CHAPTER XIX. SUPPLEMENTARY USE REGULATIONS

Article 1. Conditional Uses

ARTICLE 1. CONDITIONAL USES

19-101. CONDITIONAL USES – PURPOSES AND INTENT. The establishment of any land uses, except those allowed by the various District Regulations, is not acceptable. However, it is recognized that it may be acceptable, on a case-by-case, site-by-site basis, to permit the development of such land uses where conditions warrant and adequate safeguards are taken to mitigate any of the potential problems associated with said development. Therefore, in order to develop any land for a use other than an allowed use in the district in which the land is located, a Conditional Use Permit, issued in accordance with these Regulations, shall be required.

It is the intent of this Article to require a Conditional Use Permit for all proposed land uses, other than those allowed in the district in which the land is located. As such, it is acknowledged that any property owner may seek a Conditional Use Permit for any of the types of land uses indicted herein for any property within the city limits of McLouth, Kansas. The subsequent approval of such request by the Governing Body is a purely discretionary act that will be decided based upon the facts and circumstances discovered in the review of each application. There is no implied "right" for any person or landowner to obtain a Conditional Use Permit for any use on any property. No Conditional Use Permit shall be issued for those uses specifically prohibited herein.

It is also the intent of this Article to allow the issuance of Conditional Use Permits that provide for more than one use on any property, provided the range or type of uses is clearly delineated within the Conditional Use Permit, the other relevant facts have been evaluated, and the approval is consistent with the spirit and intent of this Article and these Regulations. (For example: a Conditional Use Permit could be approved for a "strip shopping center" along a highway where transportation and adequate water and sewage disposal services are available. The Conditional Use Permit could indicate a range of "retail and/or service businesses" as being appropriate for this location and included in the Permit.)

19-102 APPLICATIONS FOR CONDITIONAL USE PERMITS. Prior to the establishment of any land use other than those uses allowed in the district in which the land is located, or before any change of use of any premises existing at the time of the effective date of these regulations or permitted as herein provided is made, an application for a Conditional Use Permit shall be made to the Zoning Administrator. An application may be made by any person who owns the land for which a Conditional Use Permit is sought, or by the owner's agent as defined by these Regulations. If such application is made by the owner's agent, said agent shall enter

upon the application the name and current mailing address of the owner and shall submit written authorization to act as agent for said owner prior to the setting of any public hearing.

Applications for Conditional Use Permits may also be made by the Planning Commission of the Governing Body, provided, such proposed Conditional Use shall first be submitted to the Planning Commission for public hearing, recommendation, and report, and the final decision made by the Governing Body.

All applications for a Conditional Use Permit shall be made on such forms as provided by and acceptable to the Zoning Administrator. The application shall list the name, including any business name, the address, and telephone number of the party seeking the Conditional Use Permit, along with a certified list of the owners of record for the land that is the subject of the application, as well as all lands within 200 feet of the land that is the subject of the application. The application shall also include a brief description of the proposed land use. The application shall be accompanied by the application fee required by Section 16-208 of the Code of the City of McLouth, Kansas, 2012, as amended, and shall include a Development Plan as described in this Article. No fee shall be required on any application for Conditional Use Permit made by the Planning Commission or Governing Body.

19-103 DEVELOPMENT PLAN; PHASING; TIME RESTRICTIONS. The Development Plan submitted as part of any Conditional Use Permit application shall include and/or display the following information:

1. A certified topographical survey at no more than 2 foot contour intervals, drawn to a scale of 1”=100’ or greater, indicating the legal description, the property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property.

2. The plan must be drawn to the same scale as the certified topographical survey, indicating:

    a. Existing contours (shown as dashed lines).

    b. Proposed contours (shown as solid lines).

    c. Location and orientation of all existing and proposed buildings.

    d. Areas to be used for parking, including the number and arrangement of stalls.

    e. Pedestrian and vehicular circulation and their relationship to existing streets, alleys, and public right-of-way.

    f. Points of ingress and egress.

g. Location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines, and electrical power lines).

h. Drainage controls (retention and detention ponds).

i. Location, size, and characteristics of identification and business signs.

j. Lighting layout, appurtenances, and intensity of illumination.

k. Proposed finished floor elevations of all buildings and structures.

