



# BASEHOR, KANSAS

## ZONING ORDINANCES

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**ARTICLE 1****TITLE**

Title: These regulations, including the Zoning District Map incorporated by reference as if more fully set out herein, shall be known and may be cited and referred to as the City of Basehor Zoning Ordinance.

**ARTICLE 2****PURPOSE AND INTENT**

**Purpose And Intent:** These regulations, adopted pursuant to the provisions of K.S.A. 12-707 et seq. are intended to serve the following purposes:

To divide the City of Basehor into zones and districts.

To regulate and restrict the location and use of buildings and the uses of land within each district or zone.

To promote the health, safety, comfort, and general welfare of the City.

To restrict and regulate the height, number of stories, and size of buildings; the percentage of lot coverage; the size of yards, courts, and other open spaces; and the density of population.

## ARTICLE 3

### BASEHOR PLANNING COMMISSION

1. Planning Commission Created: There is hereby created the Basehor Planning Commission as authorized by K.S.A. 12-201 et seq. The term “Planning Commission” as it appears in these regulations shall mean and refer to the Basehor Planning Commission.
2. Membership: The planning Commission shall consist of seven (7) members appointed by the mayor with the advice and consent of the Governing Body. Two (2) members may reside outside of, but within three (3) miles of, the corporate limits of the City, and the remaining members shall be residents of the City. Initially, the City shall name, in the manner provided above, members to serve for terms of one (1) year, two (2) years, and three (3) years, divided equally or as equally as possible, for the terms established. Thereafter, all appointments shall be for terms of three (3) years, except that appointments made to fill vacancies that occur before the expiration of a member’s term shall be made for the remainder of the unexpired term only.

Every member of the Planning Commission shall hold no salaried or elected office with the City Government. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of assigned duties.

It is specifically provided that on the effective date of this ordinance, such Planning Commission as was legally in existence immediately prior to such date shall be constituted as the Planning Commission hereby created, and the terms of the then members of said Planning Commission shall expire on the same dates as were established at the time of the most recent appointment of each such members or until their successors are duly appointed and qualified.

3. Meetings; Officers: The Planning Commission shall convene for regular meetings to be held not less frequently than once a month. Said planning Commission shall elect one member as chairperson and one member as vice-chairperson. The terms of the office of chairperson and vice-chairperson shall be for one (1) year or until the successor has been elected and qualified. Special meetings of the Planning Commission may be called by the chairperson or, in his/her absence, by the vice-chairperson. A quorum of the Basehor Planning Commission shall consist of a majority of the members.
4. Powers; Duties: The Planning Commission shall have such powers and duties as are authorized by state law and provided for herein. As a primary function, the Planning Commission shall be responsible for the preparation, adoption, and maintenance of long-range comprehensive plans to guide the future development of the Basehor land area. Such general plans shall include a land use element and a circulation element, and may include a parks and recreation element, a public facilities element, or other elements as deemed appropriate. The Planning Commission shall cause zoning and subdivision regulations to be prepared; and it shall submit to the Governing Body its recommendations relating to the zoning of lands and the control of subdivisions. Such studies and recommendations shall take into account the existing zoning and subdivision regulations; the anticipated physical, economic, and population trends; the distribution and density of population and proposed building intensities, as well as classes of uses to be authorized. Recommended development plans for public facilities, urban renewal, environmental sanitation, and area beautification may also be considered.

The Planning Commission shall see that the Comprehensive Plans are altered as necessary to serve as a continuous guide to future long-range planning, and that statements are prepared annually to show the recent and past growth, development trends and anticipated growth for the succeeding year, and the bearing of such trends upon the Comprehensive Plan.

The Governing Body shall exercise legislative authority over zoning, subdivision control, and other planning regulations within the corporate limits of the City of Basehor.

## ARTICLE 4

### GENERAL PROVISIONS

1. Jurisdictional Area: The provisions of these regulations shall apply to all structures and land within the incorporated area of the City of Basehor, Kansas.
2. Establishment Of Districts: The jurisdictional area is hereby divided into zoning districts which are designated as follows:
  - A Agricultural District
  - R-O Suburban Residential District
  - R-1 Single Family Residential District
  - R-2 Two-Family Residential District
  - R-3 Multi-Family Residential District
  - P-R Planned Residential District
  - MH-1 Mobile Home Park District (High Density)
  - RV Recreational Vehicle Park District
  - MH-2 Mobile Home Park District (Low Density)
  - CP-1 Neighborhood Business District
  - CP-2 General Business District
  - I-1 Light Industrial District
  - I-2 Heavy Industrial District
  - P-I Planned Industrial District
3. Zoning District Map: The boundaries of the districts are shown on the official Zoning District Map of the City of Basehor, Kansas. The Zoning District Map, with all notations, references, and other information shown thereon, is as much a part of these zoning regulations as if such Zoning District Map with all notations, references, and other information was specifically set forth herein.
4. Rules For Interpretation of District Boundaries: Where uncertainty exists with respect to the boundaries of any district on the official Zoning District Map herein incorporated by reference, the following rules shall apply:
  - a. Boundaries indicated as approximately following city limits shall be construed as following such city limits.

- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following centerlines of streets, highways or alleys, shall be construed to follow such centerlines;
- d. Boundaries indicated as approximately following railroad lines, shall be construed to be midway between the main tracks of said railroad lines;
- e. Boundaries indicated as approximately following shorelines shall be construed to follow such shorelines and in the event of a change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams shall be construed to follow such centerlines;
- f. Boundaries indicated as parallel to, or extensions of features indicated in subsections a through e above shall be so construed;
- g. Whenever any street, alley, or other public way is vacated, a zoning district adjoining either side of a said street, alley, or other public way shall automatically be extended to its centerline if ownership is split along the centerline; and
- h. When a lot held in single 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 the application of this provision would increase the area of the less restrictive portion of the lot by more than 25 percent.

Where none of the above rules apply, the district boundaries shall be determined by the use of the scale shown on the official District Zoning Map.

5. **Zoning of Streets, Alleys, Public Ways, Waterways and Railroad Rights-Of-Way:** All streets, alleys, public ways, waterways, and rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets, alleys, public ways, waterways, and railroad rights-of-way. Where the centerline of a street, alley, public way, waterway, or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.
6. **Application Of Regulations:** The regulations set forth in this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein provided:
  - a. **Permitted Uses:** No building, structure, or land shall hereafter be used or occupied, and no part of any building, structure, or land thereof shall hereafter be built, erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
  - b. **Conditional Uses:** No use of a structure or land that is designated as a conditional use in any zoning district shall hereafter be established and no existing conditional use shall hereafter be changed to another conditional use in such district unless a conditional use permit is secured in accordance with these regulations.

- c. Bulk Regulations: No building or other structure shall hereafter be erected or altered to exceed height or bulk requirements of this ordinance. Where the maximum structure height is given in both stories and feet, the lesser of the two requirements shall govern.
- d. Yard Regulations: No part of a yard or other open space required about or in connection with any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for any other building. Such yard shall be maintained for open space. No parking shall be allowed in the front yard of any lot located in a residential district. Accessory structures shall be located only in rear yards.
- e. Lot Regulations: Every building hereafter erected, enlarged, or structurally altered, shall be located on a lot as herein defined, and in no case shall there be more than one main building or structure on a lot, unless specifically provided for in these regulations.
  - i. No lot area shall be reduced or diminished so that yards or other open spaces shall be smaller than prescribed in this ordinance.
  - ii. No lot of record shall be reduced or diminished in size, nor shall the density of population be increased in any manner except in conformity with these regulations and regulations related thereto for the City of Basehor.
  - iii. Where a lot or tract is used for other than a single-family dwelling, two-family dwelling, or mobile home outside of a mobile home park, more than one principal use and structure may be located upon the lot or tract, but only when the building or buildings conform to all requirements for the district in which the lot or tract is located.
- f. Use Limitations: If a use of any structure is hereafter changed to another, then the new use must comply with the requirements of these regulations.
- g. Accessory Structures or Uses: No accessory structures or uses as defined in these regulations shall hereafter be built, moved, remodeled, established, altered, or enlarged unless such accessory structure or use is permitted in these regulations. Accessory structures shall be located only in rear yards.
- h. Temporary Structures or Uses: No temporary structure or use shall hereafter be built, established, moved, remodeled, altered, or enlarged unless the temporary structure or use is permitted by these regulations.
- i. Home Occupations: No home occupation as defined in these regulations shall hereafter be established, altered, or enlarged in any residential district unless such home occupation:
  - i. Complies with the conditions and restrictions imposed by these regulations; and
  - ii. Is not listed as a prohibited home occupation in these regulations.
- j. Signs: No sign shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies or will thereafter comply with the requirements of these regulations.

- k. Off-Street Parking and Loading: No structure shall hereafter be built or moved, and no structure or land shall hereafter be used, occupied, or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by these regulations shall be provided. No structure or use already established on the effective date of these regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by these regulations are provided for the whole structure or use as enlarged.
- l. Yard Requirements for Open Land: If a zoning lot is or will be occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for said zoning lots shall be provided and maintained unless some other provision of these regulations requires or permits a different minimum setback. The front, side, or rear yards shall not be required on zoning lots used for garden purposes without structures, or on zoning lots used for open public recreation areas.
7. Annexation: All newly annexed land shall retain the City equivalent to the land's prior zoning classification under the former jurisdiction until otherwise changed in accordance with these regulations.

**ARTICLE 5**

**RESERVED**

## ARTICLE 6

### DEFINITIONS

1. **Interpretation Of Terms or Words:** For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:
  - a. Words in the singular number include the plural; those in the plural include the singular.
  - b. Words in the present tense include the past and future tense, and words used in the future tense include the present tense.
  - c. Words importing the masculine gender include the feminine and neuter genders.
  - d. The word “shall” is mandatory, while the word “may” is permissive.
  - e. The word “erected” includes the words “constructed”, “enlarged”, “reconstructed”, “moved”, “located”, and “relocated”.
  - f. The word “building” includes the word “structure”, the word “dwelling” includes the word “residence”, and the word “lot” includes the word “plot”, “parcel”, or “tract”.
  - g. The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
  - h. The word “Board” means the Basehor Board of Zoning Appeals.
  - i. The word “City” means the City of Basehor, Kansas.
  - j. The word “map” or “zoning map” means the official “zoning map” of the City of Basehor, Kansas.
  - k. The term “these regulations” means the Zoning Regulations of the City of Basehor, Kansas.
  - l. The words “road” or “street” shall be considered to be interchangeable.
  - m. Unless otherwise specified, all distances shall be measured horizontally.

Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

2. **Minimum Requirements:** In interpretation and application, the application of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
3. **Overlapping or Contradictory Regulations:** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other law, ordinance,

resolution, rule or regulations of any kind, the regulations which are more restrictive shall govern.

4. **Private Agreements:** These regulations are not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or any other private agreement; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants, or other private agreements, the provisions of these regulations shall govern.
5. **Unlawful Uses:** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or made lawful solely by reason of the adoption of these regulations; and to the extent that, in any respect, said unlawful structure or use in conflict with the requirements of these regulations, said structure or use shall remain unlawful hereunder.
6. **Definitions:**  
Unless otherwise specifically provided for herein, or unless clearly required by the context, the phrases, terms, and words defined in this section shall have the meaning indicated in this section when used in these regulations.

**A Zone:** Areas of 100-year flood; base flood elevations and flood hazard factors not determined because the flood plain areas have been determined by approximate methods.

**A99 Zone:** Areas of 100-year flood to be protected by flood protection system; base flood elevations and flood hazard factors not determined.

**AB-3:** Unwashed crushed limestone gravel consisting of multiple aggregate sizes, rock chips, and rock dust as typically available in Leavenworth County.

**Access:** A way or means of approach to provide physical entrance to a property or building.

**Accessory Building or Accessory Structure:** An accessory building or structure is subordinate to and detached from but located on the same lot as main building or structure, the use of which is clearly incidental and accessory to that of the principal building or structure.

**Accessory Use:** A use that; (A) is clearly incidental and subordinate to the main use of the building, (B) is subordinate in area, extent, or purpose to the principal building, structure, or use, (C) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principle building, structure, or use served, (D) located on the same lot as the principal building, structure, or use served. In buildings restricted to residential use; yard and garden storage sheds, office of a professional or customary occupations and workshops not conducted for compensation shall be deemed accessory uses. Accessory buildings shall not cover more than 2.5% of the total lot in "R-1", "R-2", and "R-3" zoned districts.

**AE Zone:** The 100-year flood insurance rate zone that corresponds to the 100-year flood plains that are determined by detailed methods in the Flood insurance Study.

**Agricultural Use:** The use of land, building(s), or structure(s) for the raising of crops; animal husbandry; dairying; pasturage; general farming; truck farming; cultivation of field crops; orchards; groves; raising fish, birds or poultry, wholesale tree farms, wholesale plant nurseries; and accessory uses, necessary for the carrying out of farming operations, including structures for storage, processing and sale of products raised on the premises. For the purposes of these regulations, the processing and sale of products raised on the premises shall not include the following:

- a. The operation or maintenance of commercial greenhouses, nurseries or hydroponics farm operated at/for retail.
- b. Wholesale or retail sales as an accessory use unless the same are permitted by these regulations.

AH Zone: Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.

Alley: A minor public right-of-way or minor private easement other than a street not intended for general traffic circulation designed to serve as a secondary vehicular access to the side or rear of those properties whose principal frontage is on some other street.

Alteration: Any addition, removal, extension, or change in the construction or occupancy of an existing building or structure.

Amusement, Arcade: Any business establishment housing four or more amusement devices, including video games, pinball, or similar coin-operated amusement devices.

Amusement Device: Any machine, device that is coin operated, or otherwise available for hire, which permits a person or operator to use the device as a game or contest of skill, regardless of registering a score. It includes electronic or mechanical game machines, pool games, mechanical children's rides, electronic video games, shooting gallery type games or similar operations. This definition does not include merchandise vending machines or coin-operated phonographs, televisions or other devices which are not designed for manipulation by the person operating the device.

Animal Hospital or Clinic: An establishment where animals are admitted principally for examination, treatment, or care by a Doctor of Veterinary Medicine. This does not include boarding or breeding kennels other than boarding limited to short-term care incidental to the hospital/ clinic use.

AO Zone: Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.

Apartment: A room or suite of rooms comprising an independent self-contained dwelling unit with private bath and kitchen facilities within a building containing, arranged, intended, or designed for more than two dwelling units. Two or more single family living units in one residential structure.

Apartment House/ Building: A structure arranged or designed for more than two families.

Appeal: A request for the Board of Zoning Appeals to review the Code Administrator's interpretation of any provisions of these regulations or a request for a variance.

Applicant: The owner, lease holder, contract buyer or person duly authorized to be a representative of the legal owner of the land proposed to be subdivided, or for which a building permit, conditional use permit, variance, rezoning, zoning amendment, or zoning permit has been requested.

Areas of Shallow Flooding: A designated AO Zone or AH Zone on the City of Basehor Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to

three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Areas of Special Flood Hazards: The land in the flood plain within the city subject to a one percent or greater chance of flooding in any given year. The area of Special flood hazard includes area designated Zones A, AE, AH, AO, A99, V, VE, and other Flood Areas in Zone X on the City of Basehor Flood Insurance Rate Map (FIRM).

Arterial Street: A street or road which primarily serves as a transportation link for vehicular traffic into, out of, or around the city and carries or is expected to carry high volumes of traffic. Arterial streets serve neighborhoods and large areas of the city. Generally, section line roads become arterial streets as the area along the section line develops. Arterial streets do not generally provide direct access to residential driveways except in very unusual circumstances where such access clearly would be of an interim or temporary nature. Existing and proposed arterial streets are listed in Chapter 8 of the City of Basehor Comprehensive Plan.

Automotive or Machinery Repair Shop: A building or place used for the repair of motor vehicles, motorcycles, tractors, construction equipment, farm implements, and similar motorized machinery where repair is provided wholly within a completely enclosed building.

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

Basement: That portion of a building which has more than one-half of its floor-to-ceiling height below the average grade of the adjoining ground which serves as the substructure or foundation for the remainder of the building.

Bed and Breakfast: The use of an existing residential structure wherein short-term lodging with one or more meals for compensation is provided and the living space is shared with the family in the residence.

Berm: A mound of earth, or the act of moving earth into a mound.

Block: A tract or parcel of land entirely surrounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, waterways, or boundary lines of municipalities other than alleys. In cases where platting is incomplete or disconnected, the outline of block(s) is determined based on typical, current development patterns in the neighborhood or as otherwise determined by the planning commission or its authorized representative.

Boarding House: A building or part thereof in which lodging is provided by the owner or operator to not less than three persons, other than a hotel where, for compensation, with meals served to paying guests or with provisions for cooking in any of the rooms occupied by paying guests, but not for general public or transient use.

Board of Zoning Appeals: That Board which has been created by the Governing Body having jurisdiction and which has the statutory authority to hear and determine appeals and variances to the zoning regulations.

Bond: A form of security including cash deposit, surety bond, or instrument of credit in an amount and form satisfactory the City's Attorney. All bonds shall be approved by The City of Basehor whenever a bond is required by these regulations prior to the commencement of any construction.

**Buffer Area:** An open and unobstructed land area of a tract used to visibly separate one use from another or to shield or block noise, lights, or other nuisances or potential nuisances and usually in addition to any required yards around the perimeter of any building or structure where required.

**Building:** Any structure having a roof or dome and built for the support, shelter or enclosure of any individual, persons, process, equipment, goods, animals, chattels, materials, or movable property of any kind.

**Building Code:** The building code duly adopted by the Governing Body to regulate the construction of buildings or structures in the city; including all ancillary and related codes pertaining to plumbing, electrical, HVAC and the like, regarding aspects of the construction of buildings or structures.

**Building Front:** The side or face of a building with the main entrance door.

**Building, Height:** The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling of the top story in the case of a flat roof; the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

**Building Inspector:** The person or persons authorized and empowered by the mayor to administer the requirements of the zoning regulations.

**Building Permit:** A permit for new construction, remodeling, or additions pursuant to the building code as adopted by the Governing Body.

**Building, Principal:** Any building where the main or principal use is conducted on the tract or lot on which it is located.

**Camp:** Any plot, including its area of land or water, where two or more cabins, tents, shelters, houseboats or other accommodations of the design or character suitable for seasonal or other, more or less, temporary living purposes, for recreation, education or vacation purposes, but not including a day camp, trailer park, boarding house, rooming house, tourist home, hotel, summer colony, hospital, place of detention, school of general instruction or nursery school.

**Car Wash:** A building, or portion thereof, or area containing facilities for washing automobiles, trucks, motor vehicles for ground transportation purposes only and using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment or soap for the complete or partial handwashing of automobiles, whether by the operator or customer.

**Cellar:** A story having more than one half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height regulations.

**Central Water System:** A water system serving a subdivision or grouping of two (2) or more nearby building lots established and operated in accordance with applicable codes and license requirements either privately to serve the general area of the property considered for development or established and operated by a water utility district serving general areas of the City.

**Change of Use:** The act of altering the use of land, buildings, or structures to a use which substantially differs in quality or nature from the previous use.

Channel: A natural or artificial water course of perceptible extent with a definite bed and banks to confine and control the normal continuous or periodical flow of water.

Channel Flow: The water which is flowing within the limits of a defined channel.

Child or Children: Human being(s) not over the age of twelve (12).

Church: A building or structure, or parts thereof, or groups of buildings or structures, which by design and construction are primarily intended for the conduction of organized religious services and accessory uses associated therewith.

City Building Official: Any person designated to act in behalf of the city and/or the city planning commission. This person may be, but is not limited to the building inspector, city planner or city engineer.

Club, Private: A building or premises used for social, recreational, dining, or philanthropic purposes. Normal use is limited to specific members, patrons, or otherwise listed and enumerated persons.

Cluster Development: The site planning technique of grouping buildings in specific areas on the site around courts or common open spaces to allow the remaining land to be used for recreation, the preservation of environmentally sensitive features, such as agricultural lands or land for future development.

Collector Street: A street intended to move traffic from local streets to arterial streets. A collector street typically is located along or near the half section lines in each land section of the Section, Township and Range geographic location system grid. A collector street typically serves a neighborhood or large subdivision, and it is designed to limit the number of residential properties facing onto it or having direct driveway access to it unless such access is clearly of an interim or temporary nature.

College: Any accredited educational institution authorized to award baccalaureate or higher degrees.

Commercial Greenhouse: Any structure in which plants, vegetables, flowers, or similar growth are grown for sale.

Commercial Use: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Commercial Vehicle: Any motor vehicle licensed by the state as a commercial vehicle or any truck licensed at a gross vehicle weight rating (GVWR) at 10,000 pounds or greater.

Common Open Space: An area of land or water or combination thereof, planned for passive or active recreation, which does not include areas used for streets, alleys, driveways or private roads, off-street parking or loading areas.

Comprehensive Plan: A plan for the Incorporated area of the City of Basehor and the Unincorporated area of Leavenworth County within a three (3) mile radius of the City Limits of Basehor, adopted by the Governing Body for the development of the areas described within pursuant to the applicable Revised Statutes of Kansas, showing the desirable land use patterns which may include streets, bridges, parks, sites for public buildings and structures, zoning districts, waterways and drainage systems, and such other features, existing and proposed, as will provide for the improvement of the City and its future growth, protection and development, and will afford adequate facilities for the housing, transportation,

distribution, comfort, convenience, public health, safety and general welfare of the population of the City.

**Conditional Use:** A use permitted in a given zoning district only upon showing that such use in a specified location will comply with all conditions and standards for the location or operation of such use as specified in these regulations and authorized by the City Council.

**Condominium:** A single dwelling unit under individual ownership within a multiple dwelling unit structure where all individual owners are equal shareholders of any common area.

**Construction Contractor's Shop/Yard:** Except for sites on which permitted construction is underway, any land area, building and adjacent yard, or portion thereof which is used for the storage of construction equipment, tools, vehicles, supplies, or materials or any combination of such items and including places employees or workers, other than agricultural employees or workers, arrive at on more than an occasional basis for dispatching to off-site construction work sites.

**Construction Plans:** The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the subdivision regulations, adopted construction standards for streets, storm drainage, and sewer systems, and the conditions of the approval of the subdivision plat.

**Court:** An open area, unobstructed from the ground to the sky which is bounded on three or more sides by exterior walls of one or more buildings.

**Cul-de-sac:** A local street with only one (1) outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

**Curb Level:** The average level of the curb in front of a lot, or in the case of a corner lot, along each abutting street where the curb height is the highest.

**Day Camp:** Any plot of land, including any building or structure thereon, if any, used for any assembly of persons for what is known as "Day Camp" purposes, including any area of land or water, or both, on which are located facilities, accommodations, buildings or structures of a design or character not suitable for permanent or year round occupancy but suitable for recreational purposes, primarily for children, but not including any nursery school or living quarters except for one principal single-family residence on the plot.

**Day Care Center:** An agency, organization, or individual providing care, supervision, custody, or control to more than six (6) unrelated children or adults for any part of a 24-hour day up to twelve (12) hours.

**Day Care Nursery:** An agency, organization, or individual providing care, supervision, custody, or control for six (6) or less unrelated children or adults for any part of a 24-hour day up to twelve (12) hours. Baby-sitting service for six (6) or less infants shall be considered a day care nursery.

**Dead End Street:** A street having only one (1) outlet.

**Dedication:** The setting aside of land for public use; the appropriation or donation of land by its owner for some public use.

**Delicatessen:** A place serving food already prepared without the use of an onsite kitchen or foods that require little on-site preparation whether for on-site consumption or for carry-out.

**Demolition Landfill / Construction Landfill:** The use of a lot or parcel for the burial or disposal of trash, refuse, rubble, junk, discarded material solely from the demolition or construction of buildings, structures, or pavement in a manner that minimizes environmental hazards by spreading and compacting material to the smallest volume, and applying cover material over all exposed waste at the completion of land-filling within each approved layer and landfill cell area within the approved boundaries.

**Density:** The average number of persons or dwelling units per unit of land.

**Depth:** The least horizontal distance between the front and rear lot lines.

**Destroyed:** Damage by any cause whatsoever to the extent of more than fifty percent (50%) of the value immediately prior to damage.

**Developer:** Any applicant with respect to any parcel of land, who causes it to directly or indirectly be used for development; one who directly or indirectly sells, leases or develops or offers to sell, lease, or develop, any lot, plot, parcel, site, unit or interest for a development; one who engages directly or indirectly or through an agent in the business or occupation of selling, leasing, developing or offering for sale, lease or development, a development use of any lot, parcel, plot, site, unit or interest for a development use; or one who is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing shall be deemed to be a developer.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavating, or drilling operations, or storage of materials or equipment or any other activity which requires the issuance of a permit.

**Development Plan:** The plan or drawings for one or more tracts on which is shown the existing and proposed conditions of the tract including: topography, vegetation, drainage, building outlines, site pavement, locations of ingress and egress, utility services, signs, outside illumination, site screening, and any other information that reasonably may be required in order that an informed decision can be made by the City Council.

**Disability:** A condition, with respect to a person, which means: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such impairment; or (3) being regarded as having such an impairment. Such terms do not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substance Act (21U.S.C. 802).

**District:** A section or sections of the City of Basehor for which the regulations governing the use of land and buildings are uniform.

**Double Frontage Lot:** A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot which fronts on two intersecting streets.

**Drive-in / Drive-Through Establishment:** Any restaurant, financial institution or produce vending enterprise where the patron does not enter and remain within the 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 shall be included in this definition.

**Drive / Driveway:** A surfaced area specifically designed and reserved on the lot for the movement of vehicles from one lot to another or from one lot to a public street.

Dustless Surface: A concrete or hot-mix asphalt surface or a compacted stone or gravel base treated with oil, a chip and seal, calcium chloride or a similar dust-inhibiting chemical and maintained in good condition at all times or any other such surface specified upon development plan approval.

Dwelling: A building or portion thereof, designed exclusively for human habitation, including manufactured homes but not Hotels.

Dwelling, Single-Family: A building with one dwelling unit arranged, intended, or designed for occupancy by one family and including Residential Design Manufactured Homes and Group Homes.

Dwelling, Single-Family Attached: A residential building designed for and occupied by one family, and which is attached to another residential building, designed for and occupied by one family, along a common wall and property line, and which each residential building is located on a separate lot of record. Each such building or dwelling may be sold independently of the other.

Dwelling, Two-Family: A building normally referred to as a duplex, designed to house two families in separate living quarters.

Dwelling, Multi-Family: A building designed for occupancy by three (3) families living independently of one another or more dwelling units or families.

Dwelling Unit: A room or group with cooking, sleeping, and sanitary facilities provided within the unit occupied or intended to be occupied as separate living quarters by a household or by a person living alone.

Earth Sheltered Residence: A dwelling designed as a below grade structure or a partially below grade structure, whose perimeter walls comply with the yard requirements of the district in which it is located.

Easement: The right to which one person has to use the land of another for a specific purpose.

Encroachment: Any architectural or structural feature which projects into the setback and is measured at grade, i.e., chimneys, balconies, porches, decks, etc., two (2) feet above grade and extending more than three (3) feet into the setback.

Established Setback: The average setback along the same side of the street as established by three (3) or more existing buildings not farther than three hundred (300) feet apart and not beyond any intersecting street.

Excavation: The removal or recovery by any means whatsoever of soil, rock, minerals, stone, sand, gravel, loam, topsoil, or other earth or earth product from water or land or from beneath the surface thereof on a lot, tract or parcel of land, except for removal or recovery necessary for the construction of a building, structure, roadway, or other paved area.

Existing Use: The use of a lot, parcel, tract, building, or structure at the time of enactment of these regulations.

Exotic Birds / Animals: Any bird or animal not commonly kept domestically.

Factory: A building in which semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.

Family: One or more individuals related by blood, marriage, legal adoption, or guardianship, living together in a dwelling unit with common kitchen facilities.

Farm: An area which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm animals, such as horses, cattle, sheep, and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for testing or storing the product; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

Fee Simple Title: A clear legal title to a tract of land as further defined in law.

Fence: A protective, confining, or decorative barrier separate from any building or structure built of any materials or combination of materials erected to enclose, partially enclose, or screen areas of land.

Filling Station: Any building, structure, or land used for the dispensing sale, or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body, and fender repair or spray painting.

Flood / Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters.
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Elevation, Regulatory: The elevation indicated on the Flood Insurance Rate Map (FIRM) as the elevation of the hundred-year flood.

Flood Hazard Area: The areas of the city designated as “Area of Shallow Flooding”, “Area of Special Flood Hazard”, “Flowery”, or “Flowery Fringe”.

Flood Insurance Rate Map: An official map of the City of Basehor, Kansas, with an effective date of December 7, 1984, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the City of Basehor.

Flood Plain: Any land area susceptible to being inundated by water from any source.

Flood Proofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydronamic loads and the effect of buoyancy.

Flood Protection Elevation: An elevation one (1) foot above the elevation of the 100-year flood.

Floodway Fringe: That area of the flood plain, outside the floodway, that on the average is likely to be flooded once every 100 years.

