of all space within the outside line of a wall, including the total area of all floor levels, but excluding porches, garages, or unfinished space in a basement or cellar.
71. **FOSTER HOME:** A facility licensed by the State of Kansas for the twenty-four (24) hour care of four (4) or less children who are less than eighteen (18) years of age and unrelated to the operator(s). Children in foster care have been found by the Court to be in need of care.
72. **FRONT:** The part or side of any building or structure facing the street or frontage road used as the basis for establishing the permanent address for the building or structure.
73. **FRONTAGE:**
- a. **Street Frontage:** All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended then all of the property abutting on one side between an intersecting street and the dead-end of the street.
 - b. **Lot Frontage:** The distance for which the front boundary line of the lot and the right-of-way are coincidental.
74. **GARAGE, PRIVATE:** An accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

75. GARAGE, PUBLIC: A building, or portion thereof, other than a private garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor vehicles.
76. GARAGE, STORAGE: A building, or portion thereof, designed or used exclusively for housing motor vehicles, other than trucks and commercial vehicles, pursuant to previous contract or arrangement.
77. GARDEN APARTMENT BUILDING: An apartment building located on a lot either singly or together with other similar apartment buildings, with such buildings generally being one or two stories in height and having grounds completely landscaped.
78. GOVERNING BODY: The city council of McLouth, Kansas.
79. GROUP BOARDING HOME OR RESIDENTIAL CENTER FOR CHILDREN/ADULTS: A facility licensed by the State of Kansas to provide twenty-four (24) hour care for not less than five (5), nor more than ten (10) persons.
80. GROUP DAY CARE HOME: A facility licensed by the State of Kansas for the care of a maximum of twelve (12) children under sixteen (16) years of age and which is maintained for less than twenty-four (24) hours per day.
81. GUEST HOUSE: Living quarters within a detached accessory building located on the same premises as the main building for use by temporary guests of the premises' occupants, such quarters having no kitchen facilities or separate utilities, and not rented or otherwise used as a separate dwelling.
82. HIGHWAY: A street designated as a highway by an appropriate local, state, or federal agency.
83. HIGHWAY, LIMITED ACCESS: A freeway or expressway providing for through traffic with respect to which owners or occupants of abutting property have no legal right of access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.
84. HOME OCCUPATION: Any occupation or activity that is clearly incidental and secondary to the use of the premise for dwelling.
85. HOSPITAL: A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the inpatient medical and surgical care of sick or injured humans, and which may include related facilities such as laboratories, out-patient department, training facilities,

central service facilities, and staff offices, provided, however, that such related facilities must be incidental and subordinate to the main use, but must be an integral part of the hospital operation.

86. 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.
87. INDUSTRIAL PARK: A special or exclusive type of planned industrial area designated and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.
88. JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
89. JUNKYARD: An establishment, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of a motor vehicle graveyard. This term shall include salvage yards.
90. KENNEL, BOARDING: Any place, area, building, or structure where dogs (including those under one year of age) are boarded, housed, cared for, fed, or trained by someone other than their owner.
91. KENNEL, BREEDER: Any place, area, lot, building, or structure where more than four dogs are kept for any purposes.
92. LABORATORY, MEDICAL: An establishment that provides bacteriological, biological, medical, x-ray, pathological, and/or other similar analytical or diagnostic services.
93. LANDSCAPING: The improvement of a lot, parcel, or tract of land with grass shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental features such as fountains and statuary, as well as other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
94. LAUNDRY: An establishment where commercial laundry and dry cleaning work is undertaken.
95. LAUNDRY, SELF-SERVICE: An establishment equipped with individual coin-operated washing, drying and/or dry-cleaning machines.

