Official Copy

Unified Zoning Ordinance
and
Subdivision Regulations
for the

CITY OF SPRING HILL, KS

2016 First Edition

Ordinance 2016-04
March 24, 2016

Chapter XVII. Article 3.

UNIFIED ZONING ORDINANCE AND SUBDIVISION REGULATIONS
2016 FIRST EDITION
SPRING HILL, KANSAS

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SECTION 17.301 - SHORT TITLE

A. Title. This code, including the zoning district map made a part hereof, shall be known and may be cited and referred to as the "Spring Hill Unified Zoning Ordinance." It may also be referred to throughout this document as "this Code."

B. Authority. This Code is adopted under the home rule powers of the City and the specific authority of K.S.A. 12-741 et seq., as amended, and is intended to exercise broadly the powers granted to the City there under.

C. Jurisdiction. The provisions of this Code shall apply within the corporate limits of the City of Spring Hill. (Ord 2016-04)

D. Purpose. This Code is adopted to preserve and improve the public health, safety and general welfare of the citizens of Spring Hill, and to implement the Comprehensive Plan of the City of Spring Hill, as adopted in April 1996, and as it may be amended from time to time. More specifically, it is the purpose of this Code to implement the following regulatory aspects of the Comprehensive Plan's goals:

1. Create a housing inventory, which maintains the character and scale of a small town or village, creates a pleasing pedestrian environment and ensures a desirable mix of housing styles and colors.

2. Create a park and open space system which serves the recreational needs of all citizens, is conveniently located for the majority of citizens, preserves the natural environment, and enhances the visual character of the City and surrounding areas.

3. Create a tax base that provides a variety of funding sources.

4. Create a transportation system, which efficiently moves traffic into, through and out of the City.

5. Provide a system of services and facilities that are responsive to the community's needs.

6. Maintain a small town atmosphere.

(Ord 2016-04)

E. Applicability. The following general requirement shall apply to all zoning districts.

1. No Building or land shall be used for any purpose whatsoever or put to any use whatsoever except in accordance with the applicable provision of this Code.

2. No building or structure shall be constructed, reconstructed or substantially repaired except in accordance with the applicable provisions of this Code.

3. No land shall be developed except in accordance with the applicable provisions of this Code.

4. No use, building, or development shall be maintained or continued except in accordance with this Code or in accordance with the permit or approval allowing such development.

F. Transitional Provisions. The following transitional provision shall apply to various activities, actions and other matters pending or occurring on August 14, 1997.

1. Violations continue. Any violation of the previous zoning ordinance of the City of Spring Hill shall continue to be a violation under this Code and shall be subject to prosecution pursuant to this Code, unless the use, development, construction or other activity is clearly consistent with the express terms of this Code.

2. Nonconformity's under previous ordinance. Any legal nonconformity under a prior-zoning ordinance of the City of Spring Hill shall be considered a legal nonconformity under this Code, provided that the situation that resulted in the nonconforming status under the previous regulations continues to exist. If, however, a nonconformity under a prior ordinance becomes conforming as a result of the adoption of this Code or any subsequent amendment to this Code, then such situation shall no longer be considered a nonconformity.

3. No nonconformity's created by adoption of this Code. No use of a building, structure or property and no building, structure or property that complied with the zoning ordinance in effect prior to August 14, 1997, shall become or be deemed to have become nonconforming or noncomplying due to adoption of this Code.

4. Completion of development plans.

a. Any building or development for which a permit was issued or for which valid building plans are on file with the appropriate permitting office (Spring Hill or Miami County) prior to August 14, 1997, may be completed in conformance with the issued permit and other applicable permits and conditions including the plans submitted for the approval of the permit, even if such building or development does not fully conform to the provisions of this Code.

b. Any type of land use application which has been officially filed with the City of Spring Hill or the Miami County Development/Planning Department prior to August 14, 1997, may continue to be processed under the land use rules and regulation in effect prior to said date as long as said application process is completed within one year of said date.