3. A statement of intent shall accompany the Development Plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.

4. PHASING. The applicant may proceed with construction based on the entire Development Plan, or may elect to develop the property in phases. The applicant may submit the Development Plan separately for the first and each successive phase of construction, or for the entire project with a description of the phasing sequence.

5. TIME RESTRICTIONS. All Condition Uses approved with a Development Plan shall have construction begun within one (1) year of said approval by the Governing Body. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Governing Body stating the reasons construction has not begun and at what time construction is expected to begin. If the Governing Body agrees, a one-time, one (1) year extension may be granted. No extension shall be granted for a period of greater than one (1) year.

The Conditional Use Permit application and Development Plan shall be submitted to the Planning Commission for consideration and recommendation.

The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family residential unit shall not require a Development Plan.

The requirements and regulations herein prescribed pertaining to height, open space, setbacks, parking, loading, and signs may be adjusted or modified so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to public welfare and the interests of the community, but in keeping with the general intent and spirit of these Regulations. Such adjustments or modifications may be made in the Development Plan as a part of the Conditional Use Permit application process, or may be allowed upon request of the applicant after

approval by the Planning Commission and Governing Body as an amendment to a previously approved Development Plan or as a first approval of Development Plan on properties that have never had an approved Development Plan.

19-104 PUBLIC HEARING ON CONDITIONAL USE PERMIT APPLICATIONS BEFORE PLANNING COMMISSION; NOTICE. The Planning Commission shall hold a public hearing for consideration of the Conditional Use Permit application and Development Plan, and shall cause a written summary to be made of the proceedings. Notice of such public hearing shall be provided as follows:

1. NOTICE BY PUBLICATION. At least 20 days prior to the public hearing, notice of such hearing shall be published in the city newspaper, identifying the time and place of the hearing, the name and address of the applicant, and shall contain a statement regarding the requested Conditional Use. The property affected shall be designated by legal description and a general description sufficient to identify the property under consideration.

2. NOTICE TO OWNERS NEIGHBORING PROPERTY. At least 20 days prior to the public hearing, written notice of the proposed Conditional Use shall be mailed, postage prepaid with return receipt requested, to all owners of record of lands located within 200 feet of the area proposed to be altered. All written notices shall include a statement that a complete legal description is available for public inspection in the office of the Zoning Administrator. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or Governing Body.

3. POSTED NOTICE. Within 48 hours of filing an application for a Conditional Use Permit, the applicant shall place a sign upon the lot, tract, or parcel of land for which the application was filed. Said sign shall be furnished by the applicant and the applicant shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereafter set forth.

   Said sign must read as follows:

   CONDITIONAL USE PERMIT PENDING
   Application No._____
   From_____ To_____
   PUBLIC HEARING BEFORE THE
   CITY OF MCLOUTH PLANNING COMMISSION
   ON
   (DATE)_____ AT (TIME)_____

   Unauthorized removal, defacing, or destruction of this sign shall be punishable, upon conviction, by a fine not exceeding $100.00 and/or not more than 30 days imprisonment.

Said sign shall be maintained and kept in place by the applicant until final disposition of such application, or until withdrawal of the application. The sign shall be removed by the applicant after final action on the application. The bottom of said sign shall be a minimum of two (2) feet above the ground line. Said sign shall be placed within five (5) feet of the street right-of-way line, in a position on such lot, tract, or parcel of land as to have no visual obstruction thereto and to be readily seen by passersby. If the lot, tract, or parcel of land has more than one (1) street abutting thereto, signs shall be placed facing all street frontages. Failure to comply with this requirement shall not deprive the Planning Commission of its jurisdiction or affect any decision, but may be due cause for the Planning Commission to refuse to hear the application, or to adjourn the hearing, or to require further notice.