96. **LOADING SPACE OR LOADING BERTH:** A space within the main building or on the same lot as the main building providing for the standing, loading, or unloading of motor vehicles.
97. **LOT:** A parcel of land occupied or intended for occupancy as permitted in these regulations, including one (1) main building or unit or group of buildings together with permitted accessory buildings and required yard areas and parking spaces, having its principal frontage upon a public street, metes and bounds described tracts, but must be under single ownership and, when comprised of more than one (1) parcel, must be contiguous.
98. **LOT AREA:** The area of a horizontal plane bounded by the front, side, and rear lot lines, excluding any road right-of-way or road easement.
99. **LOT, CORNER:** A lot abutting upon two or more streets at their intersection.
100. **LOT, COVERAGE:** The percentage of a lot which, when viewed directly from above, would be covered by a structure, structures, or any part thereof, excluding projecting roof eaves.
101. **LOT, DEPTH OF:** The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.
102. **LOT, DOUBLE FRONTAGE:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.
103. **LOT INTERIOR:** A lot whose side line or lines do not abut upon any streets.
104. **LOT LINES:** The lines bounding a lot as defined herein.
105. **LOT OF RECORD:** A lot which is part of a subdivision, the plot of which has been recorded in the office of the County Register of Deeds or a parcel of land, the deed of which was recorded prior to the adoption of these regulations.
106. **LOT, WIDTH OF:** The distance, measured on a horizontal plane, between the side lot lines, measured at right angles to the lot depth at the established front building line.
107. **LOT, ZONING:** A parcel or tract of land used, developed, or built as a unit and under single ownership or control. Said zoning lot may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination hereof.

108. **MANUFACTURE:** Any method of processing, developing, fabricating, or assembling either raw materials, semi-finished materials, or parts into semi-finished or finished products.
109. **MANUFACTURED HOME:** A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 C.F.R. 3280 *et seq.*) promulgated by the U.S. Department of Housing and Urban Development.
110. **MANUFACTURED HOME ACCESSORY BUILDING OR STRUCTURE:** A subordinate building or structure which is in addition to or supplements the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.
111. **MANUFACTURED HOME LOT:** A plot of ground within a manufactured home park for the placement of one manufactured home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, gas, sewage, and electricity.
112. **MANUFACTURED HOME PAD:** That portion of the manufactured home lot on which the manufactured home unit and any attached awning is placed.
113. **MANUFACTURED HOME PARK:** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term “manufactured home park” does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection, or sale.
114. **MANUFACTURED HOME PARK PERMIT:** A written document of certifications issued by the Zoning Administrator, permitting the construction, alteration, or extension of a Manufactured Home Park.
115. **MANUFACTURED HOME SALES AREA:** An open space, other than a street, used for display or sale of new or used manufactured homes and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.
116. **MANUFACTURED HOME SKIRTING:** The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.

117. **MANUFACTURED HOME SUBDIVISION:** Any area, piece, parcel, tract, or plot of ground used or intended to be used for the purpose of selling lots for occupancy by manufactured homes.
118. **MANUFACTURED HOME, RESIDENTIAL DESIGN:** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials customarily used on site-built homes.
119. **MOBILE HOME:** A transportable, factory-built structure designed to be used as a year-round residential dwelling built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.
120. **MODULAR HOME:** A dwelling structure located on a permanent foundation and connected to public utilities, consisting of preselected, prefabricated units or modules, and transported to and/or assembled on a dwelling structure that is custom-built on the site of its permanent location and also in contradistinction to a manufactured home or a residential-designed manufactured home.
121. **MOTOR HOME:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.
122. **MOTOR VEHICLE:** A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups, and trucks.
123. **MOTOR VEHICLE GRAVEYARD:** Any establishment that is maintained, used, or operated for storing, keeping, buying, or selling three (3) or more wrecked, scrapped, ruined, dismantled, or inoperative motor vehicles, provided, however, that such term shall not include any location where motor vehicle bodies are placed along stream banks for purposes of bank stabilization and soil erosion control, if such placement conforms with guidelines established by the Chief Engineer of the Division of Water Resources of the State Board of Agriculture and has been permitted accordingly.
124. **MULTI-FAMILY LAND USE:** The use of any lot or tract of land for two-family and/or multi-family dwellings.
125. **NONCONFORMING BUILDINGS, LAND AND/OR USE:** The use of a building or land that was lawful at the time these regulations became effective but due to the passage of these Regulations, does not conform to the regulations of the district in which it exists.