G. Zoning of Annexed and Deannexed Areas. Any land which is classified in any zoning district from AG through the R-R zoning district and which comes under the jurisdiction of the City of Spring Hill by reason of its annexation to the City shall be automatically converted to the R-R zoning district. Any land that has a higher intensity zoning classification than R-R and which comes under the jurisdiction of the City of Spring Hill by reason of its annexation to the City shall retain the same zoning classification as it had before coming under the jurisdiction of the City of Spring Hill.

H. Zoning Procedure. The requirements of this Code permit only those uses listed in each district under permitted uses or conditional uses. Any owner of property desiring to use their property for some use other than the listed uses may request the Spring Hill Planning Commission to consider amending the regulations.

I. Severability. If any section, subsection, clause, phrase, or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions of this Code.

J. Lots platted prior to August 9, 1976. Any lot areas that have been platted prior August 9, 1976, and are at least equal to 60 by 110 feet or 6,600 square feet, this regulation shall not prohibit the erection of a one-family dwelling.

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SECTION 17.302 - DEFINITIONS

A. Rules.

1. **Meaning and intent.** All provisions, terms, phrases and expressions contained in this Zoning Code shall be construed in accordance with the purposes of this Code.

2. **Mandatory and discretionary terms.** The word "shall" is always mandatory. The word "may" is permissive.

3. **Conjunctions.** Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

   "And" indicates that all connected items, conditions, provisions or events shall apply; and

   “Or” indicates that one or more of the connected items, conditions, provisions or events shall apply.

4. **Tense, number and gender.** Words used in the past or present tense include the future as well as the past or present, unless the context clearly indicates the contrary. The singular shall include the plural and the plural shall include the singular, as the context and applications of this Code may reasonably suggest. Words of one gender shall apply to persons, natural or fictitious, regardless of gender, as the context and application of this Code may reasonably suggest.

B. Definitions.

For the purposes of this Code words and terms defined in this section shall be given the meanings set forth here. All other words shall be given their common, ordinary meanings, as the context may reasonably suggest.

In case of a dispute over the meaning of a term not defined here or over the application of a definition set forth here, the Zoning Administrator shall give a written interpretation.

1. **Accessory Building** means a subordinate building having a use customarily incident to and located on the zoning lot occupied by the main building or used customarily incidental to the main use of the property. A building housing an accessory use is considered an integral part of the main building, when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

2. **Accessory Use** means a use of building or land, which is customarily incidental to and located on the same zoning lot or premises as the main use of the premises.

3. **Adequate Public Facilities** means those facilities relating to roads, sewer systems, schools, water supply and distribution systems, and fire protection that meet adopted level of service standards.

4. **Adult Business** means any adult business establishment as defined in Chapter VIII, Article 3, Section 3-301.c of the Spring Hill City Code.

5. **Agriculture means** the use of a tract of land for the raising of crops, animal husbandry, dairying, pasturage, general farming, truck farming, cultivation of field crops, orchards, groves, raising fish, birds or poultry, and accessory uses, necessary for the carrying out of farming operations, including structures for storage, processing and the sale of products raised on premises. Agricultural uses shall not include the following:

   a. The operation or maintenance of greenhouses, nurseries, or hydroponic farms operated as a retail operation.

   b. Wholesale or retail sales as an accessory use, unless the same are permitted by these Regulations.

   c. Lands which are used for recreational purposes even though such properties may produce or maintain some of the plants or animals listed herein.

   d. Suburban residential acreage's or rural residential acreage's, home sites and yard plots whose primary function is for residential purposes even though such properties may produce or maintain some of the plants or animals listed herein.

   Any animal, bird, fowl, fish, amphibian, or invertebrate not native to the State of Kansas, or a native animal that is not considered to be domesticated, shall not be allowed. Additionally, the following animals are allowed:

   a. Llamas, camels
   b. Fallow Deer, Sika Deer
   c. Pea Fowl, Water Fowl
   d. Emus, Ostrich, Rhea

6. **Agricultural Sales and Service** means an establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, propane, butane, anhydrous ammonia, farm supplies and the like, and including repair services.

7. **Alley** means a public thoroughfare that ordinarily affords only a secondary means of access to abutting property and that is usually not over 20 feet wide.