Floor Area:

- a. Commercial, business and industrial buildings or buildings containing mixed uses: the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the

exterior walls or from the centerline of walls separating two buildings but not including (1) attic space providing headroom less than seven (7) feet; (2) basement space not used for retailing; (3) uncovered steps or fire escapes; (4) accessory water towers or cooling towers; (5) accessory off-street parking spaces, and (6) accessory off-street loading berths.

b. Residential buildings: the gross horizontal areas of the several floors of a dwelling, exclusive of garages, unfinished basements, and open porches, measured from the exterior faces of the exterior walls where the floor -to-ceiling height is greater than six (6) feet.

Foster Home: A residence or building in which more than twelve (12) hour care is provided to no more than five (5) children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.

Frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

Front Building Line: A line extending across a lot, parallel to the street and defining the minimum distance back from street right-of-way which any building may be located. The front building line is established by zoning regulations or by covenant if greater than the setback required by these regulations.

Frontage Road: A public or private access roadway generally paralleling and contiguous to a street or highway providing access to abutting properties and which is designed to promote safety by eliminating ingress and egress to such street or highway by providing points of access at generally uniformly spaced intervals.

Garage, Private: A building or part of a building not exceeding 900 square feet in area designed or used for the parking or storage of not more than three motor-driven vehicles owned and used by the occupants of the building to which it is an accessory. Not more than one of the vehicles may be a commercial vehicle not exceeding more than two-ton capacity. Ord. 280

Garage, Public: A garage other than a repair garage or private garage, used exclusively for the parking and storage of vehicles and available to the general public. Any building or premises used for equipping, repairing, hiring, selling, or storing motor-driven vehicles which is operated for commercial purposes.

Garage, Repair: A building, premises or land designed or used for the storage, care, repair, servicing or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

Gasoline Sales Facility: Any use of land, including any buildings or structures thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, without any area, buildings or structure used for polishing, greasing, washing, spraying, cleaning, servicing, or repairing of motor vehicles.

Gasoline Service Station: Any use of land, including any building or structures thereon, that is used for the supply of gasoline or other fuel for the propulsion of vehicles, including any area, building or structure used for polishing, greasing, washing, spraying, cleaning, servicing, or repairing of motor vehicles.

Governing Body: The Mayor and City Council of the City of Basehor, Kansas.

Grade: The slope of the surface of land or a road, street or other public way specified in percent.

Grading: Any stripping, removing, terracing, cutting, filling, stockpiling or other altering of earth or land.

Ground Cover: Grasses or other plants grown to keep soil from being blown or washed away to improve the appearance of the land area.

Group Home: Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two (2) staff residents, who need not be related by blood or marriage to each other or residents of the home, which dwelling is licensed by a regulatory agency of this state. For purposes of these regulations, group homes shall be considered single-family dwellings.

Habitable Floor: Any floor used for living, which includes working, sleeping, eating, cooking or recreation, or a combination thereof.

Height of Building and Structures: The vertical distance from the average ground level abutting a building or structure to the top of the highest point of any permanent part of a structure or building. Height not regulated in feet, shall be regulated by stories. A story shall be equal to twelve (12) feet for the purpose of measuring structures other than buildings.

Heliport/ Helipad: A landing, loading and takeoff area used by helicopters, whether at ground level or elevated on a structure, and including necessary passenger and cargo facilities, and may include maintenance equipment and overhaul areas, fueling, service, storage, tie-down areas, hangars, and other necessary buildings and open spaces.

Highway, Limited Access: A freeway or expressway providing a traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and in such a manner as may be determined by the public authority having jurisdiction over such traffic way.

Home Occupation: An occupation, business, profession, service, or trade conducted for gain or support entirely in a residential dwelling unit provided that;

- a. No other persons other than members of the family residing on the premises shall be engaged in such occupation.
- b. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty percent (30%) of the main floor area of the dwelling shall be used in the conduct of the home occupation.
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not to exceed one square foot in area, non-illuminated and mounted flat against the wall of the principal building or in accordance with applicable codes and regulations.
- d. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- e. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or

audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

**Hotel, Motel, or Motor Hotel:** Building or portion thereof, or a group of buildings, used as transient lodging accommodations which is open for year-round occupancy and may or may not serve meals. Such establishments may be designated as a hotel, inn, auto court, motel, motor inn, motor lodge, motor court, tourist cabin, or similar designation.

**Improvements:** All facilities constructed or erected within a subdivision or development by the developer, or persons, employees or agents of the developer, or the city, to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.

**Industrial / Business Park:** A planned, coordinated development of a tract of land with two or more separate industrial or business buildings. Such developments are designed, planned, constructed, managed, and equipped as an integrated and coordinated facility to accommodate a community of businesses or industries, providing them with all the necessary facilities and services with special attention to on-site vehicular circulation, parking, utility needs, open space, and building design and orientation.

**Infrastructure:** Facilities and services needed to accommodate commercial, industrial, and residential uses.

**Inoperable Vehicle / Equipment or Parts:** A motor passenger vehicle, truck, bus, aircraft, motorcycle, tractor, or other motorized equipment or machine which is not then in a condition to be legally operated in a normal or customary manner, or any major parts thereof such as a body, chassis, engine, frame, or the trailer portion of a tractor-trailer rig.

**Junk:** Any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use of disposition.

**Junk/ Salvage Yard:** An area of land, with or without buildings, used for or occupied by a deposit, collection or storage, outside a completely enclosed building, of used or discarded materials such as waste paper, rags, scrap material, used building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale, or other use or disposition or the same; the deposit, parking or storage, on a tract, of one or more vehicles, wrecked or inoperable, or parts of one or more such vehicles, for thirty (30) days or more in any district except for storage as allowed by these regulations.

**Kennel:** Any place, area, building, or structure on any tract where more than two (2) dogs, cats, or other household domestic pets are boarded, bred, housed, cared for, fed, or trained, whether or not for commercial gain or as pets. The occasional raising and sales of a litter of kittens or puppies or other household domestic pets shall not constitute a kennel.

**Landscaping:** The bringing of the soil surface to a smooth finished grade, installing trees, shrubs, ground cover or mulch of decorative stone or wood chips or similar materials to soften building lines, provide shade and generally enhance the appearance of the premises and produce an aesthetically pleasing effect.

**Light-Duty Truck:** A pick-up, van, or box-van truck not exceeding 12,500 pounds gross vehicle weight.

**Light Industry:** A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Loading Space:** A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks, having a minimum dimension of 10 by 50 feet and a vertical clearance of at least 14 feet.

**Local Street:** A street intended to provide access from individual properties to collector streets and, in unusual circumstances, occasionally to arterial streets. A local street serves or is designed to serve not more than 25 dwelling units per block, has individual building lots fronting onto it, and provides direct access to individual lot driveways.

**Lot:** Parcel or tract of land which is fronting on a dedicated public street or private street being occupied or designated to be occupied by one building and the accessory building or buildings or uses customarily incidental to it, including such open spaces and parking spaces as are arranged and designed to be used in connection with such building. A lot may or may not be the land shown as a lot on a duly recorded plat.

**Lot, Corner:** A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on the street of which it has its least dimension, unless otherwise specified by the building inspector, except when made up of more than one platted lot, shall be deemed to front on the street upon which said platted lots front.

**Lot Depth:** The mean horizontal distance from the front lot street line to the rear lot line.

**Lot, Double Frontage:** A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

**Lot, Frontage:** The distance for which the front lot line and the right-of-way are coincident.

**Lot Line:** The line of record bounding a lot which divides one lot from another or from a street right-of-way or easement line or any other public space.

**Lot Line, Front:** The lot line separating a lot from the street right-of-way on which it fronts; or, on a corner lot, the shorter lot line abutting the street right-of-way.

**Lot Line, Rear:** The lot line which is opposite and most distant from the front lot line; or, in the case of triangular or otherwise irregularly shaped lots or when the side lot lines meet in a point, the rear lot line shall be assumed to be a line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

**Lot of Record:** A lot, which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Leavenworth County; or a parcel of land described by metes and bounds, the deed to which was recorded in the office of the Register of Deeds prior to the adoption of this ordinance.

**Lot Split:** The division of one lot into two lots or portions thereof as provided in these regulations.

**Lot Width:** The horizontal distance between the side lines, measured at the front building line.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than

a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

**Manufactured Home:** A factory-built structure that is manufactured or constructed under the authority of 42 U.S.C. 5403, and administered by the United States Department of Housing and Urban Development (HUD), and is to be used as a place for human habitation, but allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached wheels and axles. A mobile home is not a manufactured home.

**Manufactured Home Lot:** A plot of ground within a manufactured home park/ subdivision which can accommodate one manufactured home, and which provides the necessary utility services for water, sewage, and electricity.

**Manufactured Home Park:** Any area, parcel, tract, or plot of ground equipped and required for support of manufactured homes and used or intended to be used by one or more occupied manufactured homes; but under no circumstances shall the manufactured home spaces be sold or offered for sale individually. The term "manufactured home park" does not include sales lots on which unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale.

**Manufactured Home Subdivision:** Any subdivision equipped for support of manufactured homes and used or intended to be used by one or more manufactured homes on permanent foundations.

**Manufactured Home Skirting:** The enclosing of the area between the manufactured home and the ground with a durable and solid material designed to obscure from view the chassis of a manufactured home or designed to enclose the area beneath the manufactured home from the elements.

**Manufacturing:** Any method of processing, developing, fabricating, assembling, raw materials, semi-finished materials, or parts into a semi-finished or finished product.

**Mobile Homes:** A residential structure transportable in one or more sections, which has a body width of eight (8) feet or more and a length of thirty-six (36) feet or more, assembled in total or in not more than three (3) sections at the factory, constructed over an I beam or I beams, transported by truck, railroad or temporary wheel carriage to its destination and includes all plumbing, heating, air conditioning, and electrical systems therein. A mobile home may include single wide or double wide and may be for permanent or temporary occupancy. A mobile home does not include any structure which is subject to the Federal Mobile Home Construction Safety Standards established pursuant to 42 U.S.C. 5403.

**Modular Home:** A dwelling unit fabricated at an off-site facility for installation or assembly at the building site, in strict accordance with all applicable codes in effect within the City.

**Motel, Motor court, Motor Hotel or Motor Lodge:** Same as "Hotel", except that the building or buildings are designed primarily to serve tourists traveling by automobile and that ingress and egress to rooms need not be through a lobby or office.

**Non-conforming Use, Building, Lot:** A use, building, lot, or yard which does not, by reason of design, use or established dimensions, conform to these regulations for the district in which the use, building, lot or yard is situated; which complied with the applicable regulations at the time it was established; and which existed as such on the date of adoption of these regulations.

**Open Space, Usable:** Usable open space is land which is free of buildings, structures, and other substantial improvements. The following examples are listed by way of illustration to indicate what may

be counted as usable open space within this definition: (1) outdoor swimming pools, swimming pool areas, hard surface recreational areas, and other recreational areas, provided these areas are not enclosed except for fences, canopies, bath houses, or other minor structures; (2) driveways that do not serve three or more parking spaces; (3) recreational facilities with ready access on flat roofs; (4) a maximum of one-half of the open space requirement may be satisfied by that portion of public or private right-of-way adjacent to the site and which at the ultimate expected pavement width for that classification of street will remain unpaved; (5) enclosed open space areas in shopping malls, including walkways.

The following are examples of what may not be counted as usable open space: (1) roofs; (2) open parking areas; (3) parking structures; (4) slopes in excess of fifty percent (50%).

Ordinance: The word Ordinance as used herein shall be the same as code.

Outdoor Storage: The storage of goods, materials, junk, merchandise, or vehicles outside of any building or structure for more than twenty-four (24) continuous hours but not including storage of an emergency nature.

Owner: Any person who has record title to or an equitable interest in a tract of land.

Parking Lot: A parcel of land devoted to unenclosed parking spaces for motor vehicles on a temporary basis.

Parking Space: A permanently surfaced area for the temporary parking of one motor vehicle attached to a permanently surfaced driveway connecting the parking space with a street or alley allowing for ingress and egress of motor vehicles. Such space shall be at least eight and one-half (8 1/2) feet by twenty (20) feet for employees and occupant parking and nine (9) feet by twenty (20) feet for customers and visitor parking.

Parking Structure: A structure enclosed on all four sides for the temporary parking of motor vehicles either above or below ground.

Party Wall: A wall used jointly by two parties under easement, erected upon a line separating two parcels of land, each of which is a separate real estate entity.

Paved: Constructed with asphaltic concrete or portland cement concrete surface and in accordance with the adopted standards and regulations.

Plan, Conceptual: A plan that sets forth the basic concepts for development of a tract of land. These plans can be of a general or outline nature and need not propose definite locations of buildings, facilities, and uses.

Plan, Plot: A drawing showing existing and/or proposed development of land.

Plan / Plat, Preliminary: A plan showing the tentative arrangement of buildings, facilities, landscaping, and uses upon a tract of land.

Plan / Plat, Final: A plan of a subdivision showing the definite proposed location of lots, buildings, facilities, landscaping and uses upon a tract of land and any accompanying endorsements. This plan is usually the one used for the actual development of the land and if approved by the city is binding upon the land.

Preschool: A facility which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. 72-1107 and any amendments thereto and who are 30 months of age or older and which conducts sessions not exceeding three hours per session, does not enroll any child in more than one session per day, and does not serve a meal.

Public Improvement: Any improvement, facility, or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utility, energy or essential services.

Quarry: Any place where minerals, ore, rock, soil, stone or similar materials are excavated for sale or off-site use.

Recreational Vehicles: Vehicles such as boats and boat trailers, travel trailers, pick-up campers, buses or trucks converted into a camper, motor homes, or camping trailer.

Residential-Design Manufactured Home: A factory-built structure designed to be used as a permanent dwelling, built on a chassis, built to meet the National Manufactured Home Construction and Safety Standards (HUD, June 15, 1976), and any amendments thereto, and which meets the following design and construction criteria:

1. The structure shall be permanently attached to a basement, crawlspace, or similar foundation and the foundation or perimeter wall shall form a complete enclosure under all exterior walls;
2. The longest exterior dimension of the structure shall be less than three (3) times the narrowest exterior dimension of the structure;
3. The structure shall have at least the minimum square footage of living area as outlined in Section 2-2.13 of the City of Basehor Subdivision Regulations;
4. The structure shall be at least twenty-two (22) feet wide;
5. The land on which the unit is to be located and the structure itself shall constitute real property;
6. The structure shall be comparable to site-built housing with regard to overall design and exterior finish materials and it shall have the following:
  - a. The roof surface shall have an actual pitch of at least 3/12;
  - b. A residential rather than recreation appearance;
  - c. A roof overhang of at least one (1) foot on at least the two longer sides of the structure;
  - d. A roof surface of wood, composition, tile, or similar materials but not of corrugated fiberglass, corrugated aluminum or other similar materials.
  - e. Siding materials that are customarily used on site built homes, but excluding smooth, ribbed or corrugated metal or plastic panels that do not replicate wood lap siding.
  - f. The first floor of the structure must not be more than twenty-eight (28) inches above the existing grade of the lot adjacent to the main, front entrance of the structure;
  - g. A garage shall be attached to the structure if attached garages are characteristic of the neighborhood of which the structure is located;
7. The unit shall have been constructed after June 15, 1976;
8. The unit shall not have wheels, axles, hitch or towing apparatus;
9. The tie-down construction shall be pre-engineered or certified by a professional engineer, licensed in the State of Kansas; and
10. All site preparation and utility connections shall comply with all locally adopted building code requirements.

**Restaurant:** A public eating establishment at which the primary function is the preparation and serving of food.

**Right-of-way:** A strip of land separate and distinct from adjoining lots or parcels and not included within the dimensions or areas of such lots or parcels and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for any other specific special use.

**Set back:** The required distance between a building or structure and the property line.

**Sight Triangle:** A triangular area at the intersection of two streets, an alley, drive, etc., in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between one and one-half (1 1/2) feet and ten (10) feet above the elevation of the curb at the intersection. The area included in the sight triangle shall be bounded by the triangle described as fifteen (15) feet back perpendicular from the edge of the curb line of the abutting street, to a point one hundred, forty (140) feet along the curb of the street.

**Sign:** Any device which shall display or include any words, numerals, figures, devises, designs, or trademarks by which information is made known to the public outside a building or in a window so as to be visible from the outside and including but not limited to the following:

- a. **Attention Attracting Device:** Any flasher, blinker, animation, banner, clock, or object designed or intended to attract the attention of the public to an establishment or to a sign.
- b. **Detached sign:** Any sign located on the ground or on a structure located on the ground and not attached to a building with a maximum height of six feet and length of ten feet.
- c. **Free Standing Sign:** Any sign not mounted on a building, which is taller than it is wide and has a minimum height of six feet.
- d. **Indirectly Illuminated Sign:** Any sign which is partially or completely illuminated at any time by an external light source which is so shielded as to not be visible at eye level.
- e. **Marquee Sign:** Any sign attached flat against the marquee or permanent sidewalk canopy of a building.
- f. **Projecting Sign:** Any sign extending more than one foot from the face of the building to which it is attached. A time and temperature instrument mounted on the face of a building shall be included in this definition.
- g. **Poster Panel or Billboard:** An illustration usually of approximate dimensions of four (4) by eight (8) feet or multiples thereof mounted on a semi-permanent structure and depicting information not directly related to the property upon which it is placed.
- h. **Relief Lettering Signs:** Lettering placed directly on the building to identify the name of the building or the firm's name. Such letters should not be higher or wider than fifteen percent (15%) of the height of the building.

- i. Semi-illuminated Sign: Any sign which is uniformly illuminated internally over its entire area, including the area of the sign, by use of electricity or other artificial light.
- j. Snipe Sign: Any sign of a material such as cardboard, paper, pressed wood, plastic, or metal which is attached to a fence, tree, utility pole, or temporary structure; or any sign which is not securely fastened to a building or firmly anchored to the ground.
- k. Under Canopy Sign: A sign hanging from an overhead canopy or covered walk.
- l. Wall Sign: Any sign attached to and erected parallel to and within one (1) foot of the face or wall of a building, including signs painted on the walls of buildings.

Site Plan: A plan that shows the proposed future arrangement of buildings and/or facilities upon a tract of land.

Stable, Private: A stable with a capacity of not more than four horses or mules.

Stable, Riding: A structure in which horses or mules used exclusively for pleasure riding or driving are housed, boarded, or kept for hire; including riding track.

Story: A set of rooms on one (1) floor of a building or a horizontal divider of a building interior, not necessarily corresponding to a building's interior. For purpose of measurement a story shall be considered to be twelve (12) feet.

Story, Half: A space under sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Street: All property dedicated for the purpose of providing right-of-way for public streets, highways, freeways, tollways, or roadway purposes. The term "street" shall be construed in all cases to include the lands dedicated for right-of-way purposes, as described above, and the physical improvement constructed or scheduled for construction within the limits of said right-of-way. In any case, the street shall be approved and accepted only through due process by the City Planning Commission, the City Engineer, and the Governing Body.

Street Line: The dividing line between the street right-of-way and the abutting property.

Street Network:

\*\* Boulevard: A supplementary designation to the functional classification indicating that such a street, in addition to the standards for the right-of-way and paving width, shall be developed with the following additional standards:

- 1. Vertical face curbs.
- 2. Sidewalks a minimum of five (5) feet in width and located six (6) inches from the property line in the city right-of-way.
- 3. Street trees planted at intervals of forty (40) feet.

4. Ornamental poles for street lighting with all utility service lines underground.

- \*\* Collector: A street located within a neighborhood or other land use area which collects and distributes traffic from local streets to arterial streets. Access to community or neighborhood facilities may be provided. Collectors are identified by their function. While some are designated specifically on the Transportation Plan, the Planning Commission may designate others in the review of plats as areas develop.
- \*\* Freeway/Expressway: A freeway is a divided multi-lane arterial street designed for rapid, unimpeded movement of large volumes of traffic with full control of access and grade separations at intersections. An expressway differs from a freeway in that intersections are at grade and generally speed limits are lower.
- \*\* Local: A street which serves the function of providing access to abutting property.
- \*\* Parkway: A supplementary designation to a primary thoroughfare or expressway to provide a multi-lane arterial street designed to physically and visually tie together parks and recreational areas through additional wide rights-of-way, planted medians and roadside plantings shall be in accordance with Section 21 of the City of Basehor Zoning Ordinance.
- \*\* Primary Arterial: A multi-lane arterial street designed primarily for traffic movement and secondarily for providing access to abutting properties with a minimum number of at-grade intersections.
- \*\* Secondary Arterial: A multi-lane street intended for both traffic movement and for access to abutting property. Such a street may provide a connection between local and collector streets to primary thoroughfares or freeways.

Street Tree: Any tree which when mature has a trunk diameter of four (4) inches or more and is planted within or adjacent to a public right-of-way for a street.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having location on the ground, including but not limited to signs, and excepting customary utility poles, retaining walls and boundary fences.

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

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

Subdivision: Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including re-

subdivision. Subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bound description, map, plat or other recorded instrument.

**Substantial Damage:** Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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

**Surety:** A deposit of cash, performance bond, maintenance bond, cashier’s check, or such other security acceptable to the City’s Attorney, provided in lieu of the completion of work or improvements required for final plat approval.

**Total Floor Area:** The square foot area of a building, including accessory building, measured from outside wall surfaces, and including basements, garages, porches, utility rooms, stairways, recreation rooms, storage rooms, but excluding unroofed balconies and patios.

**Tract:** A single unit of real property under unified ownership whether platted or un-platted and whether or not title is publicly or privately held by an owner.

**Trailer:** A vehicle other than a manufactured home, equipped with wheels and normally towed over the road behind a motor vehicle and used for short-term human habitation, carrying of materials, goods or objects, or as temporary office at a construction site.

**Variance:** A variation from a specific requirement in this ordinance, as applied to a specific piece of property, as distinct from rezoning.

**Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided for herein.

**Yard, Front:** An open unoccupied space on the same lot with the main building extending the full width of the lot, the building, and the front line of porches, whether enclosed or unenclosed, shall be considered part of the main building and shall not project into front yard.

**Yard, Rear:** An open unoccupied space on the same lot with the building between the rear of the building and the rear line of the lot and extending the full width of the lot. Covered porches, whether enclosed or unenclosed, shall be considered a part of the building and shall not project into the required rear yard.

**Yard, Side:** A yard between the main building and the adjacent side lot line and extending entirely from the front yard to the rear yard.

**Zero Lot Line Development:** A development which does not require a setback greater than one foot on one side yard lot line.

Zoning Administrator: The Codes Administrator of the City of Basehor, Kansas, or such persons designated, or assigned the responsibility to administer the Zoning and Subdivision Regulations of the City of Basehor.

Zoning Map: The zoning map showing zoning districts for land subject to the zoning authority of the City of Basehor as prepared by the Planning Office and duly adopted by the City Council and any amendments thereto.

## ARTICLE 7

### DISTRICT REGULATIONS

#### 1. R - O Suburban Residential District:

a. Purpose: It is the purpose of this district to provide for estate sized residential lots and their uses.

b. Permitted Uses: Single-family residential and certain public and semi-public uses are permitted. For a specific listing of permitted uses and conditionally permitted uses, see Appendix A of these regulations

c. Intensity of Use Regulations:

1. Minimum Lot Area: One (1) acre for all uses.

2. Minimum Lot Width: One Hundred Thirty (130) Feet, provided that when a lot has less width than herein required, in separate ownership or by recorded plat at the time of the passage of this ordinance, this regulation shall not prohibit the erection of a one-family dwelling.

d. Height Regulations:

Maximum Structure Height: The lesser of two and one-half stories (2 ½) or thirty-five (35) feet. Church steeples or necessary mechanical appurtenances may extend past thirty-five (35) feet. One (1) additional foot of height above the specified limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot.

e. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard sizes shall be as follows:

1. Front Yard: Fifty (50) feet

2. Side Yard: Twenty-five (25) feet

3. Rear Yard: Thirty (30) feet

Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except that where no lots within the same block front on one of the two streets, the side yard setback requirements along such street shall be thirty (30) feet.

Lots fronting on two streets shall maintain the required front yard setback along both frontages.

f. Minimum Dwelling Size:

Each dwelling shall provide a minimum of one thousand five hundred (1500) square feet of living floor area or as required by Section 4-104-10 of the City of Basehor Subdivision Regulations.

g. Accessory Buildings and Structures: Each accessory building or structure shall not exceed the following maximum sizes:

1 acre lots: 1000 square feet.  
Lots over 1 acre to 2 acres: 2000 square feet  
Lots 3 to 5 acres, 1000 square feet per acre with the maximum of 5000 square feet.

(1) Yard regulations (setbacks)

- A. Side Yard: must maintain same setback as for the dwelling.
- B. Rear Yard: 1 acre- 10 feet, 2 acres- 15 feet, 3 acres and larger- 25 feet.

No accessory building shall be erected in any required front or side yard, and no accessory building or structure shall be erected closer than Five (5) feet to any dwelling or accessory structure.

The maximum number of accessory structures per lot is two (2) with the total combined square feet of the two (2) structures not to exceed what is allowed per acre in section G.  
Maximum Height: No accessory structure shall be taller than 30 feet

## 1A. A Agricultural District

- a. Purpose: The purpose of this district is to provide for the maintaining and enhancing agricultural operations and preserving agricultural lands for crop production or raising of livestock. Additionally, lands where future urban expansion is possible, but not at the time of annexation/zoning due to the unavailability of urban level facilities and services.
- b. Permitted Uses: Principal use is for agriculture, farming, dairy, poultry, pasturage, horticulture, floriculture and animal husbandry. One single-family residence is permitted in support of agricultural operations.
- c. Intensity of Use: Minimum property area is twenty (20) acres with a minimum property width of five hundred (500) feet.
- d. Height Regulations: Maximum Structure Height: Two and one-half (2 ½) stories or thirty-five (35) feet. Silos shall be permitted to be fifty-five (55) feet in height when set back from residentially zoned properties a minimum one hundred (100) feet.
- e. Yard Regulations:
  1. Front Yard – One hundred (100) feet.
  2. Side Yard – Fifty (50) feet.
  3. Rear Yard – One hundred (100) feet

Building and structures housing poultry and horse livestock shall be setback from residentially zoned properties one hundred (100) feet. Machinery and agricultural vehicles and equipment shall be setback from residentially zoned properties fifty (50) feet.
- f. Minimum Dwelling Size:

Dwellings shall provide a minimum of one thousand two hundred fifty (1250) square feet of living area.
- g. Accessory Structures:

Accessory buildings or structures shall not exceed the following maximum sizes:

  - Property twenty (20) to fifty (50) acres, a maximum of seven thousand (7,000) square feet
  - Property fifty-one (51) to one hundred (100) acres, a maximum ten thousand (10,000) square feet
  - Property in excess of one hundred one (101) acres, a maximum fifteen thousand (15,000) square feet.

Setback regulations for accessory structures:

  1. Property twenty (20) acres to fifty (50) acres, fifty (50) feet
  2. Property fifty-one (51) to one hundred (100) acres seventy-five (75) feet.
  3. Property exceeding one hundred and one (101) acres, one hundred (100) feet.

No accessory structure on Agriculturally zoned property can be located in the defined front yard area.
- h. Maximum Number of Accessory Structures:
  - For properties up to fifty (50) acres, one accessory structure from section G supporting the agricultural operation and one minor accessory structure up to six hundred (600) square feet supporting the single-family residence, if applicable
  - For properties fifty-one (51) acres to one hundred (100) acres, one accessory structure from section G supporting the agricultural operation and one minor accessory structure up to nine hundred (900) square feet supporting the single-family residence, if applicable.
  - For properties exceeding one hundred one (101) acres, two (2) accessory structures not exceeding twenty-five thousand (25,000) square feet and one

minor accessory structure up to nine hundred (900) square feet supporting the single-family residence, if applicable.

## 2. R-1 Single Family Residential District:

a. Purpose: The purpose of this district is to provide for low-density single-family residential development, including those uses, which reinforce residential neighborhoods.

b. Permitted Uses: Single-family residential and related public and semi-public uses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendices A of these regulations.

c. Intensity of Use Regulations:

1. Density: Maximum 3.5 dwelling units per acre.

2. Minimum Lot Area: Ten thousand (10,000) square feet.

3. Minimum Lot Width:

a. Interior: Seventy-five (75) feet.

b. Corner: Ninety (90) feet.

d. Height Regulations:

Maximum Structure Height: Two and one-half (2 1/2) stories, or thirty-five (35) feet.

Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers, scenery lofts, tanks, ornamental towers, church steeples, spires, antennas, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained herein. One (1) additional foot of height above the specified limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot.

e. Yard Regulations:

1. Front Yard: Thirty-five (35) feet.

2. Side Yard: Minimum ten (10) feet, or ten percent (10%) of the lot width, not to exceed twelve (12) feet.

3. Rear Yard: Minimum thirty (30) feet or twenty percent (20%) of the lot depth, whichever is greater, not to exceed forty-five (45) feet.

Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except that where no lots within the same block front on one of the two streets, the side yard setback requirements along such street shall be twenty (20) feet.

Lots fronting on two streets shall maintain the required front yard setback along both frontages.

f. Minimum Dwelling Size: Each dwelling shall provide a minimum of one-thousand-two hundred (1200) square feet of living floor area or as required by Section 4-104.10 of the City of Basehor Subdivision Regulations; whichever square footage is greater.

g. Accessory Buildings: 2.5% of the total square footage of the lot. The maximum size of any accessory building (detached or attached) shall not exceed 900 square feet in size.