The Planning Commission shall hold the public hearing at the place and time so stated within the legal notice. The hearing may be adjourned from time to time, and at the conclusion of the same, the Planning Commission shall take action on the request by preparing a recommendation to the Governing Body to approve, approve with conditions as authorized by these Regulations, or disapprove the Conditional Use Permit application and Development Plan by a majority of the members of the Planning Commission present and voting at the hearing. The Planning Commission may also request modifications to the Development Plan as deemed necessary to carry out the spirit and intent of these Regulations. When the Planning Commission fails to make a recommendation on an Application and Plan, the Planning Commission shall be deemed to have made a recommendation of disapproval. Any such hearing may, for good cause at the request of the applicant, or in the discretion of the Planning Commission, be continued.

19-105 REVIEW BY GOVERNING BODY; PROTEST. When the Planning Commission submits a recommendation of approval or disapproval of a Conditional Use Permit and Development Plan, and the reasons therefore, the Governing Body may: (1) adopt such recommendation by resolution; (2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or (3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt, may revise or amend and adopt, or may disapprove such recommendation by resolution, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendations and proceed accordingly. The proposed Conditional Use

Permit, if approved with or without conditions, shall become effective upon publication of the adopting resolution.

If such Conditional Use Permit affects the boundaries of any zone or district, the resolution shall describe the boundaries as affected, or if provision is made for the fixing of the same upon the official maps which has been incorporated by reference, the amending resolution shall define the change in the boundary as affected, shall order the official maps be changed to reflect such amendment, shall amend the section of the resolution incorporating the same, and shall reincorporate such maps as amended.

Upon approval by the Governing Body, a Development Plan shall be filed for record in the office of the Zoning Administrator. In addition, an affidavit shall be recorded with the Jefferson County Register of Deeds indicating a Development Plan has been approved and is on record with the Zoning Administrator and that revisions or alterations to the property must be made in accordance with these Regulations.

After a Conditional Use Permit and Development Plan have been approved, and when in the course of carrying out the Development Plan, minor adjustments are requested by the applicant, and such adjustments conform to the minimum standards established by the approved Development Plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks, and/or other requirements, such adjustments may be made by the Zoning Administrator, without the need for approval by the Planning Commission or Governing Body. If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established by the approved Development Plan, the revised Development Plan must be submitted to and approved by the Planning Commission and Governing Body before any further work can proceed. At no time shall the Conditional Use Permit previously approved be subject to disapproval based upon requested adjustments to the Development Plan. The only issue in said review shall be the requested revisions to the previously approved Development Plan.

Regardless of whether or not the Planning Commission approves or disapproves a proposed Conditional Use Permit, if a protest against the Conditional Use Permit is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, duly signed and acknowledged by the owners of record of 20 percent or more of the total area required to be notified of the proposed Conditional Use of a specific property, excepting public streets and highways, the resolution.

19-106 LIMITATIONS OR RESTRICTIONS UPON CONDITIONAL USE PERMITS AND DEVELOPMENT PLANS. In the process of reviewing any application for a Conditional Use Permit or Development Plan, the Planning Commission or the Governing Body may provide approval of the Permit and Plan conditioned upon certain limitations and restrictions, deemed necessary to protect the public interest and surrounding properties, including, if any, the following:

1. Limitations on the type, illumination, and appearance of any signs or advertising structures.

2. Direction and location of outdoor lighting.

3. Arrangement and location of off-street parking and off-street loading spaces.

4. The type of paving, landscaping, fencing, screening, and other such features.

5. Limitations on structural alterations to existing buildings.

6. Prohibition of use or construction of any structure to be used for a single-family dwelling including a manufactured home.

7. Plans for control or elimination of smoke, dust, gas, noise, or vibration caused by the proposed use.

8. Such other conditions and/or limitations that are deemed necessary.

19-107 FACTORS TO BE CONSIDERED. Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as Conditional Uses when their proposed location is supplemented by additional requirements so as to make the requested use compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a Conditional Use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met unless otherwise reduced by specific reference in the recommendation of the Planning Commission or the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property and the neighborhood, or contrary to the welfare and convenience of the public.