8. **Alteration** means any building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another, shall be considered an alteration.

9. **Animal Care, General** means a use providing veterinary services for large animals, and which may include small animals (household pets), and for which boarding facilities may also be provided.

10. **Animal Care, Limited** means a use providing veterinary services for small animals (household pets) for which there are no outside animal runs, and for which hoarding facilities may also be provided.

11. **Automated Teller Machine (ATM**) means a mechanized consumer banking device operated by a financial institution for the convenience of its customers, whether outside or in an access-controlled facility. ATMs located within a building shall be considered accessory to the principal use unless the ATM is likely to be an independent traffic generator.

12. **Auto Wrecking, Recycling or Salvage Yard** means a lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvaging of machinery or vehicles that are not in operating condition; or for the sale of parts thereof. Typical uses include motor vehicle salvage yards and junkyards.

13. **Bank or Financial Institution** means establishments engaged in deposit banking. Typical uses include commercial banks, savings institutions and credit unions. “Banks and Financial Institutions” also include automated teller machines.

14. **Basement** means a portion of a building, which is wholly, or partly below grade, the ceiling of which is less than four feet above grade.

15. **Basic Industry** means an establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage or manufacturing processes which involve or have the potential to involve commonly recognized offensive conditions. Typical uses include fat rendering plants; poultry and rabbit dressing; pulp processing and paper products manufacturing; stockyards; slaughter houses; steel works; tanneries; acid manufacture; cement, lime, gypsum, or plaster of Paris manufacture; distillation of bones; fertilizer manufacture; garbage, offal or dead animal incineration, reduction or dumping; glue manufacture; gas manufacture; and petroleum refineries.

16. **Bed and Breakfast Inn** means the use of an owner-occupied or manager-occupied residential structure to provide rooms for temporary lodging or lodging and meals for not more than six transient guests on a paying basis. See “Transient Guest."

17. **Best Management Practice (BMP)** mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with land disturbance activities regulated by this Ordinance.

18. **Board of Zoning Appeals** means the Board, which has been created by the Governing Body to hear and determine appeals, and variances, to the zoning regulations as set out in Section 17.366.

19. **Boarding House or Lodging House** means a building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

20. **Building** means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, horticultural products, animals, or property. When separated by division walls from the ground up without openings, each portion of such building shall be considered a separate building with separate occupancy requirements.

21. **Building Line** means the exterior face of a wall of an existing structure or the limits to which an exterior face of a wall of a proposed structure may be built, but shall not include the face of one story unoccupied gable roofed areas over open porches, entrances or like appendages.

22. **Building permit** means an official document or certificate issued by the City Building Inspector or duly authorized representative which authorizes any owner or authorized agent to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to install, enlarge, alter, remove, replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by Chapter IV of the Spring Hill, Kansas City Code, or to cause any such work to be done. A building permit may also specifically authorize land disturbance and installation of site improvements in lieu of separate site development and land disturbance permits.

23. **Car Wash** means an establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

24. **Cargo Containers**, also referred to as **Containers** or **Storage Containers** means an industrial, standardized reusable vessel that is not permanently attached to a semi-trailer and wheels:
    a. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and

b. Designed for or capable of being mounted or moved on a rail car, and
c. Designed for or capable of being mounted on a chassis for movement by truck, train or loaded on a ship

(Ord 2015-06)

25. **Cargo Container Storage Facilities** means any site engaged in the storage of cargo containers, semi-trailers or chassis in which either the principal or secondary use is the movement, storage, staging or redistribution of cargo containers or semi-trailers (either on or off a chassis), or chassis, but not to include operations that are subject to the jurisdiction of the U.S. Department of Transportation, Surface Transportation Board. (Ord 2015-06)

26. **Cargo Container Repair and Maintenance Facilities** means any site engaged in the repair and maintenance of cargo containers, semi-trailers, or chassis located within, or separate from, a cargo container storage facility. This may include facilities or operations engaged in the conversion of cargo containers for a secondary use or sale. (Ord 2015-06)

27. **Cemetery** means land used or intended to be used for burial of the dead, whether human or animal, including a mausoleum or columbarium. A funeral home may be included as an accessory use to a cemetery.