1. Yard Regulations:

- a. Side Yard: Must maintain same setback as primary structure.
- b. Rear Yard: Ten (10) feet.

No accessory building shall be erected in any required front or side yard, and no accessory building or structure shall be erected closer than five (5) feet to any other building.

**3. R-2 Two-Family Residential District:**

- a. Purpose: The purpose of this district is to provide for moderate density residential development, including duplex and higher density single-family dwellings, to encourage strong residential neighborhoods.
- b. Permitted Uses: Single-family residences, two-family residences, and related public and semi-public uses are permitted. For a specific listing of the permitted and conditionally permitted uses, see Appendices A of these regulations.
- c. Intensity of Use Regulations:
  1. Density: Maximum eight (8) dwelling units per acre.
  2. Minimum Lot Area: Five thousand (5,000) square feet per dwelling unit.
  3. Minimum Lot Width:
    - a. Minimum of 40' per unit.
    - b. Corner: Ninety-five (95) feet.
  4. Single-family dwellings on separate lots, but attached to adjacent dwellings by means of a common wall shall conform to the following:
    - a. The common wall between attached units shall be on the side lot line separating the two lots and shall not be subject to side yard requirements providing there are no doors, windows, vents, or other openings in the common wall.
    - b. No unit shall share a common wall on more than two (2) sides.
    - c. No unit shall have a depth greater than three (3) times its width.
    - d. Any exterior wall which is not a common wall must meet all yard requirements.
    - e. Each lot must have direct access to a public street.
    - f. The deed to each lot must include covenants requiring the proper and timely reconstruction of any damaged or destroyed dwellings.

**d. Height Regulations:**

Maximum Structure Height: Two and one-half (2 1/2) stories, or thirty-five (35) feet.

Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers, scenery lofts, tanks, ornamental towers, church steeples, spires, antennas, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained herein. One (1) additional foot of height above the specified

limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot.

e. Yard Regulations:

1. Front Yard: Thirty-five (35) feet.
2. Side Yard: Minimum seven (7) feet, or ten percent (10%) of the lot width, not to exceed ten (10) feet.
3. Rear Yard: Minimum thirty (30) feet or twenty percent (20%) of the lot depth, whichever is greater, not to exceed forty-five (45) feet.

Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except that where no lots within the same block front on one of the two streets, the side yard setback requirements along such street shall be twenty (20) feet.

#### 4. **R-3 Multi-Family Residential District:**

a. Purpose: The purpose of this district is to provide for high density residential development, including single-family, two-family dwellings, and multi-family dwellings, in strong residential neighborhoods.

b. Permitted Uses: Single, two-, and multi-family dwellings, nursing homes and boarding houses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendices A of these regulations.

c. Intensity of Use Regulations:

1. Minimum Lot Area:

a. One thousand five hundred (1500) square feet per dwelling unit with a minimum requirement of six thousand (6,000) square feet per lot.

b. Nursing Homes and Boarding Houses: Five hundred (500) square feet per occupant.

2. Density: Twelve (12) dwelling units per acre.

d. Height Regulations:

Maximum Structure Height: Three (3) stories, or forty-five (45) feet.

Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers, scenery lofts, tanks, ornamental towers, church steeples, spires, antennas, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained herein. One (1) additional foot of height above the specified limitation shall be permitted for each one (1) foot of additional yard provided over the minimum requirement on all sides of the lot.

e. Yard Regulations:

1. Front Yard: Thirty-five (35) feet.

2. Side Yard: Minimum ten (10) feet, or ten percent (10%) of the lot, not to exceed twelve (12) feet.

3. Rear Yard: Minimum thirty (30) feet or twenty percent (20%) of the lot depth, whichever is greater, not to exceed forty-five (45) feet.

Where the property fronts on two intersecting streets (a corner lot), such lot shall maintain a front yard setback on both streets, except that where no lots within the same block front on one of the two streets, the side yard setback requirements along such street shall be twenty (20) feet.

Lots fronting on two streets shall maintain the required front yard setback along both frontages.

f. Minimum Dwelling Size: Each dwelling unit shall provide a minimum of seven hundred and fifty (750) square feet of living floor area or as required by Section 4-104.10 of the City of Basehor Subdivision Regulations, whichever is greater.

g. Accessory Buildings or Structures: No accessory structures shall be allowed in R-3 Zoning Districts. This shall not include detached parking structures or other onsite amenities (i.e. swimming pool clubhouses, USPS mail facilities and the like) for multi-family dwelling units.

## 5. P-D Planned District

**Purpose:** The purpose of a Planned District is to provide for elements of flexibility in design, placement, arrangement, bulk, and other considerations; to provide framework within which the buildings and uses in planned districts for residential, commercial, and industrial may be interrelated and compatible within each specific planned district.

Within the Planned District development requirements are outlined specific to residential, commercial, and industrial development. Process and procedural requirements are located in Article 12.

- a. **Supplementary Use regulations:** Are contained in Article 8 (Section 20) of these regulations.
- b. **Off-Street Parking Regulations:** Are contained in Article 23 of these regulations and shall conform to the requirements specified for each type of use proposed. Two (2) off-street parking spaces shall be provided on the premises for each dwelling unit. For commercial uses, the Planning Commission may approve up to a 50% reduction from conventional parking requirements when deemed appropriate.
- c. **Sign Regulations:** Are contained in Article 8 of these regulations and shall conform to the requirements specified for each type of use proposed.
- d. **Development Plan Required:**

Development Plan approval shall be required in the following situations:

- 1) For approval of a rezoning to the planned district.
- 2) For approval of a Conditional Use Permit.
- 3) When these regulations require approval of a proposed revision of an existing development plan.
- 4) Before issuance of a building permit for the development of any parcel in a planned district if a development plan has not been approved or if a previously approved development plan has expired.

Building permits shall not be issued and construction of site improvements shall not be started until the required Final Development Plan has been approved as required in these regulations.

- e. **Procedures:**

An application for rezoning to the “P-D” District shall include a Preliminary Development Plan. Approval of the rezoning request based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. The use of the “Planned” District shall be separate from the Subdivision Regulations of the City, and the Development Plans required shall not be construed as plats. The subdivision process shall follow the Rezoning/Preliminary Plan approval but precede the approval of the Final Development Plan. Re-subdividing may be a prerequisite to approval of the Final Development Plan.

- f. **Approval Procedure:**

The approval of the Preliminary Development plan and the concurrent rezoning shall be preceded by the publication and mailing of notice, a Public Hearing, and a recommendation by the Planning

Commission. The Governing Body may; (1) adopt the recommendation of the Planning Commission, (2) disapprove the recommendation of the Planning Commission and return the item to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve such recommendation, or (3) override the recommendation of the Planning Commission's recommendation by a two-thirds (2/3) majority vote of the membership of the Governing Body.

Approval of the Preliminary Development Plan shall be valid for a period of two (2) years from the date of its approval. The filing and approval of a Final Development Plan for any phase of the area contained in the Preliminary Development Plan shall extend the period of validity an additional one (1) year.

Once approved, the zoning classification can only be changed through a rezoning action and is not changed by the expiration of the Preliminary Development Plan.

Applications fully satisfying all Preliminary Development Plan and Final Development Plan requirements and procedures of these regulations may be submitted with a request for simultaneous processing and consideration. Such single-stage development plan review process shall not necessarily result in shortened processing and review times if revisions and refinements are found to be needed to make the development plans satisfactory for approval.

g. Application for Rezoning:

An application to change the zoning to a "P-D" Planned District shall be filed with the City Clerk, along with the filing fee as set forth in adopted Fee Schedule as referenced in Article 24 of these regulations. A Preliminary Development Plan shall be attached and shall include the elements set forth in these regulations.

## P-R Planned Residential District

a. Purpose: The purpose of the Planned Residential District is intended to provide for elements of flexibility in design, placement, arrangement, bulk, and other considerations; to provide a framework within which the buildings and uses in the planned district may be interrelated and compatible with the residential character of these development areas and adjacent developments; and to maintain the desired overall intensity, efficiency in the provision of public facilities and services , and to provide protection for existing development while allowing new construction in accordance with current development and performance standards and density objectives. The district is not suitable in all residential locations; it is inappropriate in areas predominately agricultural in nature or character where public facilities and services are adequate only to meet the needs of farm residences or operations, and large lot residential. In general, this district is intended to have lots which are served by local streets without driveways fronting onto arterial or collector streets unless such frontage would be clearly of an interim or temporary nature. This district is intended to preserve open space, to protect watersheds and water supplies, to protect woodlands and naturally scenic areas.

These districts are exclusive in that only specific commercial uses are permitted, and no industrial uses are permitted. Only those conditional uses specified in Appendix A of this Regulation for the zoning districts “R-1”, “R-2”, and “R-3” are allowed and only those home occupations permitted in the “R-1”, “R-2”, and “R-3” zoning districts will be allowed.

b. Permitted Uses:

- I. Residential - only those permitted uses specified in Appendix A of this regulation for the zoning districts “R-1”, “R-2”, and “R-3” are allowed.
- II. Commercial - only those commercial businesses which are accessory and compatible with residential neighborhoods shall be permitted. Following is a list of permitted commercial uses:
  - a) Arts and Craft Shop
  - b) Bakery
  - c) Bank, Credit Union, Savings and Loan Offices including ATM's
  - d) Beauty/ Barber Shop
  - e) Car washes (as an accessory to a convenience store or gas sales)
  - f) Cards, Gifts, Books, or Curio Shop
  - g) Childcare Center
  - h) Churches, Temples, and Synagogues
  - i) Convenience Store with Fuel Sales (limited to 3 gas pumps)
  - j) Copy Center/ Mail Center
  - k) Drug Store (not larger than 15,000 sq. ft.)
  - l) Dry Cleaners (pick-up and delivery only)
  - m) Fabric Shop
  - n) Florist (without greenhouse)
  - o) Grocery Store (not larger than 20,000 sq. ft.)
  - p) Hardware Store (not larger than 15,000 sq. ft.)
  - q) Health Spa, Figure Salon, Martial Arts Studio
  - r) Insurance / Real Estate Office
  - s) Key Shop
  - t) Laundries

- u) Lawn and Garden Stores
- v) Liquor or Specialty Food Stores
- w) Medical / Optical / Dental Office
- x) Office Buildings (not larger than 5,000 sq. ft. per floor or as approved by the Planning Commission and Governing Body)
- y) Office Supplies
- z) Paint and Wallpaper Stores
- aa) Photographer Studio
- bb) Public and Private Utility Offices
- cc) Restaurants (no drive thru)
- dd) Sporting Goods Store
- ee) Telephone Store
- ff) Veterinary Clinic for small animals (no outside boarding)
- gg) Other uses deemed appropriate By the Planning Commission and/or City Planner

c. Height, Area, and Bulk regulations:

I. Bulk Regulations:

- a. Minimum District Size:
  - i. Area - shall contain a minimum of two (2) acres.
  - ii. Frontage - shall be a minimum of two hundred (200) feet.
  - iii. Depth – shall be a minimum of two hundred (200) feet.

II. Regulation Height:

The height of buildings or structures shall not exceed 35 feet for single family residential, 50 feet for multi-family residential and commercial, and 75 feet for civic buildings.

III. Yard Regulations:

- 1) Front Yard: Thirty-five (35) feet.
- 2) Side Yard: Twelve (12) feet.
- 3) Rear Yard: Thirty (30) feet.

Yard regulations, lot size, and street widths may be modified with approval of the Planning Commission upon a showing of (1) sufficient open space accessible to the occupants; (2) a separation between structures sufficient for fire-fighting purposes; and (3) that there is consistency with the visual character of the community. No yard reductions shall be permitted for those yard spaces which abut another district unless deemed appropriate by the Planning Commission.

A minimum of 20% percent of the site shall be maintained as usable open space, as defined in Article 6 of these regulations. Plazas, squares, and other public amenities and civic spaces shall be considered in meeting the open space requirement.

IV. Accessory Buildings: 2.5% of the total square footage of the lot. The maximum size of any accessory building (detached or attached) shall not exceed 250 square feet in size.

1. Yard Regulations:

- a. Side Yard: Must maintain same setback as primary structure.
- b. Rear Yard: Ten (10).

No accessory building shall be erected in any required front or side yard, and no accessory building or structure shall be erected closer than five (5) feet to any other building.

d. Use Limitations:

- I. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition or unreasonable inconvenience in the area.
- II. Structures and traffic shall be arranged so that all principal buildings are accessible to emergency vehicles.
- III. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact on the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas should be appropriately spaced to serve those units they represent.
- IV. The availability of service and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be presented with the Preliminary Development Plans.
- V. Approval of the Final Development Plan may be conditioned by the Planning Commission or the Governing Body to minimize any negative impact on the community.

e. Development Plan Required:

Development Plan approval shall be required in the following situations:

- I. For approval of a rezoning to the planned residential district.
- II. For approval of a Conditional Use Permit.
- III. When these regulations require approval of a proposed revision of an existing development plan.
- IV. Before issuance of a building permit for the development of any parcel in a planned district if a development plan has not been approved or if a previously approved development plan has expired.

Building permits shall not be issued and construction of site improvements shall not be started until the required Final Development Plan has been approved as required in these regulations.

## 6. MH-1 Mobile Home Park District (High Density):

- a. Purpose: The purpose of this district is to provide for high density mobile home parks which are compatible with the character of the surrounding neighborhood in which it is located. Mobile home developments are residential uses and shall be located in areas where services and amenities found in conventional residential areas are available.
- b. Permitted Uses: Mobile Home Parks. For a specific listing of permitted and conditionally permitted uses, see Appendices A of these regulations. Recreational vehicle parking in a mobile home park may be permitted with the issuance of a conditional use permit. As a conditionally permitted use, it shall meet all the requirements of Section 6ff (10).

- c. Intensity of Use Regulations:

Minimum Lot Area: Five (5) acres.

- d. Height Regulations:

Maximum Structure Height: Two and one-half (2 1/2) stories, or thirty-five (35) feet.

- e. Yard Regulations:

There shall be a minimum of ten (10) feet between the property line and the nearest point of a mobile home.

- f. Accessory Buildings:

Accessory buildings for each mobile home site shall not exceed one hundred- twenty (120) square feet and each mobile home site shall not have more than one accessory building.

- g. Minimum Design Standards: Each mobile home park shall be designed in accordance with the following minimum design standards:

- I. General:

- (a) The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.
    - (b) Clearance of not less than twenty (20) feet between mobile homes or between mobile homes and any building within the mobile home park shall be required.
    - (c) Each mobile home lot shall front upon a private street or roadway of not less than twenty-four (24) feet of road surface width with type A curb on both sides; no mobile home shall be set closer than twenty-two (22) feet from the center of any street that does not allow parking and twenty-eight (28) feet from the center of any street that does allow parking.

(d) All roadways within the mobile home park shall be constructed of asphaltic concrete or portland cement concrete of a minimum thickness of four (4) inches over a six (6) inch compacted rock base.

(e) Sidewalks shall be constructed in all new or expanded parks. Said sidewalks shall be constructed of portland cement, five (5) feet wide and four (4) inches thick on compacted earth.

(f) All roadways and sidewalks shall be automatically lit from dusk to dawn by one hundred (100) watt mercury vapor lamps at a maximum interval of two hundred (200) feet adjacent to the roadways.

(g) Each mobile home shall be fully skirted with commercial grade skirting within thirty (30) days of moving onto a lot.

(h) Every mobile home park shall provide screening between the adjoining properties and public roadways by planting of the setback from the adjoining boundary, providing a landscape buffer consisting of plant material at least six (6) feet in height.

(i) All mobile home spaces shall be clearly identified with letters or numbers of a light-reflecting material. Such letters or numbers are to be a minimum of four (4) inches in height.

(j) In each new park or park expansion of ten (10) units or more, a shelter shall be provided in a central or other convenient location sized at a minimum rate of ten (10) square feet of shelter space for each mobile home space. Storm shelters shall be designed by a licensed professional structural engineer or architect and built in accordance with the building codes of the City of Basehor. Each shelter shall have provided the following items:

- (ii) First aid kit
- (ii) AM/FM radio (battery operated)
- (iii) A person in charge of the facility
- (iv) Battery operated light
- (v) Electricity
- (vi) Telephone or radio contact to the outside
- (vii) Two doors- one opening in and one opening out
- (viii) Sign on building stating its use (Storm Shelter)
- (ix) Outside ventilation
- (x) Availability to residents as soon as a watch is issued

(k) Every mobile home park shall provide parks and playgrounds space on the basis of five hundred (500) square feet for each mobile home space in the park. Such playground space shall be separated and set aside from the open space provided on each mobile home space and shall be equipped and maintained for the use of the park residents. The park owner or operator shall be responsible for all maintenance, upkeep, and improvements of all park and playground areas.

(l) Fire hydrants shall be located within Three hundred (300) feet of each mobile home.

**II. Water Supply:**

(a) Water shall be supplied to the mobile home park by a public water system.

(b) The size, location, and installation of water lines shall be in accordance with the requirements of the City of Basehor and the water utility supplying said water. All plans and installation shall be approved by the City Engineer and maintained in accordance with the city plumbing code.

(c) Individual water service connections shall be provided at each lot and shall be so constructed so as to prevent damage by the parking of such mobile homes, or as required by the Building Official.

**III. Sewage Disposal:**

(a) Sewage disposal shall be provided to the mobile home park by a public sewer system.

(b) The size, location, and installation of sewer lines shall be in accordance with the requirements of the City of Basehor and shall be approved by the City Engineer and maintained in accordance with the city plumbing code

(c) Individual sewer connections shall be a minimum of four (4) inches and shall be provided at each mobile home lot.

**IV. Electrical:**

(a) All secondary electrical wiring from the public power company's primary electrical wiring shall be located underground in accordance with the public power company's installation standards or the city's Electrical Code.

(b) Each mobile home lot shall be provided with an individual electric supply pedestal with a minimum of two hundred (200) amperes service.

(c) Every mobile home shall be hardwired, in conduit, and underground from the home to the electric supply pedestal and shall be sized and installed in accordance with the electrical code of the City of Basehor.

**V. Gas:**

(a) Natural gas shall be provided to each mobile home lot and installed in accordance with the regulations of the City of Basehor and the utility company providing the service.

**VI. Refuse and Garbage Handling:**

(a) Storage, collection, and disposal of refuse in a mobile home park shall be required so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, accidents, air pollution, or unsightly conditions.

(b) All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(c) All refuse and garbage shall be collected at least weekly by a private refuse hauler licensed by the City of Basehor.

**VII. Pad Requirements:**

The pad for each mobile home shall be a solid surface with a minimum of five (5) inches of gravel, stone, or other compacted material, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surface materials; or shall be of a hard surface of a minimum of two, eighteen (18) inch wide concrete ribbons or concrete slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.

**VIII. Blocking:**

All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A.75-1211 et seq.

**IX. Tie-Downs and Ground Anchors:**

All mobile homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 et seq.

**X. Recreational Vehicle Parking:**

At the time of application to the Planning Commission for a conditional use permit for recreational vehicle parking in a mobile home park, the applicant shall include with the application a site plan of the park designating the area and spaces proposed to be used for RV parking. This section is not to provide regulations for RV storage.

**I. All mobile home parks with recreational vehicle parking allowed under a conditional use permit shall meet the following requirements:**

(a) The person operating each mobile home park where recreational vehicle parking is permitted by a valid conditional use permit shall keep a register available for inspection at all reasonable hours, by law enforcement, assessors, and other officials whose duties necessitate

acquisition of such information. The register shall contain the name and address of the occupant, and the make, model, year, and license number of each recreational vehicle or vehicle towing such RV.

- (b) The original records of the register shall not be destroyed for a period of three (3) years following the date of registration.
- (c) There shall be clearance of not less than fifteen (15) feet between recreational vehicles or between recreational vehicles and any building.
- (d) Every recreational vehicle space shall have direct access to a mobile home park roadway with direct access to a public street or highway and shall not abut upon any public street or highway.
- (e) Recreational vehicle spaces shall not abut upon any mobile home park roadway less than twenty-four (24) feet in width.
- (f) All dead-end roadways shall provide an adequate vehicular turnaround with a diameter of not less than seventy-eight (78) feet.
- (g) There shall be at least one (1) surfaced off-street parking space provided for each RV space. No portion of the roadway shall be used to provide the required off-street parking.
- (h) All RV spaces shall be clearly identified with letters or numbers of a light-reflective material a minimum of four (4) inches in height.
- (i) Every recreational vehicle space shall have an accessible, safe, and potable supply of water to each lot or space with individual connections at least four (4) inches above ground surface, at least three-quarters (3/4) inch in diameter, and equipped with a three-quarter (3/4) inch valve outlet. The outlet shall be protected from surface water flooding and all pipes shall be protected against freezing. Below ground shut-off valves may be used but stop and waste valves shall not.
- (j) Individual sewer connections shall be provided for each lot or space. Every connection or opening shall be protected to prevent surface water from entering the sewage disposal system.
- (k) Provisions for garbage and refuse storage, collection, and disposal, shall be maintained so as to create no health hazard, rodent harborages, insect breeding areas, accident hazards, or air pollution.
- (l) Every recreational vehicle lot or space shall have a weatherproof electrical outlet and breaker supplying at least one (1), thirty (30) amperes of service and one hundred-ten (110) volts.
- (m) No LPG containers shall hold more than twenty-five (25) gallon water capacity; all containers shall be LPG containers approved by the Interstate Commerce Commission for their intended purpose; and shall be integrally

attached to the RV in a manner approved by the Liquefied Petroleum Gas Association, Inc. All containers shall be equipped with an approved excess flow valve at the discharge valve of the containers.

(n) Each park serving one or more recreational vehicles shall restrict parking only to those RV's that are equipped with toilet and shower facilities, or shall provide one or more service buildings which shall:

- i. Be located no closer than fifteen (15) feet to any recreational vehicle.
- ii. Be located so that any recreational vehicle it serves shall not be parked more than two hundred (200) feet from it.
- iii. Be of permanent type construction and be adequately lit.
- iv. Be of moisture-resistant material to permit frequent washing and cleaning.
- v. Have two (2) flush-type toilets, two (2) lavatories, and two (2) showers for females, and one (1) flush-type toilet, one (1) lavatory, and one (1) shower for males, for up to nine (9) RV spaces. One (1) additional unit of the above plumbing facilities shall be provided for each sex for each ten (10) additional recreational vehicles served or fraction thereof. All lavatories and showers shall be connected with both hot and cold running water.
- vi. Have adequate heating facilities to maintain a temperature of 70 (seventy degrees) in the building and provide hot water of 140 (one hundred-forty degrees) at a minimum rate of eight (8) gallons per hour for the required fixture units.
- vii. Have an accessible, adequate, safe, and potable water supply of cold water.
- viii. All rooms well ventilated, with all openings effectively screened.
- ix. Have at least one (1) slop water closet or other facility suitable for the cleaning and sanitizing of waste and service facilities.
- x. Comply with all applicable chapters of the City Code regarding the construction of buildings and the installation of electrical, plumbing, heating, and ventilating systems.
- xi. Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

## 11. Application Requirements:

(a) An applicant for "MH-1" Mobile Home Park District shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale not less than 1" =100', and twenty (20) copies of said plan shall be submitted to the Planning Commission for its review and recommendations. Said plans shall be designed in accordance with the minimum design standards and shall show the following:

- i. The proposed street and drive pattern.
- ii. The proposed mobile home spaces and their approximate dimensions.
- iii. Any existing streets in or abutting the property.
- iv. Location and size of parking spaces.
- v. Location and size of playground and park areas.
- vi. Location and size of all proposed buildings and shelters.
- vii. Screening and landscaping.
- viii. Legal description of the tract.
- ix. Proposed locations of all utilities, sanitary and storm sewers to be constructed.
- x. Name of the developer and the firm preparing the plan.
- xi. North point, scale, and date drawn.

(b) After submission of the application and the preliminary plan, the Codes Administrator will process the application as if it were a preliminary plat of a subdivision.

(c) Upon approval of the preliminary mobile home park plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for its review and final action.

(d) Any deviation from the approved plan, as determined by the Codes Administrator, shall constitute a violation of these regulations. Changes in plans shall be submitted for consideration and approval by the Planning Commission and Governing Body prior to the issuance of a building permit for the construction of the mobile home park.

## 7. RV Recreational Vehicle Park District:

a. Purpose: The purpose of this district is to provide for high density recreational vehicle parks which are compatible with the character of the surrounding neighborhood in which it is located. Recreational vehicle park developments are temporary residential uses and shall be located in areas where services and amenities found in conventional residential areas are available.

b. Intensity of Use Regulations:

Minimum Lot Area: Five (5) acres.

c. Height Regulations:

Maximum Structure Height: Two and one-half (2 1/2) stories, or thirty-five (35) feet.

d. Yard Regulations:

There shall be a minimum of fifty (50) feet between the property line and the nearest point of a mobile home.

e. Records:

I. The person operating each recreational vehicle park shall keep a register available for inspection at all reasonable hours, by law enforcement, assessors, and other officials whose duties necessitate acquisition of such information. The register shall contain the name and address of the occupant, and the make, model, year, and license number of each recreational vehicle or vehicle towing such RV.

II. No person or persons registered in the recreational vehicle park shall reside at a location for a period to exceed thirty (30) days.

III. The original records of the register shall not be destroyed for a period of three (3) years following the date of registration.

f. Use Limitations:

Each recreational vehicle park shall be designed in accordance with the following minimum design standards:

I. Minimum Design Standards:

(a) The recreational vehicle park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(b) Clearance of not less than twenty (20) feet between recreational vehicles or between recreational vehicles and any building within the recreational vehicle park shall be required.

(c) Each recreational vehicle lot shall front upon a private street or roadway of not less than twenty-four (24) feet of road surface width for two-way streets or sixteen (16) feet of road surface

width for one-way streets. All dead-end roadways shall provide an adequate vehicular turnaround with a diameter of not less than seventy-eight (78) feet.

(d) There shall be at least one (1) surfaced off-street parking space provided for each RV space. No portion of the roadway shall be used to provide the required off-street parking.

(e) All roadways within the recreational vehicle park shall be constructed of asphaltic concrete or portland cement concrete a minimum thickness of four (4) inches over a six (6) inch compacted rock base.

(f) Every recreational vehicle park shall provide screening between the adjoining properties and public roadways by planting of the setback from the adjoining boundary, providing a landscape buffer consisting of plant material at least six (6) feet in height.

(g) All recreational vehicle spaces shall be clearly identified with letters or numbers of light-reflecting material. Such letters or numbers are to be a minimum of four (4) inches in height.

(h) Every recreational vehicle space shall have an accessible, safe, and potable supply of water to each lot or space with individual connections at least four (4) inches above ground surface, at least three-quarter (3/4) inch in diameter, and equipped with a three-quarter (3/4) inch valve outlet. The outlet shall be protected from surface water flooding and all pipes shall be protected against freezing. Below ground shut-off valves may be used but stop and waste valves shall not.

(i) Individual sewer connections shall be provided for each lot or space. Every connection or opening shall be protected to prevent surface water from entering the sewage disposal system.

(j) Provisions for garbage and refuse storage, collection, and disposal, shall be maintained so as to create no health hazard, rodent harborage, insect breeding areas, accident hazards, or air pollution.

(k) Every recreational vehicle lot or space shall have a weatherproof electrical outlet and breaker supplying at least one (1), thirty (30) amperes of service and one hundred-ten (110) volts.

(l) No LPG containers shall hold more than twenty-five (25) gallon water capacity; all containers shall be the LPG containers approved by the Interstate Commerce Commission for their intended purpose;

and shall be integrally attached to the RV in a manner approved by the Liquefied Petroleum Gas Association, Inc. All containers shall be equipped with an approved excess flow valve at the discharge valve of the containers.

(m) Each park serving one or more recreational vehicles shall restrict parking to only those RV's that are equipped with toilet and shower facilities, or shall be provided one or more service buildings which shall:

- i. Be located no closer than fifteen (15) feet to any recreational vehicle.
- ii. Be located so that any recreational vehicle it serves shall not be parked more than two hundred (200) feet from it.
- iii. Be of permanent type construction and be adequately lit.
- iv. Be of moisture-resistant material to permit frequent washing and cleaning.
- v. Have two (2) flush-type toilets, two (2) lavatories, and two (2) showers for females, and one (1) flush-type toilet, one (1) lavatory, and one (1) shower for males, for up to nine (9) RV spaces. One (1) additional unit of the above plumbing facilities shall be provided for each sex for each ten (10) additional recreational vehicles served or fraction thereof. All lavatories and showers shall be connected with both hot and cold running water.
- vi. Have adequate heating facilities to maintain a temperature of 70 (seventy degrees) in the building and provide hot water of 140 (one hundred-forty degrees) at a minimum rate of eight (8) gallons per hour for the required fixture units.
- vii. Have an accessible, adequate, safe, and potable water supply of cold water.
- viii. All rooms well ventilated, with all openings effectively screened.
- ix. Have at least one (1) slop water closet or other facility suitable for the cleaning and sanitizing of waste and service facilities.
- x. Comply with all applicable chapters of the City Code regarding the construction of buildings and the installation of electrical, plumbing, heating, and ventilating systems.