The Planning Commission may recommend approval of a Conditional Use, and the Governing Body may approve such Conditional Use, using the following factors as guidelines:

1. Whether approval of the Conditional Use would be consistent with the intent and purpose of these Regulations;

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such addition transportation and service facilities can be provided;

4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;

5. The length of time the subject property has remained vacant or undeveloped as zoned;

6. Whether the applicant's property is suitable for the proposed use;

7. The recommendations of permanent or professional staff;

8. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use;

9. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Chapter 20 of these Regulations), will not adversely affect the property in the area affected; and,

10. Such other factors as may be relevant from the facts and evidence presented in application.

19-108 TRAFFIC STUDIES. In the case of an application for a Conditional Use Permit which may, in the opinion of the Planning Commission or Governing Body, substantially change traffic patterns, or create traffic congestion, either the Planning Commission or Governing Body may require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such traffic study shall show that the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient manner and that no undue burden will be placed upon the existing public street system. The results of the traffic study shall be used in determining the impact of the proposed Conditional Use Permit and guide the development of a recommendation or decision regarding the same.

19-109 LIMITATIONS ON REAPPLICATION FOR CONDITIONAL USE PERMITS. Whenever an application for a Conditional Use Permit has been denied by the Governing Body, such application, or one substantially similar, shall not be reconsidered sooner than one (1) year after the said denial.

19-110 QUALIFICATION OF EXISTING CONDITIONAL AND SPECIAL USES. Properties with land uses operating under an existing Conditional Use Permit or other

Special Use approved prior to the adoption of these Regulations, or that were zoned and used as a permissible use under the previous Zoning Regulations, shall be permitted to continue, but with an unapproved Conditional Use Permit. Changes in the buildings(s), operation(s), or use(s) of said properties shall be treated as requiring an amendment to said unapproved Conditional Use Permit and considered under the same procedures for a new application for a Conditional Use Permit as provided in this Article.

19-111 ADDITIONS AND CHANGES TO CONDITIONAL USES. All subsequent requests for additions, changes or alterations to Conditional Uses approved by the Governing Body shall be considered under the same procedures for a new application for a Conditional Use Permit as provided in this Article.

19-112 CONDITIONAL USES ENUMERATED. The following Conditional Uses are some of the uses that may be approved by the Governing Body as provided in this Article. Other land uses may also be permitted by Conditional Use Permit except those specifically listed as permitted uses in the zoning districts, or those uses prohibited by these Regulations:

1. Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.

2. Bed and breakfast facility.

3. Boat sales and service, including storage yard.

4. Buildings, structures, or premises for public utility services or public service corporations; including but not limited to, water treatment plants, waste-water treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs, and utility maintenance shops and yards.

5. Bus barns and lots.

6. Cemeteries, mausoleums, or crematories for the disposal of the dead.

7. Ceramic, pottery, or concrete ornament product processing, sales, and/or yard.

8. Churches and church-related facilities including camps, schools, retreat centers, and similar facilities; publicly-owned and operated community buildings, art gallery, museums, and libraries.

9. Commercial and/or retail stores and activities not otherwise prohibited by these Regulations.

10. Commercial offices and office parks.

11. Commercial parking lots.

12. Commercial stockyard or feedlot.

13. Convenience food stores.

14. Contractor's shop and/or yard, including construction equipment and/or material storage areas.

15. Drive-in and drive-through establishments.

16. Drive-in theaters.

17. Dwellings for resident night watchmen and caretakers employed on the premises of a business.

18. Exposition center and/or buildings.

19. Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.

20. Fairgrounds.

21. Farm machinery sales and service, including storage yard.

22. Fire stations.

23. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.

24. Greenhouses, nurseries and/or hydroponic farms operated as a retail business.

25. Group Boarding Home, Licensed Group Day Care Home, Child Care Center, Licensed Day Care Home, Preschool, Detention Center, Family Day Care Home, or Residential Center, except as permitted by K.S.A. 12-736 as amended, provided:

    a. The applicant shall submit, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed, and other information that will help in determining the extent of services to be provided.

    b. A report from the Jefferson County Health Department shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet

to be met in order for the proposed facility to be granted authorization to begin its operations.

c. Off-street parking at a rate of one space per employee plus two additional spaces for guests.

d. When operated out of an existing or proposed residential structure, the following standards shall be met:

(1) That only one non-illuminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation; and

(2) Outside play areas shall be fenced.