126. **NONCONFORMING LOT:** An unimproved lot that does not comply with the lot size requirements for any permitted use in the district in which it is located.
127. **NURSING OR CONVALESCENT HOME:** An institution or agency licensed by the State for the reception, board, care, or treatment of five (5) or more unrelated individuals, but not including group boarding homes for minors or group homes for adults.
128. **OPEN SPACE:** Useable open space designed and intended for use by all residents of a residential area, including publicly dedicated spaces.
129. **OVERLAY DISTRICT:** A district which acts in conjunction with the underlying zoning district or districts.
130. **OWNER:** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.
131. **PARKING LOT:** An area, other than a private parking area, street, or alley, used for the parking of motor vehicles and available for public or semi-public use.
132. **PARKING SPACE:** Any area surfaced for all-weather use, including gravel, sand, or comparable materials and used for the purpose of storing one or more parked motor vehicles.
133. **PERSON:** Any individual, partnership, joint venture, corporation, or other business, or legal entity.
134. **PLANNING COMMISSION:** The Planning Commission of McLouth, Kansas.
135. **PLAT:** A map, plan, or layout of a city, township, section, or subdivision indicating the location and boundaries of individual properties.
136. **PORTABLE BUILDING:** A portable building is defined as a structure not to exceed 160 square feet in size that must be mounted on skids, remain portable (able to be moved with little or no notice), and that has no utilities such as electric, water, sewer, or gas being delivered or attached to such building.
137. **PRE-FABRICATED METAL CAR PORTS/PRE-FABRICATED METAL UTILITY BUILDINGS:** Pre-engineered and manufactured metal structures designed to be erected on site and intended to protect vehicles,

equipment, or materials from sun and weather with a size of up to 16 feet wide by 24 feet long.

138. **PRESCHOOL:** A facility licensed by the State of Kansas to conduct sessions of daytime care instruction for no more than three (3) hours per session for children between the ages of thirty (30) months and the age at which the children are eligible to attend kindergarten. This term is further construed to include “Day Nursery School” and other similar uses.
139. **RECREATIONAL EQUIPMENT:** That which an occupant or owner may desire for convenience purposes to store on his lot, but which is normally and principally transported for use off the lot on a trailer or other vehicle and which is not used by the very nature and utility of the item in connection with customary accessory residential uses on the lot. Included in the meaning of recreational equipment are such large items as slide-in campers, boat trailers, hang gliders, jet skis, houseboats, pontoons, and boats over fourteen (14) feet in length that require a trailer for transportation.
140. **RECREATIONAL OR SPORTS-RELATED ACTIVITIES OR FACILITIES:** Any lot, plot, parcel, or tract of land and/or water, and/or building or structure, or combination thereof planned, intended, or designed for recreational use. Said activities and/or facilities shall include, but not be limited to, such things as: athletic fields, ball diamonds, golf courses, golf driving ranges, miniature golf courses, swimming pools, natatoriums, tennis courts, racquetball courts, recreational lakes, marinas, racetracks, drag strips, gun clubs, hunting reserves, sporting clay ranges, private shooting ranges, and all common appurtenant accessory activities and facilities such as lighting, bleachers, and concession stands, etc.
141. **RECREATIONAL VEHICLE:** A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping, or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.
142. **RECREATIONAL VEHICLE CAMPGROUND:** A lot, tract, or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
143. **RESIDENTIAL CENTER:** A non-secure facility licensed by the State of Kansas providing residential care for more than ten (10) persons unrelated to the operator(s).

144. RESTAURANT: A building wherein food is prepared and sold to the public for human consumption. Restaurant includes, but is not limited to, cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop, and steak house.
145. RIDING STABLES: Structure in which saddle horses are kept and/or maintained as a commercial operation and in connection with which saddle horses may be rented to the general public or made available to members of a private club. Exercise rings and show rings shall be considered uses accessory to the use of the premises for a riding stable.
146. RIGHT-OF-WAY: A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utility or service areas.
147. SALE, RETAIL: The sale of goods, merchandise, and/or commodities to an ultimate consumer.
148. SALE, WHOLESALE: The sale of goods for resale, or the sale of goods produced or processed from raw materials, which requires bulk delivery of the product.
149. SANITARY LANDFILL: A disposal site in which the method of disposing of solid waste and/or industrial solid waste is by landfill, dump, or pit and which has a solid waste disposal permit issued under K.S.A. 65-3401 *et seq.*, and amendments thereto.
150. SCHOOL: Any public or private elementary, junior high, high school, college, university, post-graduate, technical, or vocational school, offering courses in general instruction at least five days per week and seven months per year.
151. SCREENING: Fencing or vegetation maintained for the purpose of concealing from view.
152. SETBACK: The distance between a building and the lot line or road easement line, whichever provides the desired minimum distance.
153. SIGN: A sign is any structure or part thereof, or any device attached to, painted on, or represented on a building, fence, or other structure, upon which is displayed or included any letter, work model banner, flag, pennant, insignia, decoration, device, or representation used as, or which is in the nature of, an announcement, direction, advertisement, or other attention-directing device. A sign shall not include a similar structure or device located within a building except illuminated signs within show windows. A sign includes any billboard, but does not include the flag or pennant, or insignia of any nation or

association of nations, or of any state, city, or other political unit, or of any charitable, education, philanthropic, civic, political, or religious organization.