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

xii. Each new park or park expansion of ten (10) units or more shall provide a shelter in a central or other convenient location sized at a minimum rate of ten (10) square feet of shelter space for each recreational vehicle space. Said storm shelter shall be designed by a licensed professional structural engineer or architect and be built in accordance with the building codes of the City of Basehor. Each shelter shall have provided the following items;

1. First aid kit
2. AM/FM radio (battery operated)
3. A person in charge of the facility
4. Battery operated light
5. Electricity
6. Telephone or radio contact to the outside
7. Two doors – one opening in and one opening out
8. Sign on the structure stating its use (storm shelter)
9. Outside ventilation
10. Availability to campers as soon as a watch is issued

xiii. Every recreational vehicle park shall provide a playground area on the basis of five hundred (500) square feet for each recreational vehicle space in the park and shall be equipped and maintained for the enjoyment of the park users. The park owner or operator shall be responsible for all maintenance, upkeep, and improvements of all park and playground equipment and areas.

**(g) Application Requirements:**

An applicant for Recreational Vehicle Park District shall prepare or cause to be prepared a preliminary Recreational Vehicle Park Plan, drawn to a scale not less than 1"=100', and twenty (20) copies of said plan shall be submitted to the Planning Commission for its review and recommendations. Said plans shall be designed in accordance with the minimum design standards and shall show the following:

- I. The proposed street and drive pattern.
- II. The proposed recreational vehicle spaces and their approximate dimensions.
- III. Any existing streets in or abutting the property.
- IV. Location and size of parking spaces.
- V. Location and size of playground and park areas.
- VI. Location and size of all proposed buildings and shelters.

VII. Screening and landscaping.

VIII. Legal description of the tract.

IX. Proposed locations of all utilities, sanitary and storm sewers to be constructed.

X. Name of the developer and the firm preparing the plan.

XI. North point, scale, and date drawn.

After submission of the application and the preliminary plan, the Code Administrator will process the application as if it were a preliminary plat of a subdivision.

Upon approval of the preliminary recreational vehicle park plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for its review and final action.

Any deviation from the approved plan, as determined by the Code Administrator, shall constitute a violation of these regulations. Changes in plans shall be submitted for consideration and approval by the Planning Commission and Governing Body prior to the issuance of a building permit for the construction of the recreational vehicle park.

## 8. MH-2 Mobile Home Park (Low Density):

a. Purpose: The purpose of this district is to provide for low density mobile home parks which are compatible with the character of the surrounding neighborhood in which it is located. Mobile home developments are residential uses and shall be located in areas where services and amenities found in conventional residential areas are available.

b. Permitted Uses: For a specific listing of permitted and conditionally permitted uses, see Appendix A of these regulations.

c. Intensity of Use Regulations:

Minimum Lot Area: Five (5) acres

d. Height Regulations:

Maximum Structure Height: Two and one-half (2-1/2) stories, or thirty-five (35) feet.

e. Accessory Buildings:

Accessory buildings for each mobile home site shall not exceed one hundred-twenty (120) square feet and each mobile home site shall not have more than one accessory building.

f. Minimum Design Standards:

I. General:

(a) The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and freedom from stagnant pools of water.

(b) There shall be a minimum of fifteen (15) feet between the property line and the nearest point of any mobile home.

(c) Clearance of not less than thirty (30) feet between mobile homes or between mobile homes and any building within the mobile home park shall be required.

(d) Each mobile home lot shall front upon a private street or roadway of not less than thirty-one (31) feet of road surface width with type A curb on both sides; no mobile home shall be set closer than twenty-eight (28) feet from the center of any street that does not allow parking and thirty-four (34) feet from the center of any street that does allow parking.

(e) All roadways within the mobile home park shall be constructed of asphaltic concrete or portland cement concrete in accordance with the Technical Specifications for Public and Private Improvements for the City of Basehor.

(f) Sidewalks shall be constructed in all new or expanded parks. Said sidewalks shall be constructed of portland cement, five (5) feet wide and four (4) inches thick on compacted earth.

(g) All roadways and sidewalks shall be automatically lighted from dusk to dawn by one hundred (100) watt mercury vapor lamps at a maximum interval of two hundred (200) feet adjacent to the roadways.

(h) Each mobile home shall be fully skirted with commercial grade skirting within thirty (30) days of moving onto a lot.

(i) Every mobile home park shall provide screening between the adjoining properties and public roadways by planting of the setback from the adjoining boundary, providing a landscape buffer consisting of plant material at least six (6) feet in height.

(j) All mobile home spaces shall be clearly identified with letters or numbers of a light-reflecting material. Such letters or numbers are to be a minimum of four (4) inches in height.

(k) In each new park or park expansion of ten (10) units or more, a shelter shall be provided in a central or other convenient location sized at a minimum rate of ten (10) square feet of shelter space for each mobile home space. Storm shelters shall be designed by a licensed professional structural engineer or architect and built in accordance with the building codes of the City of Basehor. Each shelter shall have provided the following items:

- (ii) First aid kit
- (ii) AM/FM radio (battery operated)
- (iii) A person in charge of the facility
- (iv) Battery operated light
- (v) Electricity
- (vi) Telephone or radio contact to the outside
- (vii) Two doors- one opening in and one opening out
- (viii) Sign on building stating its use (Storm Shelter)
- (viii) Outside ventilation
- (x) Availability to residents as soon as a watch is issued

(l) Every mobile home park shall provide parks and playgrounds space on the basis of five hundred (500) square feet for each mobile home space in the park. Such playground spaces shall be separated and set aside from the open space provided on each mobile home space and shall be equipped and maintained for the use of the park residents. The park owner or operator shall be responsible for all maintenance, upkeep, and improvements of all park and playground areas.

(m) Fire hydrants shall be located within Three hundred (300) feet of **each** mobile home.

(n) Every mobile home park shall provide a storage facility for the storage of any campers, boats, or excess licensed and operable vehicles. Said storage if not enclosed in a structure, shall be on a surface of treated rock or concrete and shall be screened with landscape materials a minimum of six (6) feet in height.

## II. Water Supply:

(a) Water shall be supplied to the mobile home park by a public water system.

(b) The size, location, and installation of water lines shall be in accordance with the requirements of the City of Basehor and the water utility supplying said water. All plans and installation shall be approved by the City Engineer and maintained in accordance with the city plumbing code.

(c) Individual water service connections shall be provided at each lot and shall be so constructed so as to prevent damage by the parking of such mobile homes, or as required by the Building Official.

## III. Sewage Disposal:

(a) Sewage disposal shall be provided to the mobile home park by a public sewer system.

(b) The size, location, and installation of sewer lines shall be in accordance with the requirements of the City of Basehor and shall be approved by the City Engineer and maintained in accordance with the city plumbing code

(c) Individual sewer connections shall be a minimum of four (4) inches and shall be provided at each mobile home lot.

## IV. Electrical:

(a) All secondary electrical wiring from the public power company's primary electrical wiring shall be located underground in accordance with the public power company's installation standards or the city's Electrical Code.

(b) Each mobile home lot shall be provided with an individual electric supply pedestal with a minimum of two hundred (200) amperes service.

(c) Every mobile home shall be hardwired, in conduit, and underground from the home to the electric supply pedestal and shall be sized and installed in accordance with the electrical code of the City of Basehor.

## V. Gas:

(a) Natural gas shall be provided to each mobile home lot and installed in accordance with the regulations of the City of Basehor and the utility company providing the service.

**VI. Refuse and Garbage Handling:**

(a) Storage, collection, and disposal of refuse in a mobile home park shall be required so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, accidents, air pollution, or unsightly conditions.

(b) All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.

(c) All refuse and garbage shall be collected at least weekly by a private refuse hauler licensed by the City of Basehor.

**VII. Pad Requirements:**

The pad for each mobile home shall be a solid surface with a minimum of five (5) inches of gravel, stone, or other compacted material, treated to discourage plant growth, constructed to discharge water and edged to prohibit fraying or spreading of surface materials; or shall be of a hard surface of a minimum of two, eighteen (18) inch wide concrete ribbons or concrete slabs capable of carrying the weight and of sufficient length to support all blocking points of the mobile home.

**VIII. Blocking:**

All mobile homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each mobile home in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A.75-1211 et seq.

**IX. Tie-Downs and Ground Anchors:**

All mobile homes shall be secured to the ground by tie-downs and ground anchors in accordance with the Mobile Home and Recreational Vehicle Code, K.S.A. 75-1211 et seq.

**g. Application Requirements:**

I. An applicant for "MH-2" Mobile Home Park District shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale not less than 1"=100', and twenty (20) copies of said plan shall be submitted to the Planning Commission for its review and recommendations. Said plan shall be designed in accordance with the minimum design standards and shall show the following:

(a) The proposed street and drive pattern.

- (b) The proposed mobile home spaces and their approximate dimensions.
- (c) Any existing streets in or abutting the property.
- (d) Location and size of parking spaces.
- (e) Location and size of playground and park areas.
- (f) Location and size of all proposed buildings and shelters.
- (g) Screening and landscaping.
- (h) Legal description of the tract.
- (i) Proposed locations of all utilities, sanitary and storm sewers to be constructed.
- (j) Name of the developer and the firm preparing the plan.
- (k) North point, scale, and date drawn.

II. After submission of the application and the preliminary plan, the Codes Administrator will process the application as if it were a preliminary plat of a subdivision.

III. Upon approval of the preliminary mobile home park plan by the Planning Commission, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for its review and final action.

IV. Any deviation from the approved plan, as determined by the Codes Administrator, shall constitute a violation of these regulations. Changes in plans shall be submitted for consideration and approval by the Planning Commission and Governing Body prior to the issuance of a building permit for the construction of the mobile home park.

## 9. CP-1 Neighborhood Business District:

- a. Purpose: The purpose of this district is to provide a zone which is suitable for small scale, retail shopping, service-oriented businesses, and offices that are typically located in the core area of a city and serve primarily local needs.
- b. Permitted Uses: The retailing of goods and services, both public and semi-public, are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix A of these regulations.
- c. Intensity of Use Regulations:
  1. Minimum Lot Area: Six thousand (6,000) square feet.
  2. Minimum Lot Width: Fifty (50) feet.
- d. Height Regulations: Three (3) stories, or Forty-five (45) feet.
- e. Yard Regulations: Except as modified by the provisions of *Article 6*, minimum yard sizes shall be as follows:
  1. Front Yard: Thirty (30) feet. Where there is more than three hundred (300) feet of frontage, the depth of the front yard may be reduced from thirty (30) feet to twenty (20) feet.
  2. Side Yard: None, unless the lot abuts a residential district, in which case there shall be a side yard of ten (10) feet. A side yard of thirty (30) feet shall be required on the street side of a corner lot.
  3. Rear Yard: Twenty-five (25) feet.

c. Use Limitations:

Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods, and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than two hundred (200) square feet and for a period not to exceed sixty (60) days during a one-year period. Said temporary display shall require a special permit to be issued by the Code Administrator.

Banks, savings and loan establishments, and restaurants may have drive-thru or walk-up facilities.

- d. Parking Regulations: Off-street parking shall be as specified by the provisions of *Article 23*, of these regulations.

**10. CP-2 General Business District:**

- a. Purpose: The purpose of this district is to provide for those commercial uses which are intensive in nature, require large lots, and direct access to major streets.
- b. Permitted Uses: The retailing of goods and services, motels, restaurants, service stations, and contractor's supply yards are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix A of these regulations.
- c. Intensity of Use Regulations:
  1. Minimum Lot Area: Ten thousand (10,000) square feet.
  2. Minimum Lot Width: Seventy (70) feet.
- d. Height Regulations: Four (4) stories, or sixty (60) feet.
- e. Yard Regulations: Except as modified by the provisions of *Article 6*, minimum yard sizes shall be as follows:
  1. Front Yard: Thirty (30) feet.
  2. Side Yard: None, unless the lot abuts a residential district, in which case there shall be a side yard of twelve (12) feet. A side yard of thirty (30) feet shall be provided on the street side of a corner lot.
  3. Rear Yard: Thirty (30) feet.
- f. Parking Regulations: Off-street parking shall be as specified by the provisions of *Article 23*, of these regulations.

## 11. I-1 Light Industrial:

- a. Purpose: The purpose of this district is to permit industrial uses that are not obnoxious due to appearance, noise, dust, or odor; that do not require intensive land coverage; and that can be compatibly developed with the adjacent districts.
- b. Permitted Uses: Warehousing, wholesaling, and repair uses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix A of these regulations.
- c. Intensity of Use Regulations:
  1. Minimum Lot Area: Six thousand (6,000) square feet.
  2. Minimum Lot Width: Fifty (50) feet.
- d. Height Regulations: Three (3) stories, or forty-five (45) feet
- e. Yard Regulations: Except as modified by the provisions of *Article 6*, minimum yard sizes shall be as follows:
  1. Front Yard: Where a lot abuts the following street classification the front yard shall be as follows:
    - a. Federal or State Highway: Sixty (60) feet
    - b. Arterial Street: Eighty (80) feet
    - c. Collector Street: Fifty (50) feet
    - d. Local Street: Sixty (60) feet
  - In areas where principal structures currently exist and setback lines have been established, the setback line need not be greater than that already existing by the adjacent structures.
  2. Side yard: Fifteen (15) feet
  3. Rear Yard: Twenty-five (25) feet
- g. Use Limitations:
  1. All operations and activities shall be conducted within an enclosed building or buildings.
  2. All storage of materials, products or equipment shall be stored within a fully enclosed building or in a yard so screened so that the stored material is not clearly visible within one thousand (1,000) feet of the property line.
- h. Parking Regulations: Off-street parking shall be as specified by the provisions of *Article 23*, of these regulations.

**12. I-2 Heavy Industrial District:**

- a. Purpose: The purpose of this district is to allow basic or primary industries which are generally incompatible with residential or commercial uses.
- b. Permitted Uses: Warehousing, wholesaling, repair, manufacturing, and fabrication uses are permitted. For a specific listing of permitted and conditionally permitted uses, see Appendix A of these regulations.
- c. Intensity of Use Regulations:
  1. Minimum Lot Area: Ten thousand (10,000) square feet.
  2. Minimum Lot Width: Fifty (80) feet.
- d. Height Regulations: Three (3) stories, or forty-five (45) feet.
- e. Yard Regulations: Except as modified by the provisions of *Article 6*, minimum yard sizes shall be as follows:
  1. Front Yard: Where a lot abuts the following street classification the front yard shall be as follows:
    - a. Federal or State Highway: Sixty (60) feet.
    - b. Arterial Street: Sixty (60) feet.
    - c. Collector Street: Fifty (50) feet.
    - d. Local Street: Sixty (60) feet.
  2. Side yard: Fifteen (15) feet.
  3. Rear Yard: Twenty-five (25) feet.

In areas where principal structures currently exist and setback lines have been established, the setback line need not be greater than that already existing by the adjacent structures.

- g. Use Limitations:
  1. A solid or semi-solid wall, fence, or hedge at least six (6) feet in height and not to exceed eight (8) feet in height for fences, with a density of at least seventy (70) percent per square foot, shall be provided along any property line which is adjacent to any residential or commercial district. Said wall or fence shall be maintained in a good and safe condition by the owner or owners of the property.
  2. All refuse generated by the uses in this district shall be kept in enclosed, rodent-proof containers until removed from the property. All refuse containers shall be screened from any adjacent property.

h. Parking Regulations: Off-street parking shall be as specified by the provisions of *Article 23*, of these regulations.

### 13. P- I Planned Industrial District

- a. Purpose: The purpose of the Planned Industrial District is intended to provide for elements of flexibility in design, placement, arrangement, bulk, and other considerations; to provide a framework within which the buildings and uses in the planned district may be interrelated and compatible with the industrial character of these development areas and adjacent developments; and to maintain the desired overall intensity of land use, efficiency in the provision of public facilities and services, desired densities, desired areas of open space, and to provide protection for existing development while allowing new construction in accordance with current development and performance standards and objectives. In general, this district is intended to have industrial/manufacturing activities within a planned employment center environment or campus style setting which are served by local commercial streets without fronting onto an arterial or collector street unless such frontage would be clearly of an interim or temporary nature. This district is intended to preserve open space, to protect watersheds, woodlands, and naturally scenic areas.
- b. Use: In the Planned Industrial District, no building, structure, land, or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those permitted and conditionally permitted uses listed in Appendix A of this regulation for the zoning districts “I-1” and “I-2” shall be allowed. The uses permitted may be voluntarily restricted by the applicant or restricted as a condition of approval by the Planning Commission.

- c. Height and Area Regulations

- I. Height

Height of the buildings and structures in the “P-I” District shall not exceed forty-five (45) feet or three stories. The allowed height may be increased by one (1) floor or fifteen (15) feet upon showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property. This requirement shall exclude enclosed mechanical penthouses.

- II. Yard Regulations

Yard regulations may be reduced upon a showing of (1) sufficient open space accessible to occupants; (2) a separation between structures for fire-fighting purposes; and (3) that there is consistency with the visual character of the community. No yard reductions shall be permitted for those yard spaces which abut another district.

- a) Front Yard:

- i. When a lot abuts a Federal or State Highway:  
Minimum sixty (60) feet from the public right-of-way
    - ii. When a lot abuts a designated\* arterial street:  
Minimum eighty (80) feet from the public right-of-way
    - iii. When a lot abuts a designated\* collector street:  
Minimum fifty (50) feet from the public right-of-way
    - iv. When a lot abuts a local street:  
Minimum sixty (60) feet from the public right-of-way

- b) Side Yard:

Minimum side yard shall be thirty (30) feet.  
Main buildings shall be separated by at least sixty (60) feet between buildings.

c) Rear Yard:

Minimum rear yard shall be thirty (30) feet.

Exception to Yard Setbacks: Parking may be permitted in the required yard areas with the following setback from property lines:

Front Yard: Minimum twenty (20) feet.

The Planning Commission may reduce this setback to ten (10) feet provided more.

extensive landscaping is required to appropriately screen parking and loading areas.

Side and Rear Yards: Minimum ten (10) feet.

d. Use Limitations:

- I. The proposed development shall provide access to the major street system in such a way that the traffic generated by the development will not cause an unreasonably hazardous condition or inconvenience in the area.
- II. Structures and traffic shall be arranged so that all principal buildings are accessible to emergency vehicles.
- III. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact in the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas or other physical separators are suggested approaches. The parking areas should be appropriately spaced to serve those units they represent.
- IV. The availability of service and location of public utilities shall have the approval of each agency involved. Evidence to this effect shall be submitted with the application and Preliminary Development Plan.
- V. Approval of the Final Development Plan may include conditions recommended by the Planning Commission or the Governing Body.

**14. MU-1 Mixed Use Neighborhood District:**

- A. Purpose: The MU-1 mixed-use neighborhood district shall be designed to conserve land, promote innovative use of space, and accommodate a range of compatible land uses through appropriate site design. This district is intended to encourage the development of compact, pedestrian-scaled, mixed-use neighborhoods and commercial centers.
- B. Permitted Uses: The Mixed-use neighborhood district shall allow two primary land uses, Commercial and Residential, which shall be harmoniously grouped into a visually compatible and functional land use arrangement not otherwise permitted under a single Commercial or Residential zoning district. The arrangement of buildings and uses shall be appropriately related to the internal and external circulation system including both vehicular and pedestrian ways.
  - a. Property zoned MU-1 Mixed use neighborhood district shall be allowed to have CP-1 Neighborhood Business uses (as listed in Appendix A) and Residential. These centers should include a mix of land uses that are located together either vertically or horizontally within the same building as well as a mix of individual residential and commercial buildings in close proximity. The uses permitted may be voluntarily restricted by the applicant or restricted as a condition of approval by the Planning Commission.
- C. Procedure: An application for rezoning to the “MU-1” district shall include a Preliminary Development Plan. Approval of the rezoning request based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. The procedures and requirements for Development Plan approval are in Section 12 of this Article. The use of the “MU-1” district shall be separate from the Subdivision regulations of the City, and the Development Plans required shall not be construed as plats. Mixed-use developments will be approved on a case-by-case basis subject to the approval of the Planning Commission and City Council.
- D. Intensity of Use Regulations:
  - a. Minimum Lot Area: Six thousand (6,000) square feet.
  - b. Minimum Lot Width: Fifty (50) feet
- E. Height Regulations: Four (4) stories, or Sixty Feet (60').
- F. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard sizes shall be as follows:
  - a. Front Yard: Thirty (30) feet. Where there is more than three hundred (300) feet of frontage, the depth of the front yard may be reduced from thirty (30) feet to twenty (20) feet.
  - b. Side Yard: None, unless the lot abuts a residential district, in which case there shall be a side yard equal to half the height of the building, including mechanical penthouses, with appropriate screening or a minimum of ten (10) feet, whichever is greater. A side yard of thirty (30) feet shall be required on the street side of a corner lot.
  - c. Rear Yard: Twenty-five (25) feet.

**G. Use Limitations:**

- a. Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods, and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than two hundred (200) square feet and for a period not to exceed sixty (60) days during a one-year period. Said temporary display shall require a special permit to be issued by the Code Administrator.
- b. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact on the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas should be appropriately spaced to serve those units they represent.
- c. Banks, savings and loan establishments, and restaurants may have drive-thru or walkup facilities.
- d. Loading docks, trash enclosures etc. shall not be allowed in front yards along street frontage.
- e. Dwelling units shall be permitted either vertically or horizontally within a mixed-use structure and shall also be permitted as individual residential units provided the residential units are in close proximity to commercial development. Each dwelling unit shall provide a minimum of seven hundred and fifty (750) square feet of living floor area or as required by Section 4-104.10 of the City of Basehor Subdivision Regulations, whichever is greater.

**H. Parking Regulations:** Off-street parking shall be as specified by the provisions of Article 23, of these regulations.

**15. MU-2 Mixed Use General District:**

- A. Purpose: The “MU-2” Mixed use general district shall be designed to conserve land, promote innovative use of space, and accommodate a range of compatible land uses through appropriate site design. This district is intended to encourage the development of larger scale, mixed-use businesses, and commercial centers.
- B. Permitted Uses: The mixed-use general district shall allow two primary land uses, Commercial and Residential, which shall be harmoniously grouped into a visually compatible and functional land use arrangement not otherwise permitted under a single Commercial or Residential zoning district. The arrangement of buildings and uses shall be appropriately related to the internal and external circulation system including both vehicular and pedestrian ways.
  - a. Property zoned “MU-2” Mixed use general district shall be allowed to have “CP-2” General Business uses (as listed in Appendix A), “CP-1” Neighborhood Business uses (as listed in Appendix A) and Residential. Residential dwelling unit(s) shall only be permitted above or below ground floor and must be within a mixed-use structure. The uses permitted may be voluntarily restricted by the applicant or restricted as a condition of approval by the Planning Commission.
- C. Procedure: An application for rezoning to the “MU-2” district shall include a Preliminary Development Plan. Approval of the rezoning request based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. The procedures and requirements for Development Plan approval are in Article 12 of this Article. The use of the “MU-2” district shall be separate from the Subdivision regulations of the City, and the Development Plans required shall not be construed as plats. Mixed-use developments will be approved on a case-by-case basis subject to the approval of the Planning Commission and City Council.
- D. Intensity of Use Regulations:
  - a. Minimum Lot Area: Ten thousand (10,000) square feet.
  - b. Minimum Lot Width: Seventy (70) feet
- E. Height Regulations: Four (4) stories, or sixty (60) feet
- F. Yard Regulations: Except as modified by the provisions of *Article 6*, minimum yard sizes shall be as follows:
  - a. Front Yard: Thirty (30) feet
  - b. Side Yard: None, unless the lot abuts a residential district, in which case there shall be a side yard equal to half the height of the building, including mechanical penthouses, with appropriate screening, or a minimum of twelve (12) feet, whichever is greater. A side yard of thirty (30) feet shall be provided on the street side of a corner lot.
  - c. Rear Yard: Thirty (30) feet.
- G. Use Limitations:
  - a. Each business must be conducted entirely within an enclosed building, including the storage of supplies, goods, and equipment; provided, however, that vending machines

and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than two hundred (200) square feet and for a period not to exceed sixty (60) days during a one-year period. Said temporary display shall require a special permit to be issued by the Code Administrator.

- b. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact on the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas should be appropriately spaced to serve those units they represent.
- c. Banks, savings and loan establishments, and restaurants may have drive-thru or walkup facilities.
- d. Loading docks, trash enclosures etc. shall not be allowed in front yards along street frontage.
- e. Dwelling unit(s) shall only be permitted above or below ground floor and must be within a mixed-use structure. Each dwelling unit shall provide a minimum of seven hundred and fifty (750) square feet of living floor area or as required by Section 4-104.10 of the City of Basehor Subdivision Regulations, whichever is greater.

H. Parking Regulations: Off-street parking shall be as specified by the provisions of Article 23, of these regulations.

## 16. MU-3 Mixed Use Industrial District:

- A. Purpose: The “MU-3” Mixed use industrial district shall be designed to conserve land, promote innovative use of space, and accommodate a range of compatible land uses through appropriate site design. This district is intended to encourage the development of industrial uses that are not obnoxious due to appearance, noise, dust, odor, or other factors and compatible with general and neighborhood business uses.
- B. Permitted Uses: The Mixed-use industrial district shall allow two primary land uses, Industrial and Commercial, which shall be harmoniously grouped into a visually compatible and functional land use arrangement not otherwise permitted under a single Industrial or Commercial zoning district. The arrangement of buildings and uses shall be appropriately related to the internal and external circulation system including both vehicular and pedestrian ways.
  - a. Property zoned “MU-3” Mixed use industrial district shall be allowed to have “I-1” Light Industrial uses, “CP-2” General Business uses, “CP-1” Neighborhood Business uses (as listed in Appendix A) and Residential. Residential dwelling unit(s) shall only be permitted above or below ground floor and must be within a mixed-use structure with commercial uses. No residential unit(s) will be allowed in an industrial use structure. The uses permitted may be voluntarily restricted by the applicant or restricted as a condition of approval by the Planning Commission.
- C. Procedure: An application for rezoning to the “MU-3” district shall include a Preliminary Development Plan. Approval of the rezoning request based on the Preliminary Development Plan shall allow the applicant to submit a Final Development Plan for approval. The procedures and requirements for Development Plan approval are in Section 12 of this Article. The use of the “MU-3” district shall be separate from the Subdivision regulations of the City, and the Development Plans required shall not be construed as plats. Mixed-use developments will be approved on a case-by-case basis subject to the approval of the Planning Commission and City Council.
- D. Intensity of Use Regulations:
  - a. Minimum Lot Area: Six thousand (6,000) square feet.
  - b. Minimum Lot Width: Fifty (50) feet.
- E. Height Regulations:
  - a. Industrial: Three (3) stories, or forty-five (45) feet. The allowed height may be increased by one (1) floor or fifteen (15) feet upon showing that the proposed structure is consistent in scale and bulk to the character of the community, and the increase in density as a result of the increase in height does not create an adverse effect on the value or utility of adjacent property. This requirement shall exclude enclosed mechanical penthouses.
  - b. Commercial: Four (4) stories, or sixty (60) feet.
- F. Yard Regulations: Except as modified by the provisions of Article 6, minimum yard sizes shall be as follows:
  - a. Industrial
    - i. Yard regulations may be reduced upon a showing of (1) sufficient open space accessible to occupants; (2) a separation between structures for fire-fighting purposes; and (3) that there is consistency with the visual character of the

community. No yard reductions shall be permitted for those yard spaces that abut another district. In areas where principal structures currently exist and setback lines have been established, the setback line need not be greater than that already existing by the adjacent structures.

- a) Front Yard: Where a lot abuts the following street classification the front yard shall be as follows:
  1. Federal or State Highway: Sixty (60) feet
  2. Arterial Street: Eighty (80) feet
  3. Collector Street: Fifty (50) feet
  4. Local Street: Sixty (60) feet

NOTE: As designated in the City Comprehensive Plan

- b) Side Yard:

1. Minimum side yard shall be thirty (30) feet: Main buildings shall be separated by at least sixty (60) feet between buildings.

- c) Rear Yard: Minimum rear yard shall be thirty (30) feet.

- ii. Exception to Yard Setbacks: Parking may be permitted in the required yard areas with the following setback from property lines:

- a) Front Yard: Minimum twenty (20) feet. The Planning Commission may reduce this setback to ten (10) feet provided more extensive landscaping is required to thoroughly screen parking and loading areas.

- b) Side and Rear Yards: Minimum ten (10) feet

- b. Commercial

- i. Front Yard: Thirty (30) feet.

- ii. Side Yard: None, unless the lot abuts a residential district, in which case there shall be a side yard equal to half the height of the building, including mechanical penthouses, with appropriate screening, or a minimum of twelve (12) feet, whichever is greater. A side yard of thirty (30) feet shall be provided on the street side of a corner lot.

- iii. Rear Yard: Thirty (30) feet.

#### **G. Use Limitations:**

- a. All industrial operations and activities shall be conducted within an enclosed building or buildings.
- b. All storage of materials, products or equipment shall be stored within a fully enclosed building or in a yard screened so that the stored material is not clearly visible within one thousand (1,000) feet of the property line.
- c. Each commercial business must be conducted entirely within an enclosed building, including the storage of supplies, goods, and equipment; provided, however, that vending machines and the temporary display of seasonal retail goods shall be permitted where the area used for such display is less than two hundred (200) square feet and for a

period not to exceed sixty (60) days during a one-year period. Said temporary display shall require a special permit to be issued by the Code Administrator.