28. **Chassis** means the portion of a semi-trailer configuration that is non-powered and consisting of only a bed (frame) and trailer wheels. (Ord 2015-06)

29. **Chassis Racking** means a method of storing chassis in an upright position (on end) where the bed is perpendicular to the ground. (Ord 2015-06)

30. **Chassis Stacking** means a method of storing a chassis where the bed of the chassis remains parallel to the ground. (Ord 2015-06)

31. **City** means the City of Spring Hill, Kansas.

32. **Church or Place of Worship** means a premises or site used primarily or exclusively for religious worship and related religious services or established place of worship, convent, seminary or similar facility owned or operated by a bona fide religious group for religious activities.

33. **Club, Class A** means premises owned or leased by a corporation, partnership business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal, or war veterans' club, as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them.

34. **Club, Class B** means premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for food, alcoholic beverages or dancing.

35. **Commercial vehicle** means a vehicle with or without its own motive power; with a chassis rated at one (1) ton or more; dimensions exceeding twenty (20) feet in total length, eight (8) feet in width, or seven (7) feet in height; and used primarily for the carrying of equipment, livestock, minerals, liquids, other commodities, or people in the form of a transportations service. Commercial vehicles include hauling and advertising trailers in excess of twenty (20) feet in total length measured from the back to the end of the tongue. Commercial vehicles include trucks regardless of capacity which do not have a pickup bed. (Ord. 2006-33)

36. **Communication Tower,** means commercial, non-commercial, and government AM/FM radio, television, microwave and cellular telephone transmission towers and accessory equipment and buildings.

37. **Community Assembly** means an establishment providing meeting, recreational, educational, or social facilities for a private membership or non-profit association, primarily for use by members and guests. Typical uses include fraternal organizations, "Class A Clubs," philanthropic and eleemosynary institutions.

38. **Comprehensive Plan** means the *Spring Hill Comprehensive Plan*, as adopted by the Spring Hill City Council in April 1996, and as amended from time to time.

39. **Construction Sales and Service** means an establishment engaged in the retail or wholesale sale of materials used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards (only allowed in the industrial zone districts), home improvement centers, lawn and garden supply stores, electrical, plumbing, air conditioning, and heating supply stores, swimming pool sales, construction and trade contractors' storage yards.

40. **Convenience Store** means an establishment, engaged in the retail sale of food, beverages, gasoline and other frequently or recurrently needed merchandise for household or automotive use and which may specifically include a car wash as an accessory use, but shall not include motor vehicle repair.

41. **Cultural Group** means a facility providing cultural services to the public. Typical uses include museums, art galleries, community centers, observatories, planetariums, botanical gardens, arboretums, zoos and aquariums.

42. **Curb Level** means the mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

43. **Customary passenger vehicle** means a vehicle with its own motive power; not exceeding twenty (20) feet in overall length, eight (8) feet in width or seven (7) feet in overall height; and primarily designed to carry persons. Pickup trucks regardless of capacity which retain the original pick up bed, vans conversion vans, and sport utility vehicles meeting the aforesaid dimensions, shall be considered as customary passenger vehicles. (Ord. 2006-33)

44. **Day Care** means a building or place where care, supervision, custody or control is provided for more than six unrelated children or adults for any part of a 24-hour day up to 12 hours.

45. **Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

46. **District** means zoning district.

47. **Dog, Adult** means a dog over 12 months.

48. **Duplex** means the use of a lot for two principal dwelling units within a single building.

49. **Dwelling Unit** means a building or portion thereof, designed exclusively for living facilities for not more than one family or a congregate residence for ten or fewer persons and that includes provisions for sleeping, cooking, eating and sanitation.

50. **Earth-Sheltered Residence** means a residence designed as a complete structure below or partially below ground level, whose perimeter walls comply with the yard requirements of the district in which it is located, meets all building code requirements regarding outside access to all rooms and which was not intended to serve as a substructure of foundation for a building.

51. **Extraction of Minerals** means extraction of metallic and nonmetallic minerals, the subsurface extraction of oil or natural gas, or the crushing of rock of stone milling.