154. **STOCKYARD, COMMERCIAL:** A penned enclosure or structure where livestock are maintained temporarily for the purpose of slaughtering, marketing, or shipping.
155. **STORE OR STORAGE OF WASTE TIRES:** As related to waste tires, means the placing of waste tires in a manner that does not constitute disposal of the waste tires as fences, silo covers, and erosion control, and such other beneficial uses determined not to create health or environmental risks by the Secretary of Health and Environment of the State of Kansas.
156. **STORY:** That portion of a building, other than a basement, included between the surface of any floor and surface of the floor next above it, or if there is not floor next above it, or if there is not floor above it, the space between the floor and the ceiling next above it.
157. **STORY, HALF:** A story under a gable, hip, or gambrel roof of which the wall plates on at least two opposite exterior walls are not more than three (3) feet above the floor of such story.
158. **STREET:** An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.
159. **STRUCTURAL ALTERATION:** Any change in the supporting or structural members of a building, including but not limited to, bearing walls, columns, beams, or girders, or any substantial change in the roof of exterior walls.
160. **STRUCTURE:** Anything constructed or erected that requires location on the ground or attached to something having a location on the ground.
161. **SWIMMING CLUB:** A pool and accessory building operated for members and their guests, whether or not operated for gain.
162. **SWIMMING POOL, PRIVATE:** A pool that is an accessory use to a residence and intended for the exclusive use of the occupants of the residential building and their guests.
163. **SWIMMING POOL, PUBLIC:** A pool and accessory building, generally owned and operated by a governmental entity, whether open or enclosed, for use by the general public.
164. **TOWNHOUSE:** A single-family dwelling constructed as part of a series of dwellings all of which are either attached to the adjacent dwelling or

dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

165. TRAVEL TRAILER: A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping, or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

166. TRAILER PARK: A tract, lot, or parcel of land upon which temporary accommodations are provided for two or more trailers; such park may be open to the public either free or for a fee.

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

168. USABLE OPEN SPACE: Land or water that is free of buildings, structures, and/or other substantial improvements and which is readily accessible by the public or residents of a residential development. Useable open space does not include streets, alleys, off-street parking or loading areas, roofs, or slopes in excess of 50 percent.

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

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

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

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

173. ZONE OR DISTRICT: A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open space around buildings are herein established.

1-105. ESTABLISHMENT OF DISTRICTS. In order to regulate and restrict the use of land and the location of buildings erected or altered for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to

regulate and determine the areas of yards, courts, and other open spaces surrounding such buildings, the City of McLouth, Kansas, is hereby divided into districts of which they shall be in number, known as:

- “RA” Rural Agricultural District
- “R-1” Single Family Residential District
- “R-2” Two-Family Residential District
- “R-3” Multi-Family Residential District
- “B-1” Neighborhood Business District
- “B-2” Community Business District
- “B-3” Central Business District
- “I-1” Light Industrial District
- “I-2” Medium Industrial District
- “I-3” Heavy Industrial District
- “FP” Floodplain District

1. Such land, and the district classification thereof, shall be shown on the official maps designated as the “Zoning District Boundary Maps of McLouth, Kansas”. Such Zoning District Boundary Maps, and all symbols, notations, dimensions, and references shown thereon pertaining to such districts shall be made a part of these regulations as if fully they were described herein, and shall be filed as part of these regulations with the City Clerk and the Zoning Administrator of McLouth, Kansas. Said Maps shall be available for inspection in the office of the City Clerk and any later alterations of these Maps, adopted by amendment as provided by these regulations, shall be filed and made available for public reference. The above stated maps shall hereinafter be referred to as the “maps” in this document.
2. When uncertainty exists with respect to the boundaries of various districts as shown on the maps accompanying and made a part of these regulations, the following rules shall apply:
 - a. In cases where a boundary line is given a position within a street or alley, or navigable or non-navigable stream, it shall be deemed to be in the center of the street, alley, or stream and if the actual location of such street, alley, or stream varies slightly from the location as shown on the maps, then the actual location shall control.
 - b. In cases where a boundary line is shown as being located a specific distance from a street line or other physical feature, this distance shall control.
 - c. In cases where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad right-of-way and distances measured from a railroad shall be measured from the center of such right-of-way.