- d. Parking shall be provided in a manner which reduces to a minimum its adverse physical impact on the area. Screening parking areas with landscaping or walls, breaking parking areas into smaller units by introducing landscaped areas should be appropriately spaced to serve those units they represent.
- e. Banks, savings and loan establishments, and restaurants may have drive-thru or walkup facilities.
- f. Loading docks, trash enclosures, etc. shall not be allowed in front yards along street frontage.
- g. Dwelling unit(s) shall only be permitted above or below ground floor and must be within a mixed-use structure with commercial uses. Each dwelling unit shall provide a minimum of seven hundred and fifty (750) square feet of living floor area or as required by Section 4-104.10 of the City of Basehor Subdivision Regulations, whichever is greater. No residential unit(s) will be allowed in an industrial use structure.

H. Parking Regulations: Off-street parking shall be as specified by the provisions of Article 23, of these regulations.

## ARTICLE 8

### SUPPLEMENTARY DISTRICT REGULATIONS

1. Lot Size and Bulk Requirements For Public Utility Facilities:

- A. Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply with lot size requirements and bulk regulations of the Zoning District in which they are located:
  - a. Electric and telephone substations and distribution systems
  - b. Gas regulator stations
  - c. Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas, or water.
  - d. Pumping stations.
  - e. Radio, television and microwave transmission or relay stations and towers.
  - f. Transformer stations.
  - g. Water towers and standpipes.

2. Storage And Processing of Goods:

- A. All businesses, servicing, manufacturing, or processing of materials, goods or products shall be conducted within completely enclosed buildings in the residential and commercial districts. Storage may be permitted outdoors but shall be effectively screened so that such material shall not be easily visible from the residential or commercial district or from any public way or adjoining property.
- B. In industrial districts all business, servicing, manufacturing, or processing within five hundred (500) feet of a residential district boundary shall be conducted within completely enclosed buildings. Storage in a P-I District within five hundred (500) feet of a residential or commercial district may be outdoors but shall be effectively screened so that the material shall not be readily visible from the residential or commercial district or from any public way.

3. Temporary Uses Permitted:

- A. Christmas Tree Sales: Christmas tree sales are permitted in any business or industrial district for a period not to exceed sixty (60) days. There are no yard or setback requirements, provided that no trees shall be displayed within thirty (30) feet of the intersection of the curb line of any two streets.
- B. Contractor's Office and Equipment Sheds: Contractors' offices and equipment sheds accessory to construction projects are permitted and may continue only during the duration of such project. Such uses may not include sleeping or cooking accommodations.

- C. Real Estate Offices: Real estate offices are permitted where they are located on site and are incidental to a new housing development, provided that such uses continue only until the sale or lease of all dwelling units in the development. Such uses shall not include sleeping or cooking accommodations unless located in a model dwelling unit.
- D. Seasonal Sales: Seasonal sales of farm produce grown on the premises are permitted in an "R-O" District. Front yard requirements are not applicable to structures temporary and incidental to such sales if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
- E. Carnivals and Circuses: Carnivals or circuses are permitted in "B-1", "B-2", and "I-1" Districts for a period that does not exceed three (3) weeks. Front yard requirements are not applicable, provided that the location of structures or equipment shall conform to the requirements of the sight triangle as defined in the Technical Specifications for Public and Private Improvements.
- F. Garage, Porch, or Yard Sales: The sale of used or second-hand merchandise shall be permitted in any residential district or by non-profit organizations, provided that such use shall not exceed three (3) consecutive days in duration, nor shall it occur more than two (2) times in a consecutive twelve (12) month period at any particular location. Such sales shall be only for the purpose of disposing of personal property.
- G. Fireworks Sales: The sale of fireworks, as set forth in Chapter VII, Article 3 of the City Code and all amendments thereto relating to the regulation of the storage, sale, and discharge of fireworks. Fireworks sales shall be permitted in "CP-1", "CP-2", "I-1", and "I-2" districts, only for the period of June 30 through July 5 of each year, during the hours of 9:00am and 11:59pm.

4. Home Occupations:

- A. These regulations are provided so that certain incidental and accessory uses may be established in residential neighborhoods under conditions that will insure their compatibility with the neighborhood. They are intended to protect the rights of the residents to engage in certain home occupations that are harmonious with a residential environment.
- B. Home occupations are permitted when conducted as an accessory use to a residential use in any residential district in accordance with the requirements of this section.
- C. Restrictions and Limitations:
  - i. The home occupation shall be incidental and subordinate to the principal use of premises and not more than twenty-five percent (25%) of the floor area of any one floor of the dwelling unit shall be utilized for a home occupation.
  - ii. All materials or equipment used in the home occupation shall be stored within an enclosed structure.
  - iii. No alteration of the exterior of the principal residential building shall be made which changes the character of the residence.

- iv. No sign shall be permitted unless required by state statutes and, if so required, shall not exceed two (2) feet in any one dimension, shall not be illuminated, and shall not be placed closer to the front property line than one-half the distance of the front yard, unless otherwise required by state statutes.
- v. No person shall be engaged in such home occupation other than the person occupying such dwelling unit as his/her residence.
- vi. No equipment shall be utilized that creates a nuisance due to noise or electrical interference.
- vii. The off-street parking regulations set forth in Article 23 shall apply to home occupations. In no event shall fewer than two (2) off-street parking spaces be required.
- viii. An occupational license is required for all home occupations and shall be issued by the City Clerk.

D. Permitted Home Occupations: Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each listed occupation is subject to the requirements of sections (1) through (7) above.

- i. Art, dancing, and music schools provided that instruction is limited to five (5) pupils at one time.
- ii. Aerobics or exercise instruction, provided that the instruction is limited to five (5) pupils at one time.
- iii. Professional offices for architects, engineers, planners, lawyers, accountants, bookkeepers, and similar professions.
- iv. Offices for realtors, insurance agents, brokers, sales representatives, and manufacturing representatives when no exchange of tangible goods is made on the premises.
- v. Watch, clock, and jewelry repair services.
- vi. Radio, television, phonographic, recorder, and small appliance repair services.
- vii. Day care nurseries caring for six (6) or less unrelated children or adults for less than twelve (12) hours per day.
- viii. Home crafts and hobbies such as model making, rug weaving, lapidary work, cabinet making, etc.
- ix. Tailoring, alterations, and seamstresses.
- x. Tool sharpening and filing.

E. Prohibited Home Occupations: Permitted home occupations shall not in any event include the following:

- i. Retail sales of antiques.
- ii. Funeral services.
- iii. Retail or wholesale sales of groceries or trucked produce.
- iv. Retail sales of second-hand merchandise.
- v. Tourist homes.
- vi. Equipment rental.
- vii. Automobile and other motor vehicle repair services.
- viii. Professional offices for physicians, osteopaths, chiropractors, ophthalmologists, dentists, and other related health care professions.

5. Open Storage:

- A. Residential: The storage of salvage or scrap materials, inoperable motor vehicles, household goods or furniture, or business equipment or supplies for more than nine (9) consecutive days shall not be allowed in any residential district unless such items are stored in a completely enclosed building and are clearly secondary to the primary use of the property.
- B. Commercial: The storage of salvage or scrap materials, new and used tires, household goods or furniture, or business equipment or supplies for more than forty-eight (48) hours shall not be allowed in any commercial or industrial district unless such items are stored in a completely enclosed building. The storage of inoperable motor vehicles, to include tractors and farm equipment, for more than seven (7) consecutive days shall not be allowed in any commercial or industrial district unless such items are stored in an area enclosed by a fence not less than six (6) feet nor more than eight (8) feet in height and not less than eighty percent (80%) open. In no case shall any inoperable motor vehicle, to include any tractor or farm equipment, in any commercial or industrial district be stored on any premises for a period of greater than ninety (90) days.

6. Sewer And Water Facilities: All principal structures built hereafter shall be served by and connected to a public sewer and water system, as defined in these regulations.

7. Sight Triangles: A sight triangle is a triangular area at the intersection of two streets in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between one and one-half (1-1/2) feet and ten (10) feet above the elevation of the curb at the intersection. The area included in a Sight Triangle shall be bounded by the triangle described as fifteen (15) feet back perpendicular from the edge of the curb line of the abutting street, to a point one-hundred-forty (140) feet along the curb line of the street.

8. Architectural Design Standards: The Adopted Architectural Design Standards are established in Section 8.8 of the Supplementary District Regulations, are located within "Appendix B-Architectural Design Standards" and adopted herein.

9. Sign Code: The Adopted Sign Code is established in Section 8.9 of the Supplementary District Regulations located within "Appendix C- Sign Code" and adopted herein.

10. Fences & Walls: Except as otherwise provided in other codes and regulations for the City of Basehor, the following regulations shall apply to the construction of fences & walls.

10.1 It is the intent of these regulations to improve the safety of city sidewalks and streets through the maintenance of adequate visibility into and from private property and withing the public right-of-way and to allow property owners to adequately screen their property without undue negative impact to abutting properties.

10.2 General Regulations

10.2.1: All fences and walls must be maintained in good and sound condition, free of damage, breaks or missing structural members.

10.2.2: Fences and walls shall not restrict surface drainage or be constructed to divert or channel storm water flow.

10.2.3: Fences proposed to be located within a designated drainage easement shall be wrought iron or decorative black aluminum in nature and subject to additional review by the City Engineer to ensure the fence will not impede the natural flow of water. Additionally, the owner of such property shall submit a completed and recorded fence declaration, in a form provided by the City. Such form shall be recorded with the Leavenworth County Register of Deeds Office. No fence be erected in any floodplain as designated by the City of Basehor or FEMA.

10.2.4: Except in the R-O (Suburban Residential District) only decorative fences and walls are allowed in the established front yard of a residence. Decorative fences shall be designed so that they are at least for (40%) percent transparent such as split-rail, picket, wrought-iron or similar and no taller than forty-two (42") inches in height. **Decorative fences shall not include chain link fencing.**

10.2.5: Accepted construction and materials: Fences or walls shall be limited, or similar, to one of the following types of construction: brick or stone walls or pillars, solid board, shadow box, basket weave and lattice, crossed, chain-link, wood stockade, split rail, wood rail, wrought iron, spaced picket fence, imitation vinyl or other similar decorative material as approved by the Building Official.

10.2.6: All fences shall be constructed with a finished surface facing outward from the property. The posts and support beams shall be on the inside or be designed as an integral part of the finished surface.

10.2.7: Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two feet (2') from any street right-of-way; where the wall does not extend more than six inches (6") above the ground level of the land being maintained and where the retaining wall does not restrict or divert the natural flow of water.

10.2.8: Any fence or wall constructed prior to the adoption of these regulations which does not conform to these standards may be reconstructed, replaced, and

maintained at its present location resulting in a fence of the same size and material; provided, however, that the following standards shall be met:

10.2.8.1: Where fifty percent (50%) or more of the linear length of the entire existing fence is being reconstructed or replaced, such fence shall comply with the design standards listed below; and

10.2.8.2: No fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in Design Criteria for Street Improvements (Section N) of the Technical Spec Manual of the City of Basehor.

10.2.8.3: In no case shall any fence be relocated within a private or public drainage easement or drainage way, nor shall any fence be erected in any floodplain as designated by the City of Basehor or FEMA.

Whenever any fence or fence section changes with respect to location, size or material, the result shall be a fence or fence section that is in full compliance with all requirements for location and design, except for changes in location required for compliance with the above stated section.

#### 10.3 Fence and Wall Height

10.3.1: Except in the R-O (Suburban Residential Districts), fences in the established front yard of a residence shall not exceed forty-two (42") inches in height and meet the guidelines for decorative fence as stated above. Fences in side or rear yards shall not exceed six (6') feet in height.

10.3.2: Fence height shall mean the maximum vertical dimension from the top of the fence façade to the ground.

10.3.3: Fences erected upon school grounds; in public parks, or playgrounds; or for public or private recreational purposes may be constructed to a greater height when approved as part of an overall site plan or special use permit.

#### 10.4 Fence and Wall Setbacks

10.4.1: Front Fence Line: In all areas fences shall be no closer than thirty (30) feet to the back of the curb or shall not encroach beyond the building line setback.

10.4.2: Corner Lots: Fences along the street sides of a corner lot shall observe the following:

10.4.2.1: Decorative fences as defined in 10.2.4 above may be placed in accordance with the Front Fence Line requirements as stated in 10.4.1.

10.4.2.2: Fences taller than forty-two (42") inches or fences that are non-decorative in nature shall be located no closer to the side joint property line/road right-of-way line than the interior side yard setback for that zoning district.

10.4.2.3: On homes directly facing any street corner, the fencing shall not pass the building line setbacks.

10.4.3: Side Fence Line: On interior lots, fences may be placed on the property line.

10.4.4: Rear Fence Line: A fence may be constructed on the rear property line unless the lot is a thru lot.

10.4.5: Thru Lot: Fences must observe a front fence line along the rear of the lot as defined in 10.4.1 Front Fence Line above.

10.4.6: Fences proposed within utility easements may be prohibited by the easement holder and nothing herein, or a permit issued hereunder, shall be construed as modifying such prohibition.

10.4.7: In no case shall a fence be allowed with the road right-of-way.

10.4.8: In no case shall any fence be located within a private or public drainage easement or drainage way, nor shall any fence be erected in any floodplain as designated by the City of Basehor or FEMA.

## 10.5

### Fence and Wall Safety

10.5.1: At least one gate must be placed in the fence for access to an enclosed area. A pedestrian gate that is the only access to an enclosed area must be at least three (3') wide to allow for passage of emergency personnel and equipment.

10.5.2: No fence shall be constructed, which in the opinion of the Building Official or his/her representative, will constitute a traffic hazard or obstruct visibility within the 'sight triangle' as defined by these and other city regulations.

10.5.3: No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals. Security wire, such as razor ribbon, ribbon wire or any other wire deemed dangerous by the Building Official or his/her representative may not be used in any other manner or Zoning District.

10.5.4: Residential swimming pool enclosures are regulated by the International Residential Code, the adopted building codes for the City.

10.5.5: Barbed wire and/or electric livestock fencing is allowed for agricultural detention purposes in R-O (Suburban Residential Districts) zoning districts only.

10.5.6: Electronic pet fencing in residential areas may be allowed according to Section 2-113 of the Basehor Municipal Code.

## 10.6

### Permit

10.6.1: No type of fence shall be constructed or placed without first obtaining a valid building permit from the city Building Official.

10.6.2: A fence permit shall also be required whenever extending an existing fence; or when replacing, moving, or repairing an existing fence by fifty (50%) percent or more.

10.6.3: Said permit shall require a plot plan drawn to scale, indicating the location of the proposed fence, the construction materials to be used in the proposed fence, all property lines, easements, setbacks, and existing buildings.

10.6.4: Fences used for agricultural purposes do not need a fence permit but must still meet the stated regulations. Agricultural purposes shall include and zoned as R-O (Suburban Residential District) and used for the raising of crops, horticulture, animals, and poultry husbandry.

10.6.5: Said fence permit fee shall be twenty-five (\$25.00) dollars, paid at the time of application approval.

#### 10.7 Variance

10.7.1: These regulations or the decision of the Building Official may be appealed to the Board of Zoning Appeals. In reviewing the appeal, the Board of Zoning Appeals shall consider the following criteria:

- 10.7.1.1: Purpose and intent of the regulations.
- 10.7.1.2: Impact on adjacent properties.
- 10.7.1.3: Safety.
- 10.7.1.4: Unique site conditions and constraints.
- 10.7.1.5: Promotion of high quality or unique design; and
- 10.7.1.6: Character of the neighborhood

10.7.2: The Planning Commission and/or City Council may, as part of a conditional use permit application or as part of a site plan review, vary from the state fence regulations when it is found that the proposed fence meets the stated intent above and in consideration of the criteria in 10.7.1 above. All such deviations from the regulations must be clearly cited and/or depicted on the site plan or permit.

#### 10.8 Violations

10.8.1 Notice: Any person, corporation or partnership found by the Building Official to be installing, building, or placing a fence in violation of the City of Basehor fence regulations, shall be served a notice of said violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested; provided that if the owner or his or her agent in charge of the property is a resident of Leavenworth County, Kansas, the notice may personally be served by the public officer or a law enforcement officer. Said notice shall state the condition which is in violation of Article 8; Section 10. The notice shall also inform the person, corporation, partnership, or association that:

10.8.2: He, she, or they shall have 10 days from the date of serving the notice to abate the condition in violation of section Article 8; Section 10; or he, she or they have 10 days from the date of serving the notice to request a hearing before the governing body of the matter as provided by section Article 8; Section 10.

10.8.3: Failure to abate the condition or to request a hearing within the time allowed may result in prosecution as provided by section 10.9.

10.9 Failure to Comply. Should the person, corporation, partnership or association fail to comply with the notice to abate the violation or request a hearing the Building Official shall file a complaint in the municipal court of the city against such person, corporation, partnership or association and upon conviction of any violations of provisions of Article 8; Section 10, be fined in an amount not to exceed \$100 or be imprisoned not to exceed 30 days or be both fined and imprisoned. Each day during or on which a violation occurs or continues after notice has been served shall constitute an additional or separate offense.

10.10 Abatement. In addition to, or as an alternative to prosecution as provided in Section 10.9, the Building Official may seek to remedy violations of the section in the following manner. If a person to whom a notice has been sent pursuant to Section 10.8 has neither alleviated the conditions causing the alleged violation nor requested a hearing before the governing body within the time periods specified in Section 10.8, the Building Official may present a resolution to the governing body for adoption authorizing the Building Official or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the fence or wall was located as provided by Section 10.12. A copy of the resolution shall be served upon the person in violation in one of the following ways:

10.11.1: Personal service upon the person in violation;

10.11.2: Service by restricted mail, postage prepaid, return receipt requested; or

10.11.3: In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the public officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

10.11 Hearing. If a hearing is requested within the 10-day period as provided in Section 10.8.2, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the public officer before the governing body. The hearing shall be held by the governing body as soon as practicable after the filing of the request therefore, and the person shall be advised by the city of the time and place of the hearing at least five days in advance thereof. At

any such hearing, the person may be presented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the matter provided in Section 10.11.

10.12 **Cost Assessed.** If the city abates the nuisance pursuant to Section 10.10, the cost of abatement shall be charged against the lot or parcel of ground on which the fence or wall was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in the section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are.

11. **Accessory Solar Energy Systems:**

A. **Intent.** The intent of this section is to establish provisions for using an alternate source of energy that is an accessory use to a permitted principal use and to provide standards for the construction and use of solar energy systems. The City finds these regulations are necessary to ensure that Accessory Solar Energy Systems are appropriately designed, sited, and installed.

B. **Definitions.** The following terms are defined for this section:

- a. “Accessory Solar Energy System” means a solar energy system which is incidental and subordinate to a principal use on the same parcel and intended to primarily provide power for use on the site in which the system is located.
- b. “Building-integrated” means an accessory solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- c. “Ground-mounted” means an accessory solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mounted systems are accessory to the principal use.
- d. “Roof-mounted” means an accessory solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.
- e. “Solar Access” means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.
- f. “Solar Energy System” means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

- g. “Solar Carport” means an accessory solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
- h. “Solar Mounting Devices” means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

A. Restrictions. Except as provided in this section, no solar energy system or solar collection device shall be erected, constructed, altered, or maintained on any lot within the city, without first receiving a permit to do so and complying with the regulations herein this ordinance.

B. General Regulations.

- a. ***Building-integrated, roof-mounted, and building-mounted accessory solar energy systems*** are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below.
- b. ***Ground-mounted accessory solar energy systems***, including solar carports, shall require approval of a Conditional Use Permit as an accessory use to a permitted principal use.
- c. ***Solar energy systems that are a principal use of a property or otherwise intended to generate power primarily for off-site use*** are not permitted.

C. Standards. All solar energy systems or solar collection devices shall meet the following standards and conditions:

- a. ***Height*** – Solar energy systems must meet the following height requirements:
  - i. Building-mounted or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
  - ii. Ground-mounted or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
  - iii. Solar carports in non-residential districts shall not exceed 20 feet in height.
- b. ***Setback*** - Solar energy systems must meet the accessory structure setback for the zoning district and principal land use associated with the lot on which the system is located, except as allowed below.
- i. **Roof-mounted or Building-mounted Solar Energy Systems** - The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure.

Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

- ii. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
  - c. **Visibility** – Solar energy systems shall be designed to minimize visual impacts from the public street right-of-way.
- i. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
- ii. Aesthetic restrictions - Roof-mounted or ground-mounted solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
  - (a) Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
  - (b) Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
- iii. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
- d. **Lot Coverage** – Ground-mounted systems total collector area shall not exceed half the building footprint of the principal structure.
- i. Ground-mounted systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.
- ii. Ground-mounted systems shall not count toward accessory structure limitations.
- e. All solar energy system components shall be located as to be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure or building.
- f. All solar energy system components must be obtained from manufacturers who regularly engage in production of solar energy apparatus. The design and drawings of any system or apparatus shall be completed and sealed by a licensed design professional.

D. Building Permit Required. No solar energy system or solar collection device shall be constructed, erected, added to, or materially altered, structurally or otherwise changed, or improved nor any other work commenced upon any lot or parcel of land unless the owner, contractor or agent of either shall first have received approval of a site plan or Conditional Use Permit, as may be required, and applied for and received from the Building Official a permit therefore as provided for in this section.

E. Application for Permit. Any application for the building permit required hereunder shall show that the proposed construction meets the requirements set forth in this section. Should any submittal in the opinion of the Building Official contain design elements that are substantially unique and outside the normal configuration of typical solar array components, design or system requirements, the application for permit shall be forwarded to the Board of Zoning Appeals for action.

F. Issuance of Permit. Any building permit issued pursuant to the provisions of this section for the construction, erection or modification of a solar energy system or solar collection device shall only be issued after the Building Official has determined the proposed construction meets the requirements of this section, the building code regulations, and that the design of the solar system or solar collection device is in general conformity with the style and design of surrounding structures.

G. Solar Access Easements. The enactment of this section does not constitute the granting of an easement by the City. The solar owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient sunlight as may or may not be necessary to operate the system.

H. Removal. If the solar energy system remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The solar energy system owner/operator shall remove the abandoned system at their expense. Removal of the system includes all panels, mounting devices, and appurtenant equipment and structures from the property. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter for photovoltaic systems or a thermometer for a solar collector system. The solar energy system owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the solar energy system if requested. If removal of structures and appurtenant facilities is required, the Zoning Administrator shall notify the solar energy system owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.

I. Right of Entrance. As a condition of approval of a Conditional Use Permit for a ground-mounted solar energy system, the applicant seeking to install the solar energy system shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the solar energy system pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

**12. Accessory Wind Energy Systems:**

A. **Intent.** The intent of this section is to establish provisions for using an alternate source of energy that is an accessory use to a permitted principal use and to provide standards for the construction and use of wind energy systems. The City finds these regulations are necessary to ensure that Accessory Wind Energy Systems are appropriately designed, sited, and installed.

B. **Definitions.** The following terms are defined for this section:

- a. “Accessory Wind Energy System (AWES)” means a wind energy conversion system that is incidental and subordinate to a principal use on the same parcel and intended to primarily provide power for use on the site in which the system is located.
- b. “Building mounted” means an accessory wind energy system which is securely fastened to any portion of a principal building in order to achieve desired elevation, whether attached directly to the principal building or attached to a tower structure which is in turn fastened to the principal building. These systems are prohibited by this section.
- c. “Free standing” means an accessory wind energy system which is elevated by means of a monopole tower only and is not located on another supporting structure except that the tower shall have an appropriately constructed concrete base. Guyed, lattice, or other non-monopole style towers shall not meet this definition.
- d. “Height, total system” means the height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
- e. “Horizontal axis” means an accessory wind energy system that has blades which rotate through a horizontal plane.
- f. “Lot” (or parcel) means any legally established lot or parcel which contains or could contain a permitted or conditional use as provided by the Zoning Ordinance.
- g. “Off grid” means an electrical system that is not connected to utility distribution and transmission facilities or to any building or structure that is connected.
- h. “Shadow flicker” means changing light intensity caused by sunlight through the moving blades of a wind energy conversion system.
- i. “Tower” means the vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.
- j. “Vertical axis” means an accessory wind energy system that has blades which rotate through a vertical plane.
- k. “Wind Energy Conversion System (WECS)” means an aggregation of parts including the foundation, base, tower, generator, rotor, blades, supports, guy wires and accessory equipment such as utility interconnect and battery banks, etc., in such configuration as necessary to

convert the power of wind into mechanical or electrical energy, e.g., wind charger, windmill or wind turbine.

1. “Wind turbine generator” means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.
- C. **Restrictions.** Except as provided in this section, no wind energy system shall be erected, constructed, altered or maintained on any lot within the city, without first receiving a permit to do so and complying with the regulations herein this ordinance.

D. **General Regulations.**

- a. **Conditional Use Permit.** An Accessory Wind Energy System (AWES) shall be allowed only as an accessory use to a permitted principal use and with approval of a conditional use permit. Wind energy systems that are a principal use of a property or otherwise intended to generate power primarily for off-site use are not permitted.
- b. **Zoning.** AWES may be allowed in any zoning district subject to the provisions contained herein and elsewhere within this City Code.

E. **Standards.**

- a. **Number of Systems per Zoning Lot.**
  - i. No more than one freestanding AWES may be placed on any parcel or lot. Additional freestanding AWES are prohibited.
- b. **Bulk Regulations.**
  - i. **Setbacks.** The minimum distance between any freestanding AWES and any property line shall be a distance that is equivalent to 150 percent of the total system height. The setback shall be measured from the property line to the point of the AWES closest to the property line.
  - ii. **Maximum Height.** Height shall be measured from the ground to the top of the tower, including the wind turbine generator and blades.
    - (a.) For lots of more than one and fewer than three acres, the maximum height shall be 65 feet.
    - (b.) For lots of more than three and fewer than five acres, the maximum height shall be 80 feet.
    - (c.) For lots more than five acres, the maximum height shall be 100 feet.
- iii. **Minimum Lot Size.**

- (a.) The minimum lot size for a freestanding AWES within any commercial or industrial zoning district shall be one acre.
- (b.) The minimum lot size for a freestanding AWES within agricultural or residential zoning district shall be three acres.
- (c.) Clearance of Blade. No portion of a horizontal axis AWES blade shall extend within 30 feet of the ground. No portion of a vertical axis AWES shall extend within 10 feet of the ground. No blades may extend over parking areas, driveways or sidewalks. No blade may extend within 20 feet of the nearest tree, structure, or above ground utility facilities.

iv. Location.

- (a.) No part of an AWES shall be located within or over drainage, utility or other established easements.
- (b.) An AWES shall be located entirely in the rear yard.
- (c.) An AWES shall be located in compliance with the guidelines of applicable Federal Aviation Administration (FAA) regulations as amended from time to time.
- (d.) No AWES shall be constructed so that any part thereof can extend within 20 feet laterally of an overhead electrical power line (excluding secondary electrical service lines or service drops). The setback from underground electric distribution lines shall be at least five feet.

v. Building mounted AWES shall be prohibited.

- c. **Tower.** Only monopole towers shall be permitted for freestanding AWES. Lattice, guyed, or towers of any other type shall not be considered to be in compliance with this section.
- d. **Color.** Freestanding AWES shall be a neutral color such as white, sky blue or light gray. Other colors may be allowed at the discretion of the Board of Zoning Appeals. The surface shall be non-reflective.
- e. **Lighting.** No lights shall be installed on the tower, unless required to meet FAA regulations.
- f. **Signage.** No signage or advertising of any kind shall be permitted on the tower or any associated structures.
- g. **Climbing Apparatus.** The tower must be designed to prevent climbing within the first 10 feet.
- h. **Maintenance.** Facilities shall be well maintained in accordance with manufacturer's specifications and shall remain in an operational condition that poses no potential safety hazard nor is in violation of any provisions contained within this section or elsewhere within this Zoning Ordinance.

- i. **Noise.** An AWES shall be designed, installed and operated so that the noise generated does not exceed the maximum noise levels established elsewhere in this City Code.
- j. **Shadow Flicker.** No AWES shall be installed and operated so to cause a shadow flicker to fall on or in any existing residential structure.
- k. **Safety Controls.** Each AWES shall be equipped with both an automatic and manual braking, governing, or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades, or turbine components. Said automatic braking system shall also be capable of stopping turbine rotation in the event of a power outage so as to prevent back feeding of the grid.
- l. **Electromagnetic Interference.** All AWES shall be designed and constructed so as not to cause radio and television interference. If it is determined that the AWES is causing electromagnetic interference, the owner/operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting a AWES may be revoked if electromagnetic interference from the AWES becomes evident.

F. **Conditional Use Permit and Building Permit Required.** It shall be unlawful to construct, erect, install, alter or locate any AWES within the City, unless a conditional use permit has been obtained and a building permit has been approved. The conditional use permit may be revoked by action of the City any time the approved system does not comply with the rules set forth in this ordinance and the conditions imposed by the approval authority. The owner/operator of the AWES must also obtain any other permits required by other federal, state and local agencies/departments prior to constructing the system. Application for AWES shall be made on forms provided by the City. No action may be taken regarding requests for AWES until completed applications have been filed and fees paid.