26. Hospitals, nursing or convalescent homes, congregate care facilities, and retirement housing.

27. Hospital or clinic for large or small animals, provided:

a. That such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.

28. Hotels, motels, and motor hotels.

29. Judicial centers, jails, or penal or correctional institutions.

30. Junkyard.

31. Keeping of exotic birds and/or animals on any tract of land, whether in a building or not.

32. Kennels, either boarding or breeding, provided:

a. All kennel buildings, runs, and open areas shall be located at least 200 feet from property line.

b. All kennel runs or open areas shall be screened around such areas or at the property line. Such screening may be densely planted evergreen 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 animals.

c. Open pens shall not be required to be served by sanitary sewer facilities, unless soil conditions will not support adequate percolation.

33. Laboratories, research, experimental, and/or testing.

34. Lawn and garden supply sales and services, including storage yards.

35. Manufactured home and recreational vehicle sales and service, including display yard.

36. Manufactured home parks, subjects to the standards established in Article 20 of these Regulations.

37. Manufactured home subdivisions, subject to the standards established in Article 21 of these Regulations.

38. Manufacturing, processing, fabrication, and assembling of any commodity except junk or salvage.

39. Membership clubs, including private clubs as defined by K.S.A. 41-2601 *et seq*., and subsequent amendments.

40. Mortuaries and attendant accessory activities and facilities.

41. Motor vehicle sales, service and repair.

42. Parks and playgrounds.

43. Quarrying, mining, and removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants, provided:

    a. All quarries and mining operations, and asphalt and concrete plants shall be screened by a method approved by the Governing Body when the same are within 1/4 mile of any residential dwelling.

    b. The applicant shall provide an approved method for dust abatement on all unpaved interior roads if any part of the operation is located within 1/4 mile of any residential dwelling.

    c. Where applicable, a maintenance agreement between the applicant and the City shall be required to maintain the roads that provide the ingress/egress to the operation.

    d. All areas quarried or mined shall not endanger the lateral support of abutting or adjoining properties. A minimum setback of 100 horizontal feet from any road right-of-way and 30 horizontal feet from all other

property lines, measured on the surface, must be maintained free of any quarrying or mining activity, either surface or subsurface. The setback areas may be for the erection of berms or other screening features required by the Conditional Use Permit.

e. A plan for reclamation of the site shall be prepared and submitted as a part of the application. The plan shall indicate a timetable for the reclamation. The actual reclamation plan may be amended at such time that the applicant is ready to begin such reclamation; however, the amended plan must be approved by the Governing Body before reclamation work may begin. Said approval of a revised reclamation plan shall require a public hearing under the same procedure as the original Conditional Use Permit.

f. No building, equipment, quarry products or other materials shall be erected or stored within 100 feet or any property or right-of-way line.

g. A copy of the annual survey of mining operations, as required to be filed by State law with the State, shall also be filed with the Governing Body. Said annual survey applies only to underground mining activities, not to open mines or quarries.

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

    a. The location of every tower must be such that it is at least an equal distance from all property lines as it is in height. A plot plan shall be submitted with the application.

45. Recreational or sports-related activity or facility, whether publicly or privately owned.

46. Recreational vehicle park or campground, provided:

    a. The tract to be used as a recreational vehicle park or campground shall not be less than two (2) acres in area. Under no circumstances shall a manufactured home be parked in a recreational vehicle park or campground.

    b. The minimum area for a space for parking one trailer or recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly marked by a permanent marker.

c. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided that no individual space shall be designed for direct access to a street outside the boundaries of the recreational vehicle park or campground, and that interior access drives shall be at least 20 feet in width. All interior access drives and parking areas shall be paved with concrete or asphaltic concrete paving.

d. The recreational vehicle park or campground shall contain community facilities, including play space, utility rooms, parking, and access roads. In addition, every recreational vehicle park or campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:

(1) Be located within three hundred (300) feet of the recreational vehicle park or campground;

(2) Be of permanent construction;

(3) Have one (1) flush-type toilet; one (1) lavatory, and one (1) shower or bathtub for females; and one (1) flush-type toilet; one (1) lavatory, and one (1) shower or bathtub for males, for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;