52. **Family** means an individual or two or more persons related by blood or marriage; or a group of not more than four persons (excluding servants) not related by blood; or marriage, living together as a single housekeeping unit in a dwelling unit; or no more than 10 persons, including eight or fewer person with a disability who need not be related by blood or marriage to each other and no to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home.

53. **Flood Plain** means land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in one year of 1 percent.

54. **Floor Area, Contributing** means a figure in square feet consisting of 85 percent of the total floor area in a business or office building including basements, mezzanines, and upper floors, if any, whether finished or not, measured from the centerline of joint partitions and from the exterior surface of outside walls. Pedestrian malls and service corridors, which are common to several tenants in shopping centers, shall not be included in the total floor area before the 85 percent calculation is made.

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

56. **Freight Terminal** means a building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

57. **Funeral Home** means an establishment engaged in: preparing the human deceased for burial or cremation, arranging and managing funerals, and cremation.

58. **Garage, Private** means a building or portion of a main building used or designed to be used for the parking or temporary storage of motor vehicles owned, lease, borrowed, etc. by the occupants of the premises.

59. **Gas and Fuel, Storage and Sales** means the use of a site for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding belowground storage that is clearly ancillary to an allowed principal use on the site.

60. **Governing Body** means the Spring Hill City Council and Mayor.

61. **Government Service** means buildings or facilities owned or operated by a government entity and providing services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

62. **Grain Storage** means facilities for the warehousing of agricultural products. Typical uses include grain elevators.

63. **Group Boarding Home For Adults** means a residential dwelling unit for six or more persons eighteen years of age or over, except where it is a group home as defined by KSA 12-736.

64. **Group Boarding Home For Minors** means a residential dwelling unit for six or more persons under eighteen years of age who for various reasons cannot reside in their natural home and where 24 hour adult care, supervision and consultation exists

under license of the Kansas Secretary of Health and Environment, except where it is a group home as defined by KSA 12-736.

65. **Deleted "Growth Area"** (Ord. 2016-04)

66. **Habitable Floor** means any floor usable for year-round living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage is not a "habitable floor."

67. **Height, Building** means the vertical distance between the average finished grade along the front of a building and: 1) the highest point of the coping of a float roof; 2) the deckline of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof.

68. **Home Occupation** means a business, profession, or occupation conducted wholly within a dwelling unit (or accessory structure within the AG district) for gain or support by a resident of the dwelling unit and which is accessory to the use of the dwelling unit as a residence. A dwelling unit includes the attached or detached garage.

69. **Hotel or Motel** means a building containing six or more guestrooms intended or designed to be used, rented or hired out to be occupied, or which are occupied for sleeping accommodation for transient guests, usually for less than a week. Typical uses include hotels, motels, tourist courts, or other similar designation.

70. **Inoperable Vehicle** means any vehicle that is unable to operate or move under its own power, or any major parts thereof such as body, chassis, engine, frame, or the trailer portion of a tractor-trailer rig. This also includes vehicles without a valid license plate, has one or more deflated tires, or the vehicle is on jacks, blocks, chains or other support.

71. **Kennel, Boarding/Breeding/Training** means premises housing five or more adult dogs, three or more of which are owned by someone other than the property resident, and premises housing over ten adult dogs.

72. **Kennel, Hobby** means premises housing five to ten adult dogs owned by the property resident.

73. **Land disturbance** means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.

74. **Land disturbance permit** means an official document or certificate issued by the City Building Inspector authorizing land disturbance. A land disturbance permit may only be issued to the property owner.

75. **Land use permit** means an official document or certificate issued by the City Building Inspector authorizing open, vacant or unimproved land to be used for another purpose than agriculture.

76. **Landscaping** means the bringing of the soil surface to a smooth finished grade, installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

77. **Library** means a publicly operated facility housing a collection of books, magazines, audio and videotapes, or other material for borrowing and use by the general public.

78. **Lot** means land occupied or to be occupied by one main building, or unit group of buildings, and accessory buildings, together with such yards and lot area as are required by this Code, and having its principal frontage upon a street.