G. **Engineer Certification.** Applications for any AWES shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of all components of the AWES showing compliance with the applicable regulations and certified by a Kansas licensed professional engineer shall also be submitted.

H. **Installation.** Installation must be done according to manufacturer's recommendations. All wiring and electrical work must be completed according to the applicable building and electric codes. All electrical components must meet code recognized test standards.

I. **Wind Access Easements.** The enactment of this section does not constitute the granting of an easement by the City. The AWES owner/operator shall have the sole responsibility to acquire any covenants, easements, or similar documentation to assure and/or protect access to sufficient wind as may or may not be necessary to operate the AWES.

J. **Removal.** If the AWES remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned. The AWES owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations. Non-function or lack of operation may be proven by reports from the interconnected utility. For off-grid systems

the City shall have the right to enter the property at its sole discretion to determine if the off-grid system is generating power. Such generation may be proven by use of an amp meter. The AWES owner/operator and successors shall make available to the Zoning Administrator all reports to and from the purchaser of energy from the AWES if requested. If removal of towers and appurtenant facilities is required, the Zoning Administrator shall notify the AWES owner/operator. Removal shall be completed within six months of written notice to remove being provided to the owner/operator by the City.

K. Right of Entrance. As a condition of approval of a Conditional Use Permit an applicant seeking to install AWES shall be required to sign a petition and waiver agreement which shall be recorded and run with the land granting permission to the City to enter the property to remove the AWES pursuant to the terms of approval and to assure compliance with the other conditions set forth in the permit. Removal shall be at the expense of the owner/operator and the cost may be assessed against the property.

## **11. Dumpster and Refuse Enclosures:**

- A. In all zoning districts with the exception of A, R-0, R-1 and R-2 enclosures for the screening of dumpsters and refuse collection containers shall be required. Schools and churches are required to have enclosures for dumpsters and refuse collection when located in any district. When more than one structure is located on an individual lot a central enclosure location may be approved.
- B. All dumpster and refuse locations are to be enclosed on all sides with one side designated with a gate for access. Dumpster and refuse enclosures are to be between six (6) feet and eight (8) feet in height. Gates are to remain closed when not open for refuse or dumpster removal.
- C. Within all dumpster and refuse enclosures, containers are to be used for all refuse collection; loose refuse and garbage within the enclosure is not permitted.
- D. Dumpster and refuse enclosures are to be constructed out of wood or masonry. Masonry units are to be integrally colored types and not painted and should be similar in color to the primary structure the enclosure serves. Wood enclosures are to be natural wood color or stained, not painted. All wood enclosures shall have steel or concrete bollards internally on the sides without the gate. Steel bollards are to be filled with concrete.
- E. Dumpster and refuse enclosures shall not to be located between the structure and the front street right-of-way. Dumpster and refuse enclosures may encroach in the rear and side setback but no closer than ten (10) feet to the side or rear property line. Enclosures are prohibited from being located in an easement unless the easement is for the purpose of placement of the enclosure.
- F. The provisions of Article 8, section 11 shall apply to all planned developments found in Article 12 of the City of Basehor Zoning Ordinance.

## **ARTICLE 9**

### **RESERVED**

**ARTICLE 10**

**RESERVED**

## ARTICLE 11

### CONDITIONAL USES

*(Adopted April 19, 2017)*

#### 1. Purpose

A. This Article provides criteria and procedures for conditional uses which may be properly allowed upon consideration in each case of, among other things, the impact of those uses upon neighboring land and the community. The conditional uses are split into two categories: those uses which require conditional use permits, and those permitted uses subject to conditions.

B. Conditional uses produce unique and special impacts because of their location, design, life span, method of operation, traffic circulation, or other similar characteristics which may impact on available or provided public facilities so that each such use must be considered individually. In cases where commercial uses may be conditionally permitted in residential zones under this Article, the purpose shall be to provide a small business incubator environment, where residents may start a small, low impact business that may eventually be expanded and relocated into a commercial zone.

C. For those uses which require a conditional use permit, the Governing Body shall decide whether each such use proposed shall be granted a conditional use permit subject to the general and specific standards contained in this Article and subject to such other conditions or restrictions as are reasonable and appropriate to protect the public interest and to secure compliance with the regulations of the City. The Governing Body may deny requests which fail to satisfy standards and requirements contained herein or which are not in harmony with the purposes and interests of these regulations or the health, safety, and general welfare of the City.

#### 2. Conditional Use Permits

##### A. General Provisions

1. Unless otherwise provided by this Article, only conditional uses as enumerated in Appendix A (use chart) may be permitted as provided in this Article in zoning districts from which they are otherwise prohibited, when found to be in the interest of the public health, safety, morals, and general welfare of the community.
  
2. Prior to the granting of any conditional use permit, the Governing Body, after a public hearing has been held by the Planning Commission as required by these regulations, may place such reasonable conditions and restrictions relative to the proposed use which address the establishment, construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards

and necessary for the protection of the public interest and to secure compliance with the standards and conditions contained in this Article, other City regulations, and state and federal requirements. The Planning Commission and the Governing Body may require security in the form of performance bonds or other similar surety as may be deemed necessary to ensure that all the conditions placed on the permit will be fully complied with throughout the term of the permit.

3. Uses permitted under conditional use permits must abide by all terms and conditions of the approval of such permit. Failure to comply with the requirements of the permit shall cause the permit to come under the provisions of Section 3 of this Article.

4. Prior to Governing Body consideration of a conditional use permit application, a public hearing shall be conducted before the Planning Commission and a report of the Planning Commission recommendation shall be presented to the Governing Body.

5. No property, whether land or structure, shall be put to use for any of the specified conditional uses until and unless a conditional use permit application has been submitted and a permit has been formally approved by the Governing Body as required herein. In the event that conditions or stipulations have been placed on a conditional use permit such that there are affirmative actions that must be undertaken by the applicant or owner to the start of the use or occupancy of the property, then such actions shall be fully complete or where appropriate, secured by bond or other similar surety as provided in these regulations, before the use may be commenced or before the property or structure may be occupied for the conditional use. Failure to adhere to the conditions or stipulations placed on a conditional use permit shall be a violation of these regulations.

#### **B. Validity Of Conditional Use Permits**

1. That any conditional use permit issued shall be for a period of not more than five (5) years from the date of approval, with the exception of telecommunications facilities, and that the rights granted in said conditional use permit shall extend to the owner or his agent or licensee of said owner requesting such permit and shall not run with the land; but if the owner, agent or licensee requesting said conditional use permit shall thereafter transfer title to the property subject to the conditional use permit to a subsequent owner through the transfer of a fee simple title, then such conditional use permit shall extend to the subsequent owner for a period of 120 days after the effective date of the said transfer, being defined as the date of execution and delivery of a deed attesting to the ownership of said property.

2. Conditional use permits may be withdrawn, set aside, canceled and rescinded by the Governing Body of the City of Basehor for good cause upon a majority vote of the City Council after a written petition, signed and acknowledged before a Notary Public by one or more individuals who are fee simple owners of property located within 300 feet of the boundaries of the property subject to the conditional use permit, by motion of a City Council member, or by a recommendation from the person designated to enforce the provisions of this regulations.

### C. Procedures

1. The consideration of a conditional use permit application shall be handled in the same manner as a zoning amendment regarding the requirements for public hearing notices, protests, and action by the Planning Commission and Governing Body. A site plan will be required for consideration in the review process of conditional use permit applications, which includes the following minimum information:
  - a. The legal description, dimensions, and vicinity map of the tract to be used
  - b. The location of all existing and proposed improvement, including curb-cut access, off-street parking, with parking counts, proposed signage, and other such facilities as the applicant proposes to install
  - c. Grade elevations (proposed and existing)
  - d. Building setbacks from all property lines
  - e. Front, side, and rear elevations of all improvements to be erected
  - f. The location and type of plantings, screening and/or other buffers proposed
  - g. Such other items as the Planning Commission shall deem reasonably necessary to properly process the application
  - h. Description of proposed use or activity

### D. Minimum Requirements

1. A conditional use permit shall not be granted unless specific written findings of fact directly based upon the particular evidence presented, support the following conclusions:
  - e. The proposed conditional use complies with all applicable provisions of these regulation, including intensity of use regulations, yard regulations and use limitations, unless specifically exempted by the provisions elsewhere in these regulations.
  - f. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.

- g. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
- h. The location and size of the conditional use, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will not dominate the immediate neighborhood, consideration shall be given to:
  - i. The location, nature and height of buildings, structures, walls, and fences on the site
  - ii. The nature and extent of landscaping and screening on the site
  - iii. The number of employees and traffic generated by the proposed use
  - iv. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas shall be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect
  - v. Adequate utility, drainage, and other such necessary facilities have been or will be provided
  - vi. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys

#### E. Additional Requirements

1. In granting a conditional use, the City may impose such conditions, safeguards, and restrictions upon the premises to reduce or minimize any potential injurious effect of such conditional uses upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. In addition to a conditional use permit, the following additional conditions shall be a requirement for the approval of the following conditional uses:

- a. Adult Entertainment Business:

Definition: Adult entertainment businesses are defined as follows:

i. An establishment used for presenting material, selling material, or featuring material or entertainment that is distinguished or characterized by an emphasis on displaying, depicting describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein that are sexual in nature and which excludes minors by virtue of their age. This shall include, but is not limited to such uses which are commonly known as adult entertainment cabaret, adult entertainment studios (whether advertised or represented as such or as an entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio), modeling studio, or any adult cabarets, adult motels, adult bookstores, adult theaters, massage parlors, nude wrestling studios, body painting studios, nude modeling studios, nude photography studios, peep shows, strip shows, escort services, and other similar uses, all as more specifically defined by separate ordinance.

ii. “Specified sexual activities” is defined as:

- Human genitals in a state of sexual stimulation or arousal
- Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation
- Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast
- Excretory functions as a part of or in connection with any activities set forth in (i) through (iii) above

iii. “Specified anatomical areas” are defined as:

- Less than completely and opaquely covered human genitals, pubic region, anus or buttocks, and any portion of the areola of the female breast
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered

Application: The exact adult entertainment business shall be specified in the application. No more than one adult entertainment business shall be applied for on an application. The proposed use shall not be located within one thousand (1000) feet of or in any agricultural and residential type zoning district, including but not limited to Zoning District “R-O”, “R-1”, “R-2”, “R-3”, “P-R”, “MH-1”, “MH-2”, and any office part of Zoning Districts “CP-1”, “CP-2”, “I-1”, “I-2” and “P-I”. In addition:

- i. An adult entertainment business shall not be located in any park or within one thousand (1000) feet of any pre-existing public, private, or parochial school property, any park, daycare center, hospital, any medical office or clinic of any medical practitioner licensed by the State of Kansas, or any church, synagogue, or similar place of worship.

- ii. An adult entertainment business shall not be located in a building or structure which contains any business that sells or dispenses alcoholic liquor or cereal malt beverages.
- iii. An adult entertainment business shall not be located within one thousand (1000) feet of another existing adult entertainment business.
- iv. All building openings, entries, windows, doors, and similar openings for an adult entertainment business shall be so located, covered, or screened in such a manner as to prevent view into the interior from any public or semi-public place or outside passersby.
- v. Lobby and entrances shall be designed to minimize obstruction of nearby streets and sidewalks during operation.
- vi. The buildings or structures housing the adult entertainment business shall not be painted in garish colors or designs.
- vii. All distances specified herein shall be measured in a straight line from the nearest point on the building housing an adult entertainment business to the nearest point of the property or zoning district mentioned in sub-paragraphs (ii), (iii), (iv) and (v) above.
- iix. No noise from inside a building housing an adult entertainment business shall be audible at a point fifty (50) feet from any point on the outside of the building.

Additional Conditions: In addition to the requirements of this section, the Planning Commission shall, in addition to the minimum requirements set forth in Section 3 of this Article, consider the following criteria in reviewing a conditional use permit for an adult business:

- i. The nature of the proposed site, including its shape and size, and the proposed size, shape, and arrangement of structures.
- ii. Traffic conditions, including the resulting traffic patterns (traffic study).
- iii. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development.
- iv. Facilities for sewers, water and other utilities, and the ability of the city to supply such services.
- v. The limitations of firefighting and rescue equipment, and the means of access for fire and police protection.
- vi. The conservation of property values.

vii. Contribution, if any, such proposed use, building, or addition would make toward the deterioration of areas and neighborhoods.

b. Kennels – Breeding and Boarding:

Additional Conditions:

- i. The minimum lot size shall not be less than one (1) acre
- ii. No kennel buildings or runs shall be located nearer than seventy-five (75) feet to any property line
- iii. All kennel runs, or open areas shall be screened around such areas or at the property lines to prevent the distraction or the excitement of the dogs. Such screening shall be either a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet tall and having a density of not less than eighty percent (80%) per square foot.

c. Aircraft Storage and Maintenance

Additional Conditions:

- i. Shall be for landowner's private use only. A Special Use Permit may be applied for and issued by the City of Basehor Planning Commission and Governing Body if the designated land is to be used by more than one individual.

d. Automobile And Truck Rental

Additional Conditions:

- i. Automobiles stored on site shall be contained in a separate area not in required parking spaces.
- ii. 200 feet minimum distance from residential district or use.

F. Uses Subject to Conditions

1. Uses subject to conditions (identified by the letter **C** in the Use Chart in Appendix A) may be approved administratively by the Zoning Administrator/Planning Director subject to compliance with all conditions of this ordinance.
2. A site plan will be required for consideration in the review process of uses subject to conditions, which includes the following minimum information:
  - a. The legal description, dimensions, and vicinity map of the tract to be used

- b. The location of all existing and proposed improvement, including curb-cut access, off-street parking, with parking counts, proposed signage, and other such facilities as the applicant proposes to install
- c. Grade elevations (proposed and existing)
- d. Building setbacks from all property lines
- e. Front, side, and rear elevations of all improvements to be erected
- f. The location and type of plantings, screening and/or other buffers proposed
- g. Such other items as the Planning Commission shall deem reasonably necessary to properly process the application
- h. Description of proposed use or activity

3. Uses Subject to Conditions as indicated in Appendix A are listed as follows:

- a. Beauty/Barber Shop: The beauty/barber shop operation shall comply with the following requirements:
  - i. There shall be no exterior evidence of the use other than any permitted sign.
  - ii. There shall be no more than one (1) "Beauty" or "Barber" station for the purpose of providing the services allowed, under the State Board of Cosmetology, of the proposed beauty/barber shop.
  - iii. The beauty/barber shop shall comply with all regulations governing the occupation of cosmetology as outlined by the State Board of Cosmetology
- b. Zero Lot-Line Dwellings: Single-family detached dwellings with one side yard equal to one (1) foot or less shall conform to the following standards:
  - i. Zero lot-line dwellings shall meet all front and rear yard requirements.
  - ii. For any zero lot-line dwelling, the lot-line wall, defined as that wall of the dwelling on the side lot line, shall have no windows, doors, vents, or other openings nor shall any window on any wall, face that side lot lines.
  - iii. The side yard requirements for a zero lot-line dwelling on the side opposite the lot-line wall shall be twice the normal side yard requirement of the zone or twelve (12) feet whichever is smaller.

- iv. No two zero lot-line dwellings shall have their lot-line wall along the same side lot line, nor shall any zero lot-line dwelling have its lot line wall adjacent to any lot or tract of land not developed for zero lot-line dwellings.
- v. No lot line wall shall be located on a side lot line adjacent to any public rights-of-way.
- vi. The required yard setbacks for each zero lot-line lot shall be either shown on the subdivision plat or recorded as a restrictive covenant on the property deed.
- vii. The minimum lot width shall not be less than forty (40) feet.

c. Day Care Centers: Day care centers for more than six (6) children or adults shall provide the following:

- i. At least one hundred (100) square feet of open space per child. This open space shall be enclosed by a solid or semi-solid fence or wall at least six (6) feet in height and having a density of not less than eighty percent (80%) per square foot.
- ii. A loading zone capable of accommodating at least two (2) automobiles for picking-up or dropping off passengers.
  - a. Meet all requirements of the building code applying to daycare facilities.

d. Automobile Repair Services: Automobile repair services shall provide the following:

- i. All activities shall be conducted within a building or fully screened area.
- ii. Outside storage is confined to the rear of property and visually screened in accordance with the requirement of Article 8.
- iii. Overhead doors are to remain closed to eliminate associated noise from such uses that are within 300 feet of any residential district or use.

e. Bottled Gas-Retail: Bottled Gas sold at retail shall meet the following requirements:

- i. Limited to sales of 20-pound containers associated with convenience stores or similar outlets.

f. Building Materials-Retail: Building materials sold at retail shall meet the following requirements:

- i. No larger than 15,000 sf
- ii. All other applicable standards of the PR Zoning District apply.

- g. Car Wash: Car washes shall meet the following requirements:
  - i. Limited to 3 self service bays
- h. Check Cashing Business: Check cashing businesses shall meet the following requirements:
  - i. A minimum of 5,280 feet distance between similar businesses
  - ii. A minimum of 500 feet distance from any residential district or use
  - iii. A minimum of 1,500 feet distance from any church, school, day care facility, public building, public park, or hospital
  - iii. All distances shall be measured from the front door of the loan business to the property line of the other use
- i. Dry Cleaning Services: Dry cleaning services shall meet the following requirements:
  - i. Locations are for pick-up and drop off only
- j. Electrical Supplies-Retail: Electrical supplies sold at retail shall meet the following requirement:
  - i. No outside storage of merchandise allowed, unless associated with a larger building materials retailer.
- k. Farm And Home Stores: Farm and Home stores shall meet the following requirements:
  - i. Limited to 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply
- l. Feeds, Hay, And Grain-Retail: Feeds, Hay and Grain sold at retail shall meet the following requirement:
  - i. No outside storage of products
- m. Garden And Nursey-Retail: Garden and nursery retail stores shall meet the following requirements:
  - i. No larger than 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply
- n. Hardware And Farm-Retail: Hardware and farm retail stores shall meet the following requirements:
  - i. Limited to 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply

- o. Hobby Supplies-Retail: Hobby Supplies sold at retail shall meet the following requirements:
  - i. Limited to 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply
- p. HVAC Equipment and Supplies-Retail: HVAC equipment and supplies sold at retail shall meet the following requirement:
  - i. No outside storage, unless associated with larger building materials retailer
- q. Lawn And Garden Retail Center: Lawn and Garden retail centers shall meet the following requirements:
  - i. Limited to 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply
- r. Nursery Plants-Retail: Nursery plants sold at retail shall meet the following requirements:
  - i. Limited to 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply
- s. Office Buildings: Office buildings shall meet the following requirements:
  - i. Not larger than 5,000 sf per floor or as approved by Planning Commission and Governing Body
- t. Plumbing Supplies-Retail: Plumbing supplies sold at retail shall meet the following requirements:
  - i. Limited to 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply
- u. Sporting Goods-Retail: Sporting goods sold at retail shall meet the following requirements:
  - i. Limited to 15,000 sf
  - ii. All other applicable standards in PR Zoning Districts apply
- v. Title Loan Business: Title loan businesses shall meet the following requirements:
  - i. A minimum of 5,280 feet distance between similar businesses
  - ii. A minimum of 500 feet distance from any residential district or use
  - iii. A minimum of 1,500 feet distance from any church, school, day care facility, public building, public park, or hospital

iv. All distances shall be measured from the front door of the loan business to the property line of the other use

G. Short Term Conditional Use

1. The Governing Body may, upon application by the property owner, issue a conditional use permit for the use of a specified parcel of land for such temporary short-term uses as trade shows, street fairs, expositions, promotional ventures, and entertainment, without referral to the Planning Commission, providing the following conditions are met:

- a. The applicant shall submit, in writing, a complete description of the proposed use, including estimated numbers of automobiles and persons, hours of operation, and other characteristics and effects on the neighboring property.
- b. The short-term conditional use shall not be operated for more than ten (10) consecutive days.
- c. Upon the discontinuance of the short-term conditional use, all materials and equipment shall be promptly removed, and the property restored to its normal condition

2. If, after giving full consideration to the effect of the requested conditional use of the neighborhood and community, the Governing Body deems the conditional use reasonable, the conditional use for the short term may be approved. Conditions of operation, provisions for surety bonds and other reasonable safeguards may be required by the Governing Body at the time of approval.

3. Conditions for specific uses are listed in Article 8, Section 3.

## Article 12

### Plan Review Procedures

#### 12.01 Applicability

All projects which are not a part of a development which have been approved under this ordinance must comply with it, except where preliminary or final development plans have been approved under previously applicable city ordinances, in which case such plans would govern development and need not be resubmitted. Site development plans shall be submitted and reviewed in accordance with this ordinance as described below. A site development plan is required for all development except single and two-family structures in an approved subdivision.

#### 12.02 Pre-Application Conference

Prior to making application for approval of a site development plan, the applicant is encouraged to attend a pre-application conference with the Planning Commission and /or the Zoning Administrator in order for the applicant (1) to become acquainted with the review procedures and related city requirements, (2) to obtain a written list of items the applicant should include, (3) to receive guidelines to interpretation of these and related regulations, and (4) to present a conceptual plan for the development. NOTE: The applicant will be required to purchase a current copy of these regulations. The Planning Commission and/or the Zoning Administrator will take no formal action, but specific comments concerning the plan may be made.

#### 12.03 Plan Review (Single-Family and Two-Family Residential R-O, R-1, and R-2)

An application for review of one single-family or two-family residential structure, not in an approved subdivision, may be filed by any owner of the property or his agent, and shall be made on a form provided by the city. The scale of the plan shall not be smaller than one hundred feet to one inch (100' = 1"). The following shall accompany a single-family or two-family residential plan application:

1. Date, north point, and scale.
2. The name and address of the owner.
3. The location of boundary lines and their relationship to established section lines or fractional section lines, township, and range lines.
4. The approximate acreage and slope of the land. Professionally determined contours are not necessary, and slope derived from a USGS quad map is sufficient.
5. The approximate location, width, and name of existing streets, roads, lots, structures, utility easements, drainage easements, and other similar features.
6. A complete development plan showing the details of the proposed development consisting of the following: grading plans; location of buildings and structures, means of ingress and egress; and landscaping plans.
7. Plans for all buildings, including elevation drawings of all facades with clear indication of colors and materials to be used.
8. An estimated time schedule for development.
9. Such other information as the Planning Commission shall by written rule require.
10. Any other information the applicant feels will support his request.
11. A filing fee as set forth in Section 23.

The plan shall be reviewed and approved by the Zoning Administrator and/or the Planning Consultant and the City Engineer. Unless a hearing before the Planning Commission is requested by the Zoning Administrator, the applicant, the Mayor or the Chairman of the Planning Commission, the plan shall not be submitted to the Planning Commission for consideration.

#### **12.04 Site Plan Review (R-3, CP-1, CP-2, I-1, I-2, MH-1, MH-2, and RV)**

The owner, applicant, or developer shall submit to the Planning & Zoning Director a site plan for any building(s) or addition(s) to be constructed in the following zoning districts **R-3, CP-1, CP-2, I-1, I-2, MH-1, MH-2, and RV.** (P-I, MU-1, MU-2, and MU-3 zoning districts are subject to the Planned District Submittal and Approval Requirements)

##### **Review and Approval**

All applications shall be reviewed and approved administratively by the Planning & Zoning Director.

An approved site plan shall be valid if a building permit is issued within one year (365 days) from the date of approval.

If a building permit is not issued within that period, the site plan shall be deemed to have expired. A written request for an extension with explanation for the request may be submitted to the Planning & Zoning Director.

If a site plan has expired, a new application shall be required for review and approval by the Planning & Zoning Director.

Site plan approval allows for the applicant to submit permit documents.

##### **Site Plan Submittal Requirements**

All applications shall be reviewed and approved administratively by the Planning & Zoning Director.

An approved site plan shall be valid if a building permit is issued within one year (365 days) from the date of approval.

If a building permit is not issued within that period, the site plan shall be deemed to have expired. A written request for an extension with explanation for the request may be submitted to the Planning & Zoning Director.

If a site plan has expired, a new application shall be required for review and approval by the Planning & Zoning Director.

Site plan approval allows for the applicant to submit permit documents.

**Site Plan Submittal Requirements:**

- a. Application, Application Fee, Legal Description, and Pre-application meeting completed.
- b. Site Plans
  - a. Date, North Arrow, and Scale (1" = 50' Maximum) on all plan sheets
  - b. Location of proposed structures
  - c. Location of existing site features including but not limited to fire hydrants, existing structures, existing utilities (poles, lines, meters), existing trees.
  - d. Provide a data table with the following information if applicable.
    - i. Current zoning.
    - ii. Lot and tract areas in square feet.
    - iii. Building, parking, and landscape setback requirements and proposed setbacks.
    - iv. Parking requirement calculation and proposed parking count.
    - v. Maximum allowable building height and proposed building height.
    - vi. Proposed building square footage by building.
    - vii. Proposed number of dwelling units.
    - viii. Existing and proposed impervious areas in square feet.
  - e. Location of trash receptacles and height of screening fence/enclosure.
  - f. Location of proposed stormwater detention areas.
  - g. General site dimensions, radius of curbs, and streets.
  - h. Easements, setbacks, streets, right-of-way, section lines, township, and range lines to be shown.
- c. Site Landscape Plans
  - a. Show planting locations along with a table of minimum quantity, size, common name, and botanical name.
  - b. List minimum planting requirements and proposed plantings to meet the requirements.
  - c. Screening requirements.
  - d. Plan shall comply with Article 21 of the 2021 City of Basehor Zoning Regulations.
- d. Site Grading Plan
  - a. Show existing and proposed 2' contours at a minimum.
- e. Site Utility Plan
  - a. Location of existing utilities and routing of proposed services.
  - b. Public utility extensions required to service the subject property.
  - c. Existing and proposed fire hydrant locations and locations from existing and proposed structures.
  - d. Existing and proposed storm sewer
- f. 4 Sided Architectural Elevations
  - a. Include proposed colors and materials.
  - b. Provide percentages of proposed exterior materials.
- g. Sign Plan (May be deferred for later submittal)
- h. Site Lighting/Photometric Plan
  - a. Show proposed light levels (in footcandles) throughout the site and extending 25' beyond the site boundary.
  - b. Provide a cut sheet of all freestanding light fixtures and poles.
  - c. Note proposed pole height.
  - d. Note maximum footcandle measurement at property lines.
  - e. Note average maintained luminance for all paved areas.

- i. Traffic Study as required by the City Engineer. Project specific requirements should be discussed at the preapplication meeting.
- j. Preliminary Stormwater Drainage Study as required by the City Engineer. Project specific requirements should be discussed at the preapplication meeting.
  - a. Description of existing site runoff conditions and downstream receiving waters.
  - b. Existing and proposed drainage area maps.
  - c. Existing and proposed impervious area maps.
  - d. FEMA maps indicating the flood zone of the site. If existing Zone AE, verification of no-rise in the existing 100-year flood level.
  - e. USGS site soil information.
  - f. Indicate tie-in points to the existing system or outlets to existing streams or other bodies of water.
  - g. Detention calculations for the 1-year, 10-year, and 100-year design storms such that the post development release rate does not exceed the pre-developed release rate at each site outfall.
  - h. Must comply with the most recent edition of the City of Basehor Design Manual and Technical Specifications for Public and Private Improvement Projects.
  - i. Studies must be signed and sealed by a registered technical professional in the State of Kansas.

#### 12.05 Plan Review PD Planned District through MU-3

An application for review of a Preliminary Development Plan may be filed by any owner of the property or his agent and shall be made on a form provided by the city. The scale of the plan shall not be smaller than one hundred feet to one inch (100' = 1").

##### Preliminary Development Plan Submittal Requirements:

One (1) digital copy shall be submitted to the City of Basehor Planning and Zoning Office at least forty-five (45) days before the publication date for the meeting of the Planning Commission which shall consider the plan. The Preliminary Development Plan shall be drawn at a minimum scale of 1" = 100' and shall contain at least the following information:

- i. Location by common street address and legal description.
- ii. Names, addresses, and telephone numbers of the applicant, owner, and designer of the plan.
- iii. Date and North arrow.
- iv. Existing and proposed contours at no greater than two (2) foot intervals.
- v. The boundary lines of the area included in the development plan, including approximate angles, dimensions and reference to a section corner, quarter-section corner, or point on a recorded plat and legal description.
- vi. For both the area included in the development plan and the area within two hundred (200) feet of the boundaries thereof:

- a. The location, widths, and names of all existing or proposed streets, railroad and utility rights-of-way, parks, and other public open spaces and permanent easements.
- b. Existing land use and the location and dimensions of permanent buildings, structures, or houses and natural features, such as woodlots, streams and lakes or ponds, and any land area such subject to the 100-year flood.
- c. Locations of existing sewers, water mains, culverts, and other underground facilities, indicating pipe sizes, grades, manholes and locations of record.