(4) Have an accessible, adequate, safe and potable supply of cold water;

(5) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,

(6) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.

e. The recreational vehicle park or campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or main thoroughfare, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the recreational vehicle park or campground and any adjoining residential area.

f. No recreational vehicle shall be parked closer than 25 feet to any other trailer or service building and no part of a trailer or recreational vehicle

shall extend closer than 5 feet to the boundaries of the individual space.

g. Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in a convenient location to individual spaces.

h. In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign with sign area limited to 25 square feet. Said sign may be illuminated.

i. Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, toilet, and bathing facilities. All shall be indicated on a site plan of the proposed trailer park and shall be installed and/or constructed in accordance with all other state and/or local laws and regulations. A sewage dump station shall be provided within every recreational vehicle park or campground.

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

47. Restaurants.

48. Riding academies, stables and/or show arenas, indoor or outdoor rodeo arenas and/or facilities.

49. Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar area not prohibited by law.

50. Schools, preschools or kindergartens, either publicly or privately owned or operated.

51. Truck stops and/or truck terminals.

52. Warehousing, wholesaling, and storage of any commodity except junk or salvage.

53. Zoos, commercial aquariums, or aviaries.

54. Any other use not specifically listed as a permitted and/or accessory use in any district in these Regulations or as a prohibited use.

19-113 CONTINUANCE OF A CONDITIONAL USE. A Conditional Use Permit shall be allowed to continue indefinitely, unless specified otherwise as a condition of its

original authorization, as long as all conditions placed on it are met and the Conditional Use continues. However, if after the issuance of a Conditional Use Permit, the Conditional Use ceases to exist for a period of six consecutive months after commencement, the Conditional Use Permit will be deemed forfeited, and such use will not be allowed to exist again unless a new application is made, a public hearing held, and a new Conditional Use Permit approved in conformance with the requirements of this Article.

19-114 REMEDIES FOR NONCOMPLIANCE. If the applicant fails to comply with any of the restrictions or limitations established with the approved Development Plan, including the time requirements herein established, the approved Development Plan shall be declared null and void and no permit for construction shall be issued until a new Development Plan has been approved following the procedures previously cited. The Conditional Use Permit shall remain in effect but shall do so without an approved Development Plan. If the approved Development Plan is voided, the Planning Commission or the Governing Body may initiate an action to have the Conditional Use Permit revoked.

ARTICLE 2. ACCESSORY USES

19-201 ACCESSORY USES. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with, the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained, and conducted so as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat, or glare which is injurious, damaging, unhealthful, or disturbing to adjacent property or the users thereof, and shall be on the premises of the main use.

19-202 ELIGIBILITY FOR ACCESSORY USE. The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

19-203 ACCESSORY USES ALLOWED. Accessory uses shall be allowed, provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

1. In District "RA" Rural Agricultural, the following, or similar, accessory uses are allowed:

    a. Open or enclosed storage of farm materials, products, or equipment; but not junk.

    b. Any and all farm buildings, including, but not limited to barns, stables, sheds, tool rooms, shops, bins, tanks, and silos.

    c. The use of a manufactured home as an accessory dwelling on land used for agricultural purposes when used by persons employed thereon, including their families. At no time shall a manufactured home or the land upon which it sits be intended and/or used as a rental unit in a "RA" District.

    d. Fuel storage tanks and dispensing equipment for fuels used solely for a farming operation. No retail sales of such fuels shall be allowed as an accessory use.

    e. Wholesale or retail sales of agricultural products grown or raised on the premises or by the farm operator.

    f. A hobby activity operated by the occupant of the premises purely for personal enjoyment, amusement, or recreation.

    g. Home occupations.