79. **Lot, Corner** means a lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Inspector, except that a lot as defined in this title, when made up of more than one platted lot, shall be deemed to front on the street upon which the platted lots front.

80. **Lot Depth** means the mean horizontal distance from the front street line to the rear line.

81. **Lot, Interior** means a lot whose side lines do not abut upon any street.

82. **Lot Line, Front** means the boundary between a lot and the street on which it fronts.

83. **Lot Line, Rear** means the boundary line, which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.

84. **Lot Line, Side** means any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

85. **Lot of Record** means a lot or portion of one or more lots which are a part of a subdivision, the map of which has been recorded in the office of the register of deeds of the county, or a plot described by metes and bounds, the description which has been recorded in the office of the register of deeds of the county.

86. **Lot, Through** means an interior lot having frontage on two streets.

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

88. **Lot, Zoning** means a parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

89. **Manufactured Home** means a structure, which is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Sec. 5403.

90. **Manufactured Home Subdivision** means a subdivision that is platted for development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes and site-built single-family dwellings to be placed on permanent foundations.

91. **Manufacturing, General** means an establishment engaged in the manufacture, predominantly from previously prepared materials or from lightweight nonferrous materials, or finished products or parts, including processing fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding "basic industry." Typical uses include apparel and garment factories, appliance manufacturing and assembly, bakeries engaged in large-scale production and wholesale distribution, beverage manufacturing and bottling, boat building and repair, electrical and electronic equipment, food processing (excluding slaughterhouses and rendering plants), furniture and fixtures, jewelry manufacturing, laundry and dry cleaning plants, leather products, millwork and cabinetry, creameries, chemical laboratories not producing fumes or odors, meat cutting and wholesale storage, machine shops, motion picture lots, musical instrument manufacturing, pharmaceutical and toiletries manufacturing, sign painting and fabrication, monument and grave marker manufacturing, rubber and plastics products manufacturing, tobacco products manufacturing, cleaning/pressing and dyeing, cold storage plants, and toy manufacturing. (Ord 2016-04)

92. **Manufacturing, Limited** means an establishment primarily engaged in the onsite production of goods by hand manufacturing, processing, fabrication or assembling or a commodity which generally involves only the use of hand tools or other equipment not exceeding two horsepower or a kiln not exceeding eight kilowatts, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site; related office laboratories and business; and loading and unloading truck/rail facilities. Typical uses include ceramic shops, candle-making shops, custom jewelry manufacturing, electronic and computer products assembly, precision machining of tools, dies and jigs, production of instruments and lenses for medical, dental, optical, scientific and other professional purposes, and upholstery shops.

93. **Medical Service** means an establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical laboratories.

94. **Microbrewery** means a small brewery making specialty beer in limited quantities of less than 15,000 barrels or 460,000 gallons per year. (Ord 2016-04)

95. **Mobile Home** means a movable detached single-family dwelling unit that was manufactured prior to 1976 or that does not conform to the Manufacture Home Construction and Safety Standards Act (HUD Code). Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to utilities in conformance with all applicable regulations. The term "mobile home" does not include a recreational vehicle.

96. **Motor Vehicle** means every vehicle, other than a motorized bicycle or a motorized wheelchair, lawn tractor or garden tractor, which is self-propelled.

97. **Multifamily** means the use of a site for three or more dwelling units within a single building. Typical uses include triplexes, fourplexes, apartments, residential condominiums and town houses.

98. **Neighborhood Swimming Pool** means any non-publicly owned swimming pool that is not located on the same lot as a residential dwelling unit but which is intended as an amenity for use by the residents and their guests of that subdivision or by a group of subdivisions in the immediate vicinity.

99. **Net Site Area** means the land area of a lot or tract after all public street and alley rights-of-way as are required by the provisions of this regulation have been subtracted.

100. **New Construction** means those structures where new construction or substantial improvement of which is begun after December 31, 1979, or the effective date of the Flood Insurance Rate Map, whichever is later.

101. **Nonconforming Use** means the use of any land, building or structure, which does not comply, with the use regulation of the zoning district in which such use is located, but which complied with the use regulation in effect at the time the use was established.