- vii. Projected traffic generation by the proposed development based on standards approved by the city engineer.
- viii. The location and accurate dimension of additional easements, rights of way and other similar features proposed to be dedicated for public use or granted for use by the inhabitants of the development.
- ix. A statement of the proposed method of providing any necessary improvements to existing roads, sewer, water, and storm water systems.
- x. General location of, arrangement and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes, location, and dimensions of pedestrian entrances, exits, walks and walkways.
- xi. Preliminary sketches of building elevations depicting the general style, size, and exterior construction materials of the buildings proposed in sufficient detail to exhibit the relative compatibility of the proposed development with the character of the neighborhood.
- xii. General location, arrangement and dimensions of parking spaces, width of aisles, width of bays, angle of parking and other similar information. (see Off-Street Parking Requirements)
- xiii. General location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes, location, and dimensions of pedestrian entrances, exits, walks, and walkways.
- xiv. General landscape plan to include location, design, height, and general materials to be used for walls, fences, signs, screen plantings and landscaping, open space, pedestrian areas a listing of types and quantities of all trees, shrubs, wall, and fence materials.
- xv. Drainage plan showing the high and low points, drainage arrows estimated % of street grades.
- xvi. Note providing for the dedication of new or additional rights-of-way, if needed; such to be dedicated to the City prior to approval of the Final development Plan.
- xvii. Names and address of the owner, applicant, and engineering firm which prepared the plan.
- xviii. Seal of the engineering firm licensed in the State of Kansas developing the plan, scale, north point, and date of the plan.

- xix. A description of any limitations to be placed on the range of permitted uses, the hours of operation, the building materials to be used or other similar factors.
- xx. Phases of final development, to include proposed schedule, sequencing and location of each development phase if the project is developed in phases.
- xxi. Lists, text, or tables indicating:
  - a. The total floor area of buildings, the area of the site, and the percent of building coverage of the site.
  - b. The number of building sites or lots and the number of parking spaces to be provided.
  - c. Computation of usable open space.
  - d. Any other quantities needed to describe or quantify the proposed development or to determine compliance with the zoning regulations.
- xxii. Other items as required by the Planning Commission.

#### Final Development Plan Submittal Requirement

The development plan process shall consist of two distinct stages including both Preliminary Development Plan and Final Development Plan approvals. Applications fully satisfying all Preliminary Development Plan and Final development Plan requirements and procedures of these regulations may be submitted with a request for simultaneous processing and consideration. However, such a single -stage development plan review process shall not necessarily result in a shortened processing and review times if revisions or refinements are found to be needed to make the development plans satisfactory for approval. Both the Preliminary and Final Development Plan shall be reviewed by the Planning Commission and approved by the Governing Body and shall serve to establish the general requirements for the development of the site. The Preliminary Development Plan may show development options or parameters which shall be further defined at the time of Final Development Plan approval. The Final Development Plan shall serve as a detailed site plan for the development of the site.

Reviews of Preliminary and Final Development Plans shall consider the following matters:

- I. Traffic safety and traffic congestion:
  - a) The effect of the site development plan on traffic conditions on nearby street
    - b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
    - c) The arrangement and adequacy of off-street parking facilities to prevent parking or traffic congestion.
    - d) The location, arrangement, and dimensions of truck loading and unloading facilities.
    - e) The surfacing and lighting of off-street parking facilities.
    - f) The adequacy of existing rights-of-ways and those to be dedicated adjacent to the site with respect to the plans and standards for new streets in the City.

## II. Outdoor Signs

- a) The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent developments.

## III. Landscaping

- a) The location, height and materials of walls, fences, hedges and screening plantings to ensure harmony with adjacent developments or to conceal storage areas, utility installations or other development features deemed to be unsightly.

## IV. Buildings and Site Layout

- a) The exterior design in relation to adjoining structure heights, bulk, open areas, breaks in facades, line and pitch of roofs, the arrangement of structures on the parcel, fencing, and the relationship to streets.
- b) The design and arrangement of buildings with respect to views onto the site, from the site, and through the site, especially with regard to scenic features or landmarks, whether natural or man-made structures, in the area.

## V. Drainage

- a) The effect of the proposed site development in relation to the adequacy of the storm and surface water drainage proposals.
- b) Compliance with the then applicable Storm Drainage Standards adopted by the city.

### Final Development Plan Submittal Requirement:

The applicant shall file a Final Development Plan application along with the required documents for at least the first phase of the development within two (2) years after approval of the Preliminary Development Plan by the Governing Body. Failure to do so shall cause the approval of the Preliminary Development Plan to become null and void, unless a time extension limited to twelve (12) months, is applied for by the applicant and granted by the Governing Body. When a zoning change was approved based on the Preliminary Development Plan and the Plan has expired, the case shall be reviewed by the Planning Commission and an action to have the planned zoning changed to the previous zoning classification or some other zoning classification may be initiated by following the procedures required for rezoning actions. Final Development Plans substantially complying with approved Preliminary Development Plans must be submitted to the Planning Office at least twenty-one (21) days prior to the Planning Commission meeting at which the Final Development Plan application is requested to be considered. Development plans submitted as Final Development Plans, but which do not substantially comply with the approved Preliminary Development Plan pursuant to the requirements set forth herein, shall be deemed to be and shall be treated as a new or revised Preliminary Development Plan which must be submitted forty-five (45) days prior to the Planning Commission meeting at which the application is requested to be considered.

The Final development Plan shall consist of a site plan and supporting documents which conform to all requirements and conditions placed on approval of the Preliminary Development Plan by the Governing Body. At the request of the Planning and Zoning Director, the applicant may be required to submit details of portions of the Final Development Plan at a scale greater

than 1" =100'. The Final Development Plan shall contain the items below and all items required in *Section 12, 12.05 Preliminary Development Plan Submittal Requirements* of this Article, in final form.

- I. Location, number, and direction of illumination and intensity of all exterior lighting fixtures.
- II. Location, quantity, and specifications of landscape materials.
- III. Drawings indicating the location, dimensions, materials, and design of all signs.
- IV. Construction plans for storm water retention and detention facilities, streets, vicinity streets (public or private), storm drainage, and any other facilities to be dedicated to the public in accordance with the approved Preliminary Development Plan and the then applicable City standards.

#### 12.06 Compliance Between Preliminary and Final Development Plans:

Final Development Plans shall substantially comply with the approved Preliminary Development Plan. The Planning and Zoning Director shall review the Final Development Plan and determine whether it complies with the approved Preliminary Development Plan.

Questions about whether the Final Development Plan substantially complies with the approved Preliminary Development Plan shall be taken to the Planning Commission. Final Development Plan reviews and determinations of compliance or noncompliance with the approved Preliminary Development Plan shall be conducted in accordance with the following general rules:

- A. Final Development Plan shall be deemed to substantially comply with the approved Preliminary Development Plan if it does not contradict the spirit and intent of the proposed development as evidenced in the approved Preliminary Development plan and if it is found to be generally consistent with all of the following guidelines for such determinations:
  - i. The proposed gross development density or intensity of use shall not be varied by more than five (5 %) percent, nor
  - ii. The area of open space shall not be reduced by more than five (5 %) percent, nor
  - iii. The open spaces, screening, or buffering shall not be varied such that the separation of on-site structures or the separation provided for neighboring properties would be reduced, to less than 80% of the width of the open space from uses that would be provided by full compliance with the approved Preliminary Development Plan or to less than 80% of the width or 80% of the linear length of screening or buffering that would be provided by full compliance with the approved Preliminary Development Plan, nor
  - iv. The location of any building or structure shall not be significantly varied in any direction to such an extent that the new outline of any building or structure would not touch the old outline of the building or structure, nor

- v. The floor area proposed for non-residential uses shall not be increased by more than ten (10%) percent, nor
- vi. The total ground area covered by buildings shall not be increased by more than five (5%) percent, nor
- vii. The height of structures shall not be varied by more than five (5%) percent, nor
- viii. The location of any main entrance driveway shall not be varied by greater than one hundred (100) feet from its previously proposed location along any street frontage, no additional main entrance driveways shall be proposed, and no driveway access shall be proposed to streets onto which a driveway access was not previously proposed by the approved Preliminary Development Plan.
- ix. A public hearing shall be held on Final Development Plans not in substantial compliance with the approved Preliminary Development Plan. Such hearing shall also consider amending the Preliminary Development Plan and shall follow the same procedures and be conducted in the same manner required for consideration of Preliminary Development Plans.
- x. A public hearing need not be held to consider insignificant modifications in the location and design of streets, facilities for water, disposal of storm water or sanitary sewers, or other public facilities required by the approved Preliminary Development Plan, as determined by the Planning & Zoning Director. The burden shall be upon the applicant to show the City good cause why any variation between the Preliminary Development Plan as approved and the Final Development Plan as submitted for final approval should be approved.
- xi. In the event a public hearing is not required for Final Development Plan approval and the application for final approval has been filed, together with all drawings, specifications, and other documents in support thereof, the City generally shall consider such final plan for approval after prior consideration of the Final Development Plan at a public meeting of the Planning Commission.

Approved Final Development Plans shall become null and void eighteen (18) months from the date of approval, if a building permit has not been issued and the start of construction of at least the first phase of the development of the approved Final development plan has not begun, unless such period is extended by the Governing Body upon written request by the applicant. Upon expiration of the Final Development Plan, the matter shall be reviewed, and an action may be initiated to have the planned zoning changed to the previous classification or some other zoning classification by following the procedures outlined in *Article 18* of these regulations.

**B. Minor Amendments to Final Development Plans:**

Minor amendments such as changes in the location, sitting, or character of buildings and structures may be authorized by the Planning & Zoning Director, if required by engineering or other circumstances not foreseen when the Final Development Plan

was approved. Such minor amendments shall be consistent with the provisions of Section n. above and no amendment authorized by the Planning & Zoning Director under this Section may increase the size of any building or structure by more than five (5%) percent, nor change the location of any building or structure by more than ten (10) feet in any direction, and the amended development shall still comply with the minimum or maximum requirements set forth in these regulations.

All other changes in the Final Development Plan, including changes in the site plan and in the development schedule, must be made under the procedures applicable to the initial approval of a Final Development Plan. or as provided in Section C. of this Article

**C. Amendment of Approved Preliminary or Final Development Plan:**

Applications for amendments to any approved Preliminary or Final Development Plan shall be submitted and processed in the same manner as though a Preliminary Development Plan had not been previously approved for the site. However, only those site development plan elements proposed to be modified or changed need be presented, except where such modifications or changes would have a material or substantial impact on the balance of the Preliminary Development Plan or the functioning of the site. For the purposes of this Section, material or substantial impact shall be deemed to result from modifications or changes which:

- i. Would be inconsistent with any two (2) or more of the guidelines in Section n. of this Article, or
- ii. Would face the most intense development or uses proposed for the site toward different property line(s) than proposed by the approved Preliminary Development Plan, or
- iii. Would relocate any development features or uses proposed within the site by greater than twenty-five (25) feet in any direction, or
- iv. Would reduce the number of off-street parking spaces within one hundred (100) feet of any proposed building or structure by ten (10%) percent or more.

Determinations of material or substantial impact shall be made initially by the Planning & Zoning Director, but such determination in any event shall also be submitted for review to the Planning Commission.

The applicant shall submit a letter, a drawing when necessary to accurately describe the proposed change(s), and any other supporting documentation which help define the proposed change(s), indicating the scope of the proposed change(s) at least forty five (45) days before the Planning Commission meeting at which the proposed Preliminary Development Plan amendment is requested to be considered, or no later than twenty one (21) days in advance of said Planning Commission meeting in the case of amendments involving only a Final Development plan.

**12.07 Plan Review by Staff**

The Planning & Zoning Director and/or the Planning Consultant, and the City Engineer, shall review the application and submit an advisory report to the Planning Commission. A copy of such report shall be furnished to the applicant.

#### 12.08 Public Hearing and action by Planning Commission

1. The Planning Commission shall hold a public hearing on any site development plan except as provided in section 12.03 above. Notice shall be made once in the official city newspaper at least 20 days in advance of the hearing. Within sixty (60) days of the public hearing, or within such time that is mutually agreed upon by the Planning Commission and the applicant, the Planning Commission shall either approve the application in whole or in part, with or without modifications and conditions, or deny the application.
2. If the Planning Commission fails to act within sixty (60) days, the plan shall be forwarded to the City Council for action.
3. If the Planning Commission approves the plan, without changes, its decision is final, unless a majority of the Planning Commission, a majority of the City Council, the Mayor, or the applicant, requests within seven (7) days of the planning commission action, that the plan be forwarded to the City Council for consideration.
4. If the Planning Commission approves the plan, with modifications, the applicant shall submit an amended plan to city staff for review. If the plan meets the requirements of the Planning Commission, staff approval is final, unless a majority of the Planning Commission, the Chairman of the Planning Commission, or the applicant, requests within seven (7) days of the staff approval that the plan be forwarded to the Planning Commission for consideration, or a majority of the City Council, the Mayor, or the applicant, requests within seven (7) days of the planning commission or staff action that the plan be forwarded to the City Council for consideration.
5. Approval of the plan by either the Planning Commission or the City Council shall be conditioned upon the approval of the City Engineer of detailed construction plans for any storm water retention and detention facilities, storm drainage systems, sewer systems, water systems, street improvements, or any other facilities intended to be dedicated for public use.

#### 12.09 Preliminary Development Plan action by Planning Commission

The Planning Commission shall review the Preliminary Development Plan at public hearing(s) with due notice to neighboring owners and published notice as required for rezones and preliminary plats. The Planning Commission shall review the Preliminary Development Plan at such hearing(s) to determine if the Plan complies with the City regulations, comprehensive land use plan, and development policies and standards. Based on this evaluation, the Planning Commission may take one of the following actions:

- I. Make a recommendation to the Governing Body that the Preliminary Development plan be approved as submitted.
- II. Make a recommendation to the Governing Body that the Preliminary Development Plan be approved subject to conditions necessary to:
  - a) Assure compliance with the City's regulations, development policies, or standards;
  - b) Assure a proper transition to and protection of adjacent properties;
  - c) Assure the development would be compatible with the character of the area and the zoning and use of nearby properties; and
  - d) Assure that the development would be consistent with the purpose and intent of the zoning district.

- III. Continue consideration of the Preliminary Development Plan to give the applicant the opportunity to provide additional information necessary to evaluate the application.
- IV. Make a recommendation to the Governing Body that the application be denied because of failure to comply with the City's regulations, development policies, or standards; the intent and purpose of the Comprehensive Land Use Plan; or development plan review considerations as provided in this Article.
- V. Fail to make a recommendation due to a vote either for or against the Preliminary Development Plan by less than a majority of the members of the Planning Commission present.

Upon receipt of the recommendation from the Planning Commission, the Governing Body may either approve or deny the application in whole or in part as recommended or may refer the application back to the Planning Commission for further consideration with a statement of the reasons thereof and with specific instructions or questions about modifications or conditions which may need to be considered during such additional review by the Planning Commission.

In the event the Planning Commission fails to make a recommendation on a Development Plan, the Governing Body may either approve or deny the application in whole or in part, or may either after initial review or on remand, take such further action as it deems necessary.

Approval of the rezoning application by the Governing Body shall amend the Zoning Map and establish the approved planned zoning district for the property designated in the rezoning ordinance, subject to compliance with the Preliminary Development Plan approved by the Governing Body.

Approval of a Preliminary Development Plan by the Governing Body shall establish requirements for the development of the subject property and shall authorize the applicant to submit a Final Development Plan in accordance with these regulations.

#### 12.10 Final Development Plan action by Planning and Zoning Director

The Planning & Zoning Director shall review the Final Development Plan for compliance with the approved Preliminary Development Plan. If the Final Development Plan is found to be in substantial compliance with the approved Preliminary Development Plan, the Planning & Zoning Director shall provide administrative approval of the Final Development Plan. Upon approval of the Final Development Plan, the applicant shall be authorized to apply for all required permits in conformance with the approved Final Development Plan.

If the Planning & Zoning Director finds that the Final Development Plan is not substantially in compliance with the approved Preliminary Development Plan, the Planning & Zoning Director shall take one of the following actions:

- I. Specify what changes are needed to bring the Final Development Plan into compliance with the approved Preliminary Development Plan and grant administrative approval,

subject to verifying that all required changes of the Final Development Plan have been satisfied prior to the issuance of any required permits, or

II. Disapprove the Final Development Plan application and either:

- a) Suggest the changes that may be needed to bring the Final Development Plan into compliance with the approved Preliminary Development Plan and advise the applicant that the Final Development Plan would need to be resubmitted to the Planning Commission and Governing Body, or
- b) Advise the applicant that the Final Development Plan could not be approved until and unless an amended Preliminary Development Plan were submitted and approved.

**12.11 Referral to City Council**

1. If the plan has been referred to the City Council, and is approved by the City Council without changes, approval is final.
2. If the plan has been referred to the City Council, and is approved, with modifications, the applicant must submit an amended plan to staff. If the plan meets the requirements of the City Council, approval is final, unless a majority of the City Council, the Mayor, or the applicant, requests within seven (7) days of the staff approval that the plan be referred back to the City Council or the Planning Commission for consideration.

**12.12 Endorsement by Planning Commission Chairman and Mayor**

All approved plans, including modifications and conditions, shall be endorsed by the Chairman of the Planning Commission. The Mayor shall also endorse those plans approved by the City Council.

**12.13 Re-Application**

In the event that a plan is disapproved or denied, in whole or in part, the applicant may submit a revised plan for review and approval. The procedure shall be the same as that established elsewhere in this section.

**12.14 General Criteria, Conditions, and Modifications**

No application of any type shall be approved unless the staff and Planning Commission find that the application (1) complies with all requirements of the Planning Commission, (2) is consistent with the objectives and purposes of this ordinance, (3) is consistent with the goals and policies of the Comprehensive Plan, and (4) is designed to be compatible with the surrounding land uses and neighborhood.

In considering an application, the approving body shall consider and may impose modifications or conditions concerning (by way of illustration and not limitation) the following development features, to the extent that such modifications or conditions are necessary to ensure compliance with the criteria or the first paragraph of this section:

1. Street and road capacities in the area;
2. Ingress and egress to adjoining public streets;
3. Location and amount of off-street parking;

4. Internal traffic circulation system;
5. Fencing, screening, and landscaping;
6. Building bulk and location;
7. Usable open space;
8. Signs and lighting;
9. Noise, vibration, air pollution, and other environmental influences;
10. Density and intensity of the proposed development;
11. Capacity of public sewers and treatment facilities;
12. Availability of utilities.

No development may be modified, structurally enlarged, or expanded in ground area intensity or density to a substantial or material degree unless the plan is amended and approved in accordance with the procedures applicable to initial approval of the plan.

#### 12.15 Change of Ownership

1. In the event of the sale of property approved for development under this ordinance, no development shall take place except in accordance with the approved development plan;
2. If a new owner(s) requests a change in the development plan, they shall be required to file revised development plans, and construction schedule of improvements in accordance with this ordinance.

#### 12.16 Additional Regulations

The Planning Commission may also, from time to time, promulgate, by resolution, additional written specific regulations not inconsistent with the provisions of this ordinance relating to procedures, criteria, and relevant development features to be considered.

#### 12.17 Exceptions to Procedure

Application for one structure in an area for which there is an approved and current development plan requiring specific changes, not inconsistent with the approved plan, may be approved by City Staff. Application may be made to the City Staff and a public hearing will not be required unless specifically requested by a majority of the Planning Commission or the City Council, within fourteen (14) days following staff approval.

#### 12.18 Voiding of Plans

Approved Final Development Plans shall become null and void eighteen (18) months from the dates of approval, if a building permit has not been issued and the start of construction of at least the first phase of development of the approved Final development plan has not begun, unless such period is extended by the Planning Commission upon written request by the applicant. Upon expiration of the plan approval, the Planning Commission shall examine the case and cause a hearing to be held to consider rezoning of the property. The Planning Commission, at its discretion, may grant extension of the time limit on plans for a specific length of time not to exceed one (1) year per extension. This section does not apply to plans approved prior to adoption of this ordinance.

#### 12.19 Subdivision of Land

Any owner or owners wishing to divide a piece of land into two or more parcels shall be required to subdivide said piece of land in accordance with the procedures and regulations in the Subdivision Regulations for Basehor, Kansas.

#### 12.20 Permits

No building permit shall be issued for the construction of any structure upon any lot, tract, or parcel of land located within the area governed by these regulations that has not been approved in the manner provided by this ordinance.

## Article 13

### NON-CONFORMING USES

#### 13.01 Continuance of Non-Conforming Uses

The lawful uses of a building or premises existing at the time of the adoption of this ordinance may be continued, although such use or structure does not conform with the provisions hereof, and such use may be extended throughout such portions of the buildings as are arranged or designed for such use, provided no structural alterations are made other than to more closely bring the building into conformance. If such non-conforming building or use is removed, the future use or such premises shall be in conformity with the provisions of this ordinance.

When a non-conformance has been discontinued for six (6) months or more, it shall not be re-established.

A non-conformance, if changed to a conformance or lesser degree of non-conformance, may not thereafter be changed back to a less conforming use than that to which it was changed. If by amendment to this ordinance any property is hereafter transferred to a more restrictive district by a change in the district boundaries, or the regulations and restrictions in a district are made more restrictive, the provision of this ordinance relating to the nonconforming use of buildings or premises relating at the time of passage of this ordinance, shall apply to buildings or premises occupied or used at the time of the passage of such amendment.

**Article 14****COMPLETION AND RESTORATION OF BUILDINGS****14.01 Construction Approved Prior To Adoption of Zoning Regulations**

Nothing herein contained shall require any change in the plans, construction, or designated use of a building for which a building permit has been heretofore issued and plans for such are on file with the Planning Commission at the time of the passage of this ordinance and the construction of which shall have been diligently prosecuted within one year of the date of each permit.

Nothing in this ordinance shall be taken to prevent the restoration, within six (6) months, of a non-conforming building destroyed to the extent of not more than fifty percent (50%) of its appraised value by fire, explosion or act of God or the public enemy, provided that when such restoration becomes involved in litigation, the time requirement for such litigation shall not be counted as a part of the six months allowed for reconstruction; and nothing in this ordinance shall be taken to prevent the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction; but any building so damaged more than fifty percent (5006) of its value may not be rebuilt, repaired or used unless it is made to conform to all regulations for buildings in the district in which it is located, provided that such restoration as may be made is to the fullest extent possible in conformance with development standards.

In addition, all land which has been, or is in the future annexed by the City of Basehor shall be subject in all respects to the Zoning Regulations of the City of Basehor, Kansas.

**Article 15****PROHIBITED USES**15.01 Designated

1. No temporary or incomplete building, nor any automotive equipment, trailer, garage, or appurtenances incident to a family dwelling, shall be erected, maintained, or used for residential purposes, providing that where the exterior and more than fifty percent (5006) of the interior of a permanent residence has been completed, this regulation shall not apply.
2. No temporary or outwardly incomplete building or structure, no open excavation for a building or foundation, and no building or structure so damaged as to become unfit for use or habitation shall be permitted, maintained, or remain in such condition for more than six months, except by special permission of the City Council.
3. No building material, construction equipment, machinery or refuse shall be stored, maintained, or kept in the open upon any lot, tract or parcel other than in such districts as permitted in this ordinance, except during actual construction operations upon said premises or related premises, provided the City Council may waive said requirement in unusual cases for a limited time.

## ARTICLE 16

### BUILDING PERMITS

1. Application; Building Permit

- A. Prior to application for building permit, applicant shall have appeared before the Planning Commission or its agent, as provided for in Section 16, for final site plan approval and provide evidence of compliance with applicable development standards.

2. Application, Plot Plan, Floor Plan, Etc. Required

- A. Application for building permit shall be filed with the City Clerk upon forms prescribed, setting forth the legal description of the lot, tract or parcel of land, together with a description of the lot, tract or parcel of land, together with a description of the building or structure to be constructed, erected or altered thereon, including the size and shape, square foot of area, principal materials of construction, location of the building or structure upon the lot, tract or parcel; the intended use, as well as is density and intensity of use. The plot plan, floor plan, elevation drawings, and first floor elevation in reference to corners of the lot and adjacent corners is required. The drawings above shall bear the seal of a registered architect and/or engineer, except for detached one- and two-family dwellings. Refer to Building Codes.

3. Temporary Building Permits

- A. No permit shall be issued for any building, structure or construction unless the same be in conformity in every respect with all the provisions of this ordinance and the building codes of the City of Basehor; provided, however, the Planning Commission may at its discretion when deemed advisable, under circumstances not in violation of the intent and purpose of this ordinance, recommend a temporary building permit be issued for a limited time; and a reasonable bond may be required to insure compliance therewith.

4. Action On Application

- A. The City Building Official or his duly authorized representative shall be empowered to act within the provisions of this ordinance upon all applications for building permits and the same shall be approved or denied not later than ten (10) working days from receipt of application. At the request of three or more members of the Planning Commission, a plot plan may be called before the Planning Commission for approval prior to the issuance of a building permit. In the event a permit is denied issuance, the applicant shall have the right to appeal to the Board of Zoning Appeals as set forth in Chapter 2.17, Board of Zoning Appeals.

5. Fees

- A. For each building permit issued by the City Clerk a fee, in accordance with the Building Code of the City, shall be collected.

## 6. Administrative Procedure, Required Permits and Fees

- A. Building Permit - It shall be unlawful to commence the construction or the excavation for the construction of any building or structure, including accessory buildings, or to commence the moving or alteration as defined in the City Building Code of any building, including accessory buildings within the City of Basehor until the building inspector has issued a building permit for such work. Except upon written authorization of the Board of Zoning Appeals, no such building permit shall be issued for any building where said construction, moving, alteration, or use thereof would be in violation of any provisions of this Ordinance.
- B. Any building permit issued by the building inspector prior to the effective date of this Ordinance, or any amendment thereto, and which permit, by its own terms and provision, is in full force and effect at said date, shall not be invalidated by the passage of this Ordinance, or any amendment thereto, but shall remain a valid permit subject only to its own terms and provisions and any other ordinances or regulations pertaining thereto in effect at the time of the issuance of said permit.
- C. Application - The application for a building permit in the City of Basehor shall be as prescribed in the Building Code for the City of Basehor.
- D. Fee - The application fee for a building permit shall be as prescribed in the Building Code for the City of Basehor.

## 7. Revocation

- A. A permit may be revoked by the building official at any time prior to the completion of the building or structure for which the same is issued, when it appears to him (1) that there is departure from the plans, specifications or conditions as required under terms of the permit; (2) that the permit was issued under false representation or was issued by mistake; or (3) that any of the provisions of this ordinance are being violated. written notice of such revocation shall be served upon the owner, his agent or contractor or upon any person employed on the building or structure for which permit was issued or shall be posted in a prominent location; and, thereafter, no such construction shall proceed. Upon revocation of a building permit which was issued by mistake, the developer shall meet with the city to determine in what respect a mistake had been made. Where plans are in conflict with ordinance, regulations or requirements and construction has not progressed to a stage where the plans could be altered to conform without substantial alteration of structures in place, the plans will be altered to conform to all applicable ordinances, regulations or requirements. when construction has progressed to a stage where compliance would require substantial alteration of construction in place, the developer shall meet with the city to negotiate possible changes in the plans which could now more nearly conform to ordinances, regulations, or requirements. When a mistake has been made calculating the fee for the building permit, the proper fee will be charged.

## 8. Certificate of Occupancy

- A. No change in the character or use of land or of the building shall be made nor shall any new or existing building or structure be hereafter occupied or used until a certificate of occupancy is issued by the City Building Official or his authorized representative certifying that such building or uses complies with all regulations of the Zoning Ordinance, Building Codes and all other ordinances and regulations applicable thereto.

9. Evidence of Compliance

A. No certificate of occupancy shall be issued unless the Planning Commission or its agent has determined that said change will be in conformance with this ordinance and the Comprehensive Plan. Evidence of compliance must be provided to the Planning Commission and the City Staff as requested.

10. Records Of Certificate of Occupancy

A. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished on request to any persons having a proprietary or tenancy interest in land or buildings affected by such certificate of occupancy.

11. Revocation Of Certificate of Occupancy

A. A certificate of occupancy may be revoked by the Building Official upon evidence of non-compliance with the Zoning Ordinance of Building Codes of the City of Basehor.

## ARTICLE 17

### BOARD OF ZONING APPEALS

#### 1. Appointment

- A. A Board of Zoning Appeals is hereby created in accordance with Kansas Statute K.S.A. 12-759. The board shall consist of five (5) members to be appointed by the mayor with the approval of the City Council. All of the members of the board shall be residents of the City. None of the members shall hold any other public office of the city. The members shall be appointed for a term of three (3) years. It is specifically provided, however, that on the effective date of this ordinance and such board of zoning appeals as was legally in existence immediately prior to such date shall be constituted as the board of zoning appeals hereby created, and the terms of the then members of said board shall expire on the same dates as were established at the time of the most recent appointment of each of such members, or until their successors are duly appointed and qualified. Thereafter, all appointments shall be made for a term of three (3) years.
- B. Effective January 1, 2004, members of the Board of Zoning Appeals shall be appointed to serve respectively for terms of one (1) year, two (2), and three (3) years divided equally or as near equal as possible between terms. Thereafter, members shall be appointed for terms of three years each. (rev. 11/10/03)

#### 2. Replacement Of Board Members

- A. A member of such Board of Zoning Appeals, once qualified, shall thereafter, be removed during his/her term of office when absent for three meetings within their term (rev. 11/03/03) or may be removed for cause and after public hearing before the Governing Body. In the event of the death, resignation, or removal of any such member before the expiration of his/her term, a successor shall be appointed by the mayor and confirmed by the City Council to serve his/her un-expired term.