- d. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the maps accompanying and made a part of these regulations are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the maps or by Resolution of the Governing Body.
- e. In un-subdivided property, unless otherwise indicated, the district boundary line on the maps accompanying and made a part of these regulations shall be determined by the use of the scale contained on such maps.
- f. When a lot held in ownership on the effective date of these regulations is divided by a district boundary line, the entire lot shall be construed to be within the less restrictive district unless otherwise indicated on the maps or by Resolution of the Governing Body.
- g. Where a district boundary follows a street, alley, water-course, or other right-of-way, in case of the vacation of said street, alley watercourse, or other right-of-way, the abutting zoning classification on each side thereof shall automatically be extended to the center line of said vacated street, alley, watercourse, or right-of-way. Two districts shall be deemed to adjoin even though separated by a public way or portion thereof.

1-106. GENERAL REGULATIONS GOVERNING ALL ZONING DISTRICTS.

Except as hereinafter provided:

- 1. No land may be used except for a purpose permitted in the district in which it is located.
- 2. No building shall be erected, converted, enlarged, reconstructed, relocated, or structurally altered, nor shall any building or part thereof be used, except for a use permitted in the district in which the building is located.
- 3. No building shall be erected, converted, enlarged, reconstructed, relocated, or structurally altered to exceed the height, area and bulk regulations, the parking regulations, or the off-street loading regulations herein established for the district in which the building is located.
- 4. If a use of any land or structure is hereafter changed to another, then the new use must comply with the use regulation of these regulations.

5. The minimum yard, parking spaces, open spaces, including lot area per family, required by these regulations for each and every building existing at the time of the passage of these regulations or of any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of these regulations.
6. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and, except as hereinafter provided, in no case shall there be more than one main building on a lot.
7. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied, or designed for use or occupancy unless the minimum off-street parking and loading spaces required by these regulations are provided. No structure or use already established on the effective date or these regulations shall be enlarged unless the minimum off-street parking and loading spaces required by these regulations are provided for the whole structure or use as enlarged.
8. Nothing contained in these regulations shall be deemed to be 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.

1-107. VESTING OF DEVELOPMENT RIGHTS: In conformance with the provisions of K.S.A. 12-764, and any subsequent amendments, the following shall apply:

1. The rights of landowners of properties platted or subdivided for residential development in conformance with these Regulations shall be protected for use of said land for the intended residential purpose for a period of five (5) years from the time in which such property was first platted or subdivided, provided:
 - a. Verifiable evidence is presented showing the date upon which said plat or subdivision of land was first created. Acceptable evidence shall be: signed and sealed certificates or plate of survey from a Registered Land Surveyor showing the several lots proposed to be created, either dated or dated and recorded with the Register of Deeds; recorded Restrictive or Protective Covenants for the development; recorded deeds conveying land; or recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
 - b. Within said five (5) year period actual sales occur resulting in separate owners of the tracts of land.
 - c. The division of the land was legally done in conformance with the then City of McLouth Subdivision Regulations.

2. Except for lots in a recorded plat, any remaining, contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five (5) year period shall be considered an unplatted lot, as defined by these regulations, and subsequent divisions of said lot shall be in conformance with the Subdivision regulations then in effect.
3. Properties divided or platted for any use other than residential purposes shall not be permitted to be developed or further developed except in conformance with these regulations and the City of McLouth Subdivision Regulations. Persons who obtain a validly issued permit under the previous City of McLouth Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous City of McLouth Zoning Regulations does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these regulations or the City of McLouth Subdivision Regulations then in effect.

1-108. ANNEXATION OF TERRITORY. All territory which may hereafter be annexed into the City of McLouth shall be classed as being in the same district and have the same boundaries as it had previous to annexation until the territory has been rezoning pursuant to these regulations.

1-109. CITY OF MCLOUTH CODE. Applies in all instances.

1-110. ALL REQUIRED BUILDING PERMITS. Shall be referred to City of McLouth Code.