102. **Nonconformity** means a nonconforming use or nonconforming structure or other situation that does not comply with currently applicable regulations, but which complied with the zoning regulations in effect at the time it was established.

103. Nursery means any land used to raise trees, shrubs, flowers or other plants for sale at the nursery or for transporting such items to another location.

104. Office means an establishment providing executive, management, administrative or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, interior decorator, accounting, telephone and telephone answering services, privately owned utility, and the teaching of these and similar activities.

105. Off-Street Parking means an area that is laid out for the purpose of parking motor vehicles of residents, customers, employees or visitors and is not located on public right-of-way. Off-street parking shall be considered as an accessory use to the principal use for which the parking is provided. Off-street parking spaces shall not open directly on a public street but shall open directly on a driveway or aisle that is adequate to provide a safe means of access.

106. Open Space means any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include common, active and landscaped areas, as well as, areas of natural preservation.

a. **"Open space, active"** means that part of the net site area of a development that may be improved or set aside, dedicated, designated or reserved for recreational use such as swimming pools, play equipment for children, ball fields, picnic tables, sports courts, etc. Such open space may also include turf/lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas such as commonly found in a neighborhood park.

b. **Open space, common** means that part of the net site area of a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of a development. In no case shall common open space include required setback areas or contain structures other than those intended for landscape or recreational purposes.

c. **Open Space, natural (Also called passive or preserve)** means essentially unimproved land or water area, not individually owned, that is part of the net site area of a development and is designed and intended for the common use or enjoyment of the residents of a development. Such open space may include natural features which are physical characteristics of properties that are not man-made (e.g. soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife).

107. **Parking Space** means a space on a commercial, private or public parking area that is used or intended to be used for the parking of one motor vehicle and which also complies with all applicable City standards, including the *Design Criteria for Public Improvement Projects*.

108. **Parks and Recreation** means a park, playground or community facility that is owned by or under the control of a public agency or homeowners' association and which provides opportunities for active or passive recreational activities.

109. **Permanent Container** means a cargo container located on a property in excess of 60 days. (Ord 2015-06)

110. **Personal Care Service** means an establishment primarily engaged in the provision of frequently or recurrently needed services involving the care of a person or their personal goods or apparel. Typical uses include beauty and barbershops, electrolysis studios, optical shops, shoe shining and/or repair operations, seamstress and tailors, and neighborhood laundry and dry cleaning operations.

111. **Personal Improvement Service** means an establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include portrait shops, photography studios, art schools, dance and music schools, licensed massage therapists, health and fitness studios, swimming clubs and handicraft or hobby instruction.

112. **Planning Commission** means the Spring Hill Planning Commission.

113. **Post Office Substation** means a facility or structure owned by the U.S. Postal Service that is used for the collection, sorting and distribution of mail and having limited retail services for the general public, such as the sale of stamps, postcards and postal insurance.

114. **Printing and Copying, Limited** means an establishment engaged in photocopying reproduction, photo developing or blueprinting services.

115. **Printing and Publishing, General** means the production of books, magazines newspapers and other printed matter, as well as record pressing and publishing, engraving and photoengraving, but excluding “Printing and Copying, Limited" uses.

116. **Recreation and Entertainment, Indoor** means a privately owned establishment offering recreation, entertainment or games of skill to the general public or members that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, indoor archery ranges, and amusement rides. It does not include building typically accessory to a subdivision, which are for use by the subdivision's residents and their guests.

117. **Recreation and Entertainment, Outdoor** means a privately owned establishment offering recreation entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf course, tennis courts, riding stables, skating rinks, campgrounds for overnight camping, trap and skeet shooting, gun clubs, target ranges, and amusement rides. It does not include parks, open space and recreational facilities typically accessory to a subdivision, which are for use by the subdivision's residents and their guests.