#### 3. Officers

- A. The board of zoning appeals shall, at the first meeting in each calendar year (rev. 11/10/03), elect a member as chairperson, a member as a vice-chairperson, and shall appoint a secretary, who may be a member of the Board or (rev. 11/10/03) an employee of the City.

#### 4. Duties Of Officers

- A. The chairperson, or in his/her absence the vice-chairperson, shall preside at all meetings, and shall decide all points of order or procedure.

#### 5. Rules And Meetings

- A. The board may adopt rules to govern its proceedings in accordance with the provisions of this ordinance. Meetings of the board shall be held at any time at the call of the chairperson or code administrator and at such other times as the board may determine. All meetings of the board shall be held at such place or places with the City as the board may designate and shall

be open to the public. The board shall keep minutes of its proceedings, showing evidence presented findings of fact by the board, decision of the board, and the vote upon each question.

6. Powers And Duties of The Board

- A. The board of zoning appeals shall administer the details of appeals, variances, and exceptions from the provisions of the zoning ordinance, or other matters referred to it regarding the application of the zoning ordinance as hereinafter provided, to include (1) the determination of the exact location of any district boundary, if there is uncertainty with respect thereto, and (2) the determination of an appropriate use group for a use that is not listed in the zoning ordinance, and that the use is a similar use to uses already in the use group. In exercising these powers, the board, in conformity with the provisions of this ordinance, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom an appeal is taken, and attach appropriate conditions, and may issue or direct the issuance of a permit.

7. Powers Specified Elsewhere in The Ordinance

- A. The board shall also have those powers and duties specifically set forth in other parts of the Zoning Ordinance, including sections 4.1, 5.1 and 17e.

8. Records

- A. Every decision or determination by the board of zoning appeals shall be filed in the office of the City Clerk not more than (10) working days following the date of hearing and shall become a public record.

9. Fees

- A. The fee set forth in the Schedule of Fees, shall accompany each application of appeal, variance, or exception.

10. Exceptions

- A. The board may grant exceptions to the provisions of the Zoning ordinance only in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the Zoning Ordinance. In no event shall exceptions to the provisions of the Zoning Ordinance be granted where the use of the exception contemplated is not specifically listed as an exception in the Zoning Ordinance. Further, under no condition shall the Board of Zoning Appeals have the power to grant an exception when conditions of the allowed exception, as established in the Zoning Ordinance by the governing body, are not found to be present. In exercising the foregoing power, the Board, in conformity with the provisions of this act, shall have all the powers of the officer enforcing the provisions of the Zoning Ordinance and may direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination by said board may bring an action in the district court of the county in which the city is located to determine the reasonableness of any such order or determination. Such appeal shall be filed within 30 days of the final decision of the board.

11. Appeals

- A. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the city or any governmental agency or body affected by any decision of the officer administering the provisions of the Zoning Ordinance. Application for such appeal shall be made within ten (10) days of the order, decision, requirement, or determination made by the administrative official in the enforcement of the Zoning Ordinance, by filing with the Zoning and Codes Administrator a notice of appeal in writing on the forms provided by the City with the appropriate fee as set forth in the Schedule of Fees specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Zoning and Codes Administrator and the Board all the papers constituting the record upon which the action appealed from was taken.
- B. The Zoning and Codes Administrator shall schedule a hearing before the Board on the nearest available date in compliance with Section 17.12 of this Article.

12. Notice Of Hearing

- A. The board shall fix a reasonable time for the hearing of an appeal referred to it. Notice of the time, place, and subject of such hearing shall be published once in the official paper of the City of Basehor at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal, the Planning Commission, and the City Council.
- B. At least ten (10) days prior to said hearing, the applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of two hundred (200) feet of the property associated with such proposed appeal, sufficient copies of said notice to be provided by the Zoning and Codes Administrator, and shall provide a drawing of the land in question, drawn to scale, showing all tracts within a distance of two hundred (200) feet of the subject property and the ownership of each such tract; also, the location of all present buildings and proposed development. Proof of compliance herewith shall be provided to the Board prior to such hearing. Said plans, drawings, and ownership shall be verified by the Zoning and Codes Administrator or applicable city staff member for accuracy, and his signature shall be affixed to same.

13. Effect Of Appeal

- A. An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certified to the board that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or a court of record on application and notice to the person from whom the appeal was taken.

14. Variances

- A. The board shall have power to hear and decide variances from the specific terms of this ordinance in an individual case provided that the spirit and intent of this ordinance be observed, public safety and welfare are secured, adjoining property owners are not adversely affected and the strict application of the Zoning Ordinance will result in an unnecessary hardship on the property owner/applicant. Such variance shall not permit any use not permitted in the zoning ordinance in such district.

B. A variance may be granted in each case, upon a finding by the board that all of the following conditions have been met:

- a. That the variance requested arises from such condition which is unique to the property in question, and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- c. That the strict application of the provisions of the Zoning Ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
- d. That the variance desired will not adversely affect the public health, safety, morals, order convenience, prosperity, the general welfare or the harmonious development of the city.
- e. That granting the variance desired will not be opposed to the general spirit and intent of the Zoning ordinance.
- f. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the Zoning Ordinance provisions which are in question.

C. In exercising the foregoing power, the board may attach appropriate conditions and may issue or direct the issuance of a permit or may revoke a permit. The board shall set down in writing as a public record its findings with regard to each of the six points mentioned above.

15. Procedure For Appeal, Application

- A. Variances to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the city or any governmental agency or body affected by any decision of the officer administering the provisions of the Zoning Ordinance. Application for such variance shall be made within ten (10) days of the order, decision, requirement, or determination made the administrative official in the enforcement of the Zoning Ordinance, by filing with the Zoning and Codes Administrator a request for variance in writing on the forms provided by the City with the appropriate fee as set forth in the Schedule of Fees specifying the grounds thereof. The Zoning and Codes Administrator shall forward to the Board all the papers constituting the documentation and record upon which the variance request is based.
- B. The Zoning and Codes Administrator shall schedule a hearing before the Board on the nearest available date in compliance with Section 17.16 of this Article.

16. Public Hearing and Notice

- A. The board shall fix a reasonable time for the hearing of a variance referred to it. Notice of the time, place, and subject of such hearing shall be published once in the official paper of the City of Basehor at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the variance, the Planning Commission, and the City Council.

B. At least ten (10) days prior to said hearing, the applicant shall mail a copy of said publication notice by U.S. Mail, certified, return receipt requested and prepaid, to each owner of record of land within a distance of two hundred (200) feet of the property associated with such proposed variance request, sufficient copies of said notice to be provided by the Zoning and Codes Administrator, and the applicant shall provide a drawing of the land in question, drawn to scale, showing all tracts within a distance of two hundred (200) feet of the subject property and the ownership of each such tract; also, the location of all present and proposed buildings or development. Proof of compliance herewith shall be provided to the Board prior to such hearing. Said plans, drawings, and ownership shall be verified by the Zoning and Codes Administrator or applicable city staff member for accuracy, and his signature shall be affixed to same.

17. Time Limit on Permits

A. No order of the board permitting the erection or alteration of a building, or the use of a building or premises shall be valid for a period longer than one hundred twenty (120) days, unless a permit for such erection, alteration or use is obtained within such period and work started in accordance with the building or use permit.

B. The board may, at their discretion, extend the period for obtaining a permit in increments of ninety (90) days without advertising or additional application.

## Article 18

### RULES OF PROCEDURE FOR REZONING

#### 18.01 Application for Amendment of Zoning District Map

Application for amendment, revision or change of the zoning district map of Basehor may be made by any owner or his agent. 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.

#### 18.02 Pre-Application Conference

A pre-application conference shall be held with the Planning Commission or its representative in order for the applicant (1) to become acquainted with the review procedures and related city requirements; (2) to obtain a written list of what the applicant shall include in addition to the minimum information required by Section 12; (3) to obtain copies of any guidelines to the interpretation of the provisions of Sections 19 through 23 as required.

#### 18.03 Fee

A fee as set forth in Section 24, Fees, shall accompany each application for rezoning.

#### 18.04 Justification of Request by Owner

When a change of zoning is requested, the applicant shall furnish in writing (at the time of application) a summary of why he feels the requested change should be granted.

#### 18.05 Notice Hearing

Immediately upon receipt of such application and fee, the secretary of the Planning Commission shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than the second regular meeting of the Planning Commission from the date of termination of the earliest publication period available thereafter required by law. Any such hearing, for good cause, at the discretion of the Planning Commission, may be continued for a definite time to be specified in the record of the Planning Commission. Notice of such hearing shall be published in one issue of the official newspaper of the City of Basehor, such notice to be published not less than twenty (20) days prior to the date of said hearing before the Planning Commission. In addition to such publication notice, the applicant shall be responsible for mailing notices of such proposed change to all the owners of record of lands within two hundred (200) feet of the area proposed to be altered if within the city limits, and within one thousand (1000) feet if the land is in the county, at least twenty (20) days prior to the hearing, thus providing an opportunity to all interested parties to be heard. All notices shall include a statement that a complete legal description is available at the City Clerks office at City Hall for public inspection. Such mailed notice shall be by certified mail, return receipt requested, and shall be in the form of a letter explaining the proposed change. Newspaper clippings of the publication notice shall not be used, and mailed notices shall be addressed to the owners of land mentioned above.

Failure to receive such notice shall not invalidate any subsequent action taken.

#### 18.06 Notice of Pending Action

A sign shall be placed upon the lots, tract, or parcel of land for which the application was filed. Said sign shall be furnished and placed by City Staff not less than 20 days prior to the Public Hearing. Staff shall firmly affix and attach the sign to a wood or metal backing or frame and place the sign as hereinafter set forth.

Said signs shall set forth the nature of the zoning change being requested, the existing zoning, the application number, the date and place of the public hearing and the penalty for defacement or removal of the sign. Said sign shall be maintained and kept in place until the conclusion of the public hearing before the Planning commission for such application or until withdrawal of the application, at which time the sign may be removed.

Said sign shall be placed so as to be easily read from the adjacent street, in a central position on such lot, tract or parcel of land and shall have no visual obstructions thereto. If the lot, tract or parcel of land has more than one street abutting thereto, the sign shall face the street with the greatest traffic flow. If the lot, tract, or parcel of land is greater than five (5) acres, a sign as required by ordinance shall be placed so as to face each of the streets abutting thereto.

#### 18.07 Penalty for Defacement Or Removal Of Sign

It is hereby declared to be a misdemeanor for any person to remove, deface or destroy any sign provided for by this ordinance. Any person upon conviction thereof shall be fined a sum not to exceed one hundred dollars (\$100.00) or imprisoned in jail for not more than thirty (30) days or be both fined and imprisoned.

#### 18.08 Action by The Planning Commission

Following the final hearing of such application, a majority vote of the entire membership of the Planning Commission shall be required to recommend approval or denial of the amendment to the governing body.

The factors to be used in determining approval or denial of an application for rezoning or special use permit are as follows:

1. The character of the neighborhood;
2. The zoning and use of properties nearby;
3. The suitability of the subject property for the uses to which it has been restricted;
4. The extent to which removal of the restrictions will detrimentally affect nearby property;
5. The length of time the subject property has remained vacant as zoned;
6. The relative gain to the public health, safety, and welfare by the destruction of the value of a protesting citizen as compared to the hardship imposed upon the individual landowners.
7. Recommendation by planning staff or consultant; and
8. Conformance of the requested change to the adopted city comprehensive plan.

If the planning commission fails to make a recommendation on a rezoning request, the planning commission shall be deemed to have made a recommendation of disapproval. The recommendation of the planning commission shall be sent to the governing body at the earliest reasonable time and shall transmit an accurate written summary of the proceedings to the City Clerk of Basehor.

#### 18.09 Action by The City Council

Following the receipt of said summary of the action of the Planning Commission, the city Clerk shall submit the same to the City Council for action. The City Council may: (1) Adopt such recommendation by ordinance; (2) override the planning commission's recommendation by a 2/3 majority vote of the membership of the City Council; or (3) return such recommendation to the planning commission with a statement specifying the basis for the City Council's failure to approve or disapprove. The City Council may for good cause continue its action or take the same under advisement for final decision at a later date, and in any case the record shall show the reason for such continuance or withholding of action.

#### 18. 10 Continuance of Action

Upon request of the applicant to the Secretary of the Planning Commission, one continuance, by the applicant, may be granted of the hearing before the Planning Commission and one continuance, by the applicant, may be granted for City Council action on the Planning Commission recommendation. Any such continuance, when requested by the applicant, shall be made to a day certain and shall be for not less than one (1) month.

#### 18. 11 Referral of Application Back to Planning Commission

Provided further, the Council may, if in its judgment deems advisable for the best interest of the public and applicant, refer such application back to the Planning Commission with a statement specifying the basis for the governing body's failure to approve or disapprove (refer to Section 18.08, factors to be considered). The applicant will not be required to pay an additional filing fee in such rehearing proceedings as herein provided.

#### 18.12 Action by Planning Commission or City Council Upon Its Own Motion

Recommendation for amendment, revision, change or appeal of the Zoning Ordinance, District Map, Rules or Regulations, may also be made by the Planning Commission upon its own motion or by the City Council, providing the same are first submitted to the Planning Commission for hearing and recommendation. In either case, final action by the City Council shall be taken only after hearing upon publication notice and recommendation, whether favorable or otherwise, by the Planning Commission, in the manner herein before provided.

#### 18.13 Protests by Neighboring Landowners

If, however, a protest against such amendment, supplement or change be filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the hearing. Pursuant to said publication notice, duly signed and acknowledged by twenty percent (20%) of the total area, excepting public streets or ways, located within two hundred (200) if in the city or one thousand (1000) feet if in the county from the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of all the members of the City Council.

#### 18.14 Waiting Period for Reapplication

In the event that the City Council denies an application for rezoning, such application shall not be resubmitted for one hundred twenty (120) days.

**ARTICLE 19**

**RESERVED**

**ARTICLE 20**

**RESERVED**

## ARTICLE 21

### LANDSCAPING

#### 1. Screening

- A. An opaque screen may be required along all lot boundaries, where the premises abut areas used for residential or agricultural uses. Where there is a difference in elevation on opposite sides of the screen, the height shall be measured from the highest elevation. A screen may consist of one or any combinations of the following types:

#### 2. Landscaping

- A. Landscaping consisting of trees, shrubs, vines ground cover or any combination thereof, shall be installed and maintained subject to the following standards:
  - a. Landscape should be used to provide interesting open space and to break the visual impact of parking areas and other undesirable features.
  - b. Boundary landscaping may be required along all property lines except for the area required for street openings and the area within ten (10) feet on either side of the street openings.
  - c. Intersections: Landscaping along all streets and boundaries shall not interfere with line of site within twenty (20) feet of the point of intersection of:
    - i. A vehicular access way or driveway and a street;
    - ii. A vehicular access way or driveway and a sidewalk;
    - iii. Two or more vehicular access ways, driveways, or streets.
  - d. Maintenance: Required landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and the regular watering of all plants.

#### 3. Planting Design

- A. Planting design shall coordinate appropriate new plant material and their environmental requirements with the climate, soil, orientation, watercourses, existing vegetation, related natural resources, and manmade facilities.

#### 4. Existing Plant Material

- A. The overall qualities of preserved existing plant material shall be considered and treated in the planting design in a similar manner to new plant material.

#### 5. New Plant Material

- A. Plant materials shall be provided to enhance the appearance of buildings and grounds, provide necessary screening, to help separate incompatible use areas, arrest erosion and reduce noise.
- B. Quantities of trees and shrubs shall be sufficient to fulfill the needs of the property, as interpreted by the Planning Commission, based on professional site design and analysis and customary planting treatments in the general location.
- C. New plant materials shall be of a reasonable number of varieties. Plants shall be well formed, economical in maintenance needs.
- D. Selected plant materials shall be of proven hardiness and of suitable size, color, texture, winter appearance characteristics and growth habit to serve the intended use.
- E. The following are minimum recommended sizes:
  - a. Ornamental trees: 6' – 8'
  - b. Shade trees: 1 ½" – 2" caliper
  - c. Evergreen trees: 5' – 6'
- F. Each kind of material shall be placed in locations which suite its known climatic and environmental needs.
- G. Where trees, shrubs or other ornamental plants are located in areas of concentrated occupant activity, raised planting beds, permanent protective fences or tree guards adequate to minimize damage to plant materials shall be provided as appropriate.
- H. Trees use in the planting shall be long-lived, pest resistant varieties. They shall be spaced appropriate for the trees to achieve normal growth with minimum maintenance.
- I. Trees or shrubs shall not be planting under existing or planned utility lines where their ultimate height will interfere with the lowest line. Trees and shrubs shall not be planted over underground drainage and utility lines and shall be placed far enough away from storm and sanitary sewers and water lines to avoid roots entering the lines.
- J. Plantings at intersections or driveway entrances shall be arranged to allow a permanently clear, safe site distance for all vehicles.
- K. Plant materials shall be selected and arranged to prevent blocking or obscuring night lighting of pedestrian ways at any stage of growth.

6. Required Coverage

- A. All areas of open or disturbed ground shall be planted with grass or other appropriate vegetation. Planting in undisturbed areas may be omitted when suitable existing vegetation is adequate to prevent erosion. The following items are required and represent levels for landscaping:
- B. Base trees: Trees which when mature will have a trunk diameter of six (6) inches or more; sixteen trees per acre of usable open space.

- C. Other plantings: To include small ornamental trees and shrubs required by the site and screening requirements.
- D. Street trees: It shall be the responsibility of the developer to provide street trees of an approved variety. Street trees shall be included in the required landscaping plan and approved for location and variety. Street trees should be planted on an average of every fifty (50) feet. Additional planting material may be necessary to meet screening requirements.

7. Lawns

- A. Primary lawns are those essential to the use and appearance of a home or development and usually intended for regular mowing. These lawns shall be planted according to good local horticultural practices with locally acceptable lawn grasses by seeding, sodding, plugging, or stringing in a manner which will result in a satisfactory stand of permanent ground cover may be used.
- B. Secondary lawns are those consisting of large open spaces maintained as meadows and only occasionally mowed and rear areas of developments, where fine quality lawns of secondary importance, shall be planted with grass or other ground cover appropriate to the location and intended use.

8. Ground Cover

- A. Ground cover plant shall be of good quality, appropriate form, growth habit and ultimate size to fulfill intended use.

9. Service Screening

- A. Service areas and facilities shall be screened from major residential and visitor entrances of all buildings.

10. Landscape Plan Approval

- A. Landscaping plans shall be submitted to Planning Commission or their designated representative for review and approval. The landscaping plans may be called before the Planning Commission for approval at the request of a minimum of three (3) Planning Commission members.

**ARTICLE 22****UTILITIES**1. Utilities, Must Be Located in Adequate Easements

- A. Main utility services shall be located in easements adequate in location and width to be operated and maintained by the public agencies or companies concerned. Installation shall be in accordance with applicable city ordinances.

2. Utilities, Must Be Adequate Before Building Permit Is Issued

- A. No building permits shall be issued unless provision has been made for utility systems adequate to serve the needs of the proposed development without adversely affecting surrounding property.

## Article 23

### PARKING AND LOADING AREAS

#### 23.01 Parking and Storage of Certain Vehicles

No unlicensed vehicle or part of such vehicle may be left parked or stored upon any street, public or private property, or on any driveway within the city. If such shall be so parked, the same shall be removed by the owner within five (5) days after verbal notice or written notice left affixed to the vehicle by the Police Department of the City of Basehor. If such vehicle is not removed within the said five (5) day period, the vehicle shall not be returned to the owner until towage and storage charges are paid by the owner and such payment shall not relieve the owner of prosecution for such violation.

#### 23.02 Parking Regulations, General

For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off-street parking in the form of garages or areas made available exclusively for that purpose shall be provided. Such parking space shall be located entirely on private property with no portion except the necessary drives extending into any required yard, street or other public way unless specifically allowed in certain districts or unless the city deems it in the public interest to waive or modify this requirement. Parking shall be adequate to meet the demand. The following guidelines are offered but may be adjusted if sufficient evidence is presented to justify the change.

#### 23.02.01 Parking Regulations, General, R-0 And R-1 Zoning Districts

1. In the residential zoning districts of R-O (Suburban Residential), the following shall apply if the primary structure is setback more than one hundred (100') feet.
2. In the residential zoning district of R-1 (Single Family Residential), the following shall apply if the primary structure is set back more than one hundred (100') feet and not located within a platted subdivision.

All main driveways shall be surfaced within the street right-of-way with not less than a 4-inch-thick layer of compacted rock, gravel, or AB-3. Where such driveways intersect with paved streets or Highways, the approach shall be paved with a permanent bituminous or concrete pavement from the street or Highway pavement edge to the Right of Way/Property Line in order to prevent the accumulation of gravel or other debris on the roadway and all work shall be done in accordance with the applicable Design Standards, as adopted by the City.

Within all Zoning Districts the required approach shall be constructed of a bituminous or concrete surface per the City of Basehor Design Criteria and Technical Standards, unless stated otherwise.

#### 23.03 Same, Joint Use of Facilities

- (1) As much as fifty percent (50%) of the off-street parking facilities required under this Section for a theater, bowling alley, dance hall, or an establishment for the sale and consumption on the premises of food, alcoholic beverages, or refreshments, and up to one hundred percent (100%) of such facilities required for a church or an

auditorium incidental to a public or parochial school, may be supplied by off-street parking facilities provided for certain other kinds of buildings or uses specified in subparagraph (b) below, which are not normally open, used, or operated during the principal operating hours of the aforesaid establishments; and not more than fifty percent (50%) of the off-street parking facilities required under this Section for certain buildings or uses specified in sub-paragraph (b) below may be supplied by such facilities provided for theaters, churches, or other aforesaid establishments provided that a properly drawn legal instrument is executed by the parties concerned for the joint use of the off-street parking facilities, which instrument, duly approved as to form and manner of execution by the City Attorney, shall be filed with the application for a permit.

- (2) Buildings or uses not normally open, used, or operated during the principal operation hours of theaters, churches, or other of the aforesaid establishments are defined as banks, business offices, retail stores, personal service shops, household equipment or furniture shop's, clothing or shoe repair or service shops, manufacturing buildings, and similar uses.
- (3) Type: Parking spaces for all types of uses may be provided either in garages or parking structures conforming with the provisions of this ordinance.

#### 23.04 Parking Standard Guidelines

Use of Building or Site	Minimum Number of Parking Spaces
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#### **Residential**

Single family*	2.0 per dwelling unit
Multifamily**	
Efficiency	1.0 per dwelling unit
One or two bedrooms	1.5 per dwelling unit
Three or more bedrooms	2.0 per dwelling unit

#### **Commercial**

Banks	3.3 per 1,000 sq. ft. GFA
Funeral Home	1.0 per 50 sq. ft. GFA
General Retail	4.0 per 1,000 sq. ft. GFA
Shopping Centers	5.5 per 1,000 sq. ft. GFA
Restaurants	0.3 per seat
Hotels, Motels	1.0 per rentable room
Offices	5.5 per 1,000 sq. ft. GFA
Medical or Dental Offices and Clinics	5.0 per doctor
Industrial***	1.0 per 1,000 sq. ft. GFA

Improved space shall be provided adequate to the needs.

## Others

Auditoriums and Theaters	0.3 per seat
Churches	0.3 per seat
College/University	0.5 per student
Senior High School	0.2 per student plus 1.0 per staff member
Elementary and Junior High School	1.0 per classroom
Hospitals	1.2 per bed
Nursing Homes	0.4 per bed
Home Occupations	2 spaces

\*Includes duplexes and townhouses.

\*\*Plus 10% for visitor parking.

\*\*\*On-street parking is prohibited. GFA - Gross Floor Area

### 23.05 Location of Parking Facilities

Off-street parking facilities should be located as hereinafter specified. Where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the entrance of the building which it is required to serve:

1. For one and two-family dwellings: On the same lot with the building they are required to serve.
2. For multiple dwellings: Not more than two hundred (200) feet from the building they are required to serve.
3. For commercial and institutional uses (for hospitals, sanitariums, asylums, orphanages, rooming houses): Not more than three hundred (300) feet from the building they are required to serve.
4. For other uses, other than those specified above: Not more than one thousand (1, 000) feet from the building they are intended to serve.

### 23.06 Changes in Use - Additions and Enlargements

When there is a change in use of any building, or an increase in floor area or the number of employees or other units of measurement that may require an increase of parking, the Planning Commission shall review these changes and specify the number of additional parking spaces required. However, if the additional off-street parking required does not exceed ten (10) percent of the previously provided parking facility, no additional parking shall be required.

### 23.07 Parking Areas, Size, and Improvement

All open parking area

1. Shall be at least 8.5 feet by 20.0 feet for employee and tenant parking and 9.0 feet by 20.0 feet for customer parking,
2. Shall be ready for use upon occupying a building, and

3. Shall be surfaced with a permanent surface of bituminous or concrete pavement meeting standards and specifications of the City of Basehor prior to the issuance of an Occupancy Permit, unless special permission is granted by the Building Official due to weather conditions not being satisfactory for placing asphaltic material. In this case the parking area must be constructed and maintained to a safe standard until the permanent surface is completed. Ingress and egress shall be by means of paved driveways not exceeding thirty-five (35) feet in width. Any lights used to illuminate parking areas so, be so arranged as to direct light away from any adjacent premises. In addition, the following regulations shall apply:

1. No off-street parking other than in a parking structure shall be permitted within twenty (20) feet of a public street right-of-way line or thirty (30) feet of a street pavement line whichever is greater, except:

- a. that temporary parking of motor passenger cars shall be permitted in customary driveways of residential dwellings;
- b. Off-street parking shall be permitted within ten (10) feet of the public right-of-way line on property zoned CP-1 Neighborhood Business District and CP-2 General Business District along and adjacent to 155th Street. Ord. No. 252.

2. All parking lots and drives leading thereto, except those serving single-family and two-family dwellings, may be required to have curbs and drainage facilities approved by the City Engineer.

3. No signs shall be permitted except those necessary for the orderly parking thereon, and not more than one sign with a maximum area of four (4) square feet at each entrance to identify such parking area and present any regulations governing same.

4. The Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property.

5. The Planning commission may require that a parking area be screened and that any screen planting, fence, or wall around a parking lot shall be set back from a street if such setback will prevent adverse effects upon the appropriate use of adjacent property or will prevent a traffic hazard.

### 23.08 Off-Street Parking and Loading Regulations

Whenever a structure is erected, converted, structurally altered, or moved, off-street parking and or loading spaces shall be provided in the form of garages or areas made available exclusively for that purpose. Such parking space shall be located entirely on private property with no portion, except the necessary drives, extending into any street or other public way. In addition, no parking shall be permitted in the required front yard in District "R-111 through "P-III inclusive, except that parking of motor vehicles shall be permitted in customary driveways of single- and two-family dwellings.

All off-street parking in fulfilling multiple family, commercial and industrial development or as in fulfilling a special use permit requirement may be located within 200 feet of said development, if requirements are approved and passed in accordance with Section 18, Special Uses:

All off-street parking and or loading spaces shall be permanently surfaced with bituminous or concrete pavement meeting the standards and specifications of the City of Basehor, Kansas.

### 23.09 Loading and Unloading Off-Street Parking Regulations

Loading and unloading spaces shall be provided off -street and in the side or rear yard for such uses involving receipt or distribution of materials or merchandise by motor vehicle or rail. All loading and unloading operations shall be so located to avoid undue interference with public use of streets, alley and walkways. Such space shall include a 12 foot by 50-foot load area for loading and unloading operations and shall have a minimum height clearance of 14 feet. The number of spaces shall be provided as follows:

Gross Floor Area	Spaces Required
Under 3,000 sq. ft.	1 space
3,001 to 30,000 sq. ft.	2 spaces
30,001 to 90,000 sq. ft.	3 spaces
90,001 to 150,000 sq. ft.	4 spaces
150,000 to 230,000 sq. ft. and for each additional 30,000 sq. ft.	5 spaces 1 space

### 23.10 Unloading Facilities

Adequate space shall be provided for the unloading of delivery vehicles in such a manner as to not interfere with traffic on public ways including streets and sidewalks or with use of off-street parking areas. No portion of a loading berth shall be located within twenty (20) feet of a street right-of-way line or thirty (30) feet of a pavement line or within ten (10) feet of any property line whichever is greater. Loading docks shall be a minimum of seventy-five (75) feet from the front lot line. Berths shall be a minimum of twelve (12) feet by fifty (50) feet.

**Article 24****FEES****24.01 Fees**

The Governing Body shall establish a fee schedule by resolution pertaining to application fees in the zoning regulations.

**Article 25****PENALTY FOR VIOLATIONS**

The violation of any provision of this ordinance shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not less than one hundred dollars (\$100.00), or greater than five hundred dollars (\$500.00) per offense; and the City of Basehor, Kansas shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this ordinance and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. Each day a violation of this ordinance shall continue shall constitute a separate offense. Suspected violations of this ordinance shall be reported to the Building Inspector who shall investigate within ten (10) working days to determine if a violation exists.

## **Appendix A**

### **A LISTING OF PERMITTED AND CONDITIONAL USES**