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

Private garages
Guest houses
Home barbecue grills
Small storage sheds
Satellite dish antennas
Accessory off-street parking and loading spaces
Fences or walls
Flag poles
Play equipment
Solar collectors
Swimming pools
Television and radio receiving antennas less than 50 feet in height

2. In Districts "R-1" Single-Family Residential, "R-2" Two-Family Residential, and "R-3" Multi-Family Residential only the following accessory uses are allowed:

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

      Accessory off-street parking and loading spaces
      Fences or walls
      Flag poles
      Gates or guard houses for subdivisions
      Guest houses
      Home barbecue grills
      Parabolic and satellite dish-type antennas
      Play equipment
      Private garages and carports
      Servants' quarters
      Small storage sheds
      Solar collectors
      Swimming pools
      Television and radio receiving antennas less than 50 feet in height

      No accessory building or use shall occupy a required front yard (except basketball goals, flag poles, and fences as permitted). The total floor area of all accessory buildings shall not exceed 900 square feet.

   b. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.

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

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

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

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

(1) That the home occupations shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.

(2) That no person, other than members of the household living on the premises and one (1) outside person, shall be employed.

(3) That only one non-illuminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.

(4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.

(5) That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference, or vibration.

(6) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

3. In Districts "B-1" Neighborhood Business, "B-2" Community Business, "B-3" Central Business, "I-1" Light Industrial, "I-2" Medium Industrial, and "I-3" Heavy Industrial, only the following accessory uses are allowed:

   a. Accessory buildings and uses commonly associated with business or industrial activity located within the specific district, including, but not limited, to the following:

      Accessory off-street parking and loading spaces
      Fences or walls
      Flag poles
      Parabolic and satellite dish-type antennas
      Storage sheds
      Solar collectors
      Television and radio receiving antennas less than 50 feet in height

   b. Cemeteries, Columbarium, Crematory or Mausoleums, Country Club Golf Courses, and Greenhouses (without retail sales):

      (1) Shall have its principal entrance or entrances on a major thoroughfare, with ingress and egress so designed as to minimize traffic congestion, and shall provide a wall or fence at least six feet high on all property lines abutting any residential district.

      (2) Shall have no building closer than one hundred (100) feet to a lot line.

      (3) Shall have no more than two (2) non-illuminated, accessory signs. The area of said signs shall not exceed twenty (20) square feet per sign.

   c. Animal Clinic, Community Service Organizations, Institutional Homes, Nursing or Convalescent Homes, Public Utilities and Radio or Television Transmission Towers:

      (1) Shall have no building or structure that exceeds a height equal to its least year dimension.

(2) Shall have plot coverage not exceeding twenty-five (25) percent.

(3) When in or abutting a Residential District, all buildings or structures non-residential in use shall be screened. Screening shall have a density of at least eighty (80) percent and be at least six (6) feet in height.

(4) Shall have no more than two (2) non-illuminated accessory signs not exceeding twenty (20) square feet in area.

d. Airport or Landing Fields, Ambulance Service, Amusement Parks, Automobile Commercial Parking, Race Tracks, Carnivals, Drive-In or Outdoor Movie Theater:

(1) Shall have no building, structure or use of land closer than two hundred (200) feet to a residential lot line except that automobile parking (non-commercial) may be within ten (10) feet and ambulance service and automobile commercial parking areas may be within fifty (50) feet of such lot line.

(2) Shall have no building that exceeds a height equal to its least yard dimension.

(3) When in or abutting a residential District, all buildings or structures on-residential in use shall be screened. Screening shall have a density of at least eighty (80) percent and be at least six (6) feet in height.

(4) All yard areas shall be landscaped and maintained.

(5) No more than two (2) accessory signs shall be allowed. Maximum sign area shall be as set forth for a minor or secondary residential street.

e. The following uses must meet all requirements established herein:

Acid Manufacture
Ammonia Bleaching Powder or Chlorine Manufacture
Cellophane Manufacture
Cement, Lime, Plaster Manufacture
Distillation of Bones, Coal, Petroleum, Refuse, Grain, Tar and Wood Dumps
Explosives, Ammunition, Fireworks or Gunpowder Manufacture

Fat rendering, production of fats and oils from animal or vegetable products by boiling
Fertilizer Manufacture
Flammable Liquids; manufacture, handling, and storage in bulk plants
Garbage, Offal Animal; reduction or processing
Garbage and Waste Incinerators (bulk)
Glue or Size Manufacture
Junkyards and Auto Wrecking
Leather or Hides Processing
Linseed Oil, Shellac, Turpentine; manufacture or refining
Livestock; sales or shipping
Metals; reduction, refining, smelting, or alloying
Mixing Plants for cement, mortar, plaster, or paving materials
Oilcloth or Linoleum Manufacture
Plastics Peroxyline Manufacture
Riding Academy or Stable
Scrap Paper or Rag; storage, sorting or bailing when conducted within a building
Slaughterhouses
Stockyards

(1) No building structure or use shall be located closer than two hundred fifty (250) feet to nearest lot line of any Residential Use.