118. **Recreational Vehicle** means a vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted on or drawn by another vehicle, and which has a body width not exceeding eight (8) feet, a body length exceeding twenty (20) feet, and a height of more than seven (7) feet; or watercraft, trailer, or camper. (Ord. 2006-33)

119. **Recycling Collection Station, Public** means outdoor freestanding containers not occupying an area greater than 400 square feet (exclusive of area required for vehicular access), which are designed to receive and store pre-sorted recyclable materials not intended for disposal and which are available to the general public. Containers shall be constructed and maintained with durable waterproof and rust-resistant materials and shall be equipped with lids or doors to prevent access to stored materials by animals or vermin and to preclude stored materials from being scattered by wind.

120. **Residential-Design Manufactured Home** means a manufactured home on a permanent foundation, which has minimum dimensions of 24 body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes, and which complies with the architectural and aesthetic standards specified in Section 17.380.

121. **Restaurant** means a building wherein food is prepared and served in a ready-to-consume state.

122. **Retail, Limited** means the sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical products or services include: clothing and shoes, household furnishings, household appliances, wallpaper, art and art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, printed materials and newspapers, notions, antiques, toys, gifts and novelties, flowers, tobacco products, photographic equipment, musical instruments and supplies, package liquor, candy, ice cream, leather goods, luggage, mail order, millinery or hat, pastry, pottery (no kiln), ceramics, ornamental metal, fireplace screens and accessories, glass, paint, hardware,

bicycles, sporting goods, hobby supplies, medical supplies, stationery, office equipment and supplies, or lighting fixtures, or small appliance repair.

123. **Retail, General** means the sale or rental of commonly used goods and merchandise for personal or household use, but excludes those classified more specifically in this section. Typical uses include grocery stores, department stores and establishments providing the following products or services: shops for custom work, sign shops, wholesale offices or sample rooms, rental shops, small appliance repair, repair shops, bakeries employing not more than five persons, pet grooming, frozen food lockers for retail use, pet shops, pickup and delivery services, furniture store, carpeting and floor-covering, or automotive parts and accessories.

124. **Right-of-way permit** means an official document or certificate issued by the City Public Works Director authorizing the property owner/permit holder or his designated agent to perform various utility, excavation or general public improvements work in the City's Road Right-of-Way.

125. **School, Elementary, Middle and High** means the use of a site for instructional purposes on an elementary or secondary level, including both public schools as well as private schools, which have curriculums similar to those in public schools.

126. **Semi-Trailer** means a detachable, non-powered trailer without a front axle with a large proportion of its weight supported either by a road tractor or by a detachable front axle called a dolly. A semi-trailer is used for hauling freight and usually equipped with legs that can be lowered to support it when unhooked from the tractor. (Ord 2015-06)

127. **Service Station** means an establishment primarily engaged in the retail sale of gasoline or other motor fuels, which may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, the minor adjustment or repair of motor vehicles.

128. **Setback** means the distance that is required by this code to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: while the term setback refers to a required minimum area the term yard refers to the actual open area.) See Section 17.338.A.1.

129. **Setback, Front** means a setback that is to extend across the full width of a lot, the required depth of which is measured as the minimum horizontal distance between the street right-of-way line and a line parallel thereto on the lot. See Section 17.338.A. 1.

130. **Setback, Interior Side** means a setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to another lot, the

required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See Section 17.338.A. 1.

131. **Setback, Rear** means a setback that is to extend across the full width of a lot the required depth of which is measured as the minimum horizontal distance between the rear lot line and a line parallel thereto on the lot. See Section 17.338.A. 1.

132. **Setback, Street Side** means a setback that is to extend from the street right-of-way line to the rear lot line along the side of a lot that is adjacent to a street or street right-of-way line, the required depth of which is measured as the minimum horizontal distance between the side lot line and a line parallel thereto on the lot. See Section 17.338.A.l.

133. **Secondhand Store** means a retail establishment other than an antique store, which engage in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items.

134. **Sign** means any words; numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, a firm, profession, business, or a commodity and which are visible from any public street or the air.

135. **Single-Family** means the use of a lot for only one detached principal dwelling unit, which may be a residential-design manufactured home but shall not be a mobile home.

136. **Stable, Private** means an accessory building and premises for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.

137. **Site development permit** means an official document or certificate issued by the City Building Inspector authorizing installation of site improvements, including but not