(2) Lot coverage shall never exceed eighty-five (85) percent.

(3) No storage or accumulation of water, junk, trash, or similar materials shall be permitted on the open ground unless enclosed by a fence or screen of one hundred (100) percent density and or a height to be established as deemed necessary by the Planning Commission with the intent that said accumulation or storage cannot be seen from any point on the ground within three hundred (300) feet of said area.

(4) Location of ingress and egress shall never be located on a minor or secondary residential street.

(5) Flammable liquids production, handling or storage in bulk shall never be located within one thousand (1,000) feet of any Residential District.

19-204. SPECIALITY ACCESSORY USES. The following uses activities, or items shall be the accessory uses or restriction allowable:

1. CONSTRUCTION SITES.

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

2. RECREATIONAL VEHICLES AND TRAILERS.

a. Recreational vehicles may be parked in a recreational vehicle park or campground. Recreational vehicles or equipment may also be stored within any "RA", "R-1", "R-2" or "R-3" District, provided said recreational vehicle or recreational equipment, as defined in these Regulations, is stored within an enclosed structure (which structure otherwise conforms to the requirements of these Regulations), or may be permanently parked upon the private property of the premises if said recreational vehicle or recreational equipment is not parked within the front yard; within the required yard along any public street; or within ten (10) feet of side or rear lot line.

b. At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes, except in a recreational vehicle park.

c. The provisions of these Regulations regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is properly located.

19-205. ACCESSORY BUILDING OR STRUCTURE USE. No accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced, and no accessory building or structure shall be used unless the main building or structure on the lot is also being used, unless permitted by Special Exception as provide herein.

ARTICLE 3. PROHIBITED USES

19-301 PROHIBITIED USES. After the effective date of these Regulations:

1. No mobile home, as defined in these Regulations shall be moved, relocated, or otherwise placed on any property in the City of McLouth, including within any Manufactured Home Park or Manufactured Home Subdivision.

2. No manufactured home or mobile home shall be used for any purpose other than as residential dwelling as permitted within these Regulations. At no time shall a manufactured home or mobile home be permitted to be converted to a storage unit, office, or any other such use, except when used as a permitted accessory use in this Article.

3. No mobile home or manufactured home originally built to be a single-wide unit shall be attached or connected to any other mobile home or manufactured home, or to any other structure or building. This shall not prohibit reasonable, aesthetically designed stoops porches, decks, carports or the like from being built onto or adjacent to an approved manufactured home.

4. No recreational vehicle shall be used for dwelling purposes, even on a temporary basis, while a dwelling is being constructed on the same site.

5. No cellar or basement shall be used as a dwelling.

6. No property shall be used as a junkyard, sanitary landfill, construction/demolition landfill, industrial landfill, hazardous or toxic waste storage facility, or other similar use or activity, including as an accessory use to another principal use, unless such use or activity has been approved by the issuance of a Conditional Use Permit as provided within these Regulations.

7. No application for a Conditional Use Permit shall be considered, and no Conditional Use Permit shall be issued, for any person on any property which proposes as the only use the placement of an advertising sign or billboard. Further, an advertising sign or billboard permitted as an accessory structure in an approved Conditional Use Permit shall not be built, used, or remain in use unless the principal use and or structure on the property is first built and/or currently used. Upon the cessation of the principal use and/or structure on the property, the advertising sign or billboard shall lose its standing as an accessory structure and must be removed. At no time shall an advertising sign or billboard first established under these regulations gain standing as a non-conforming use since the placement and continued use of such advertising sign or billboard is accessory to another principal structure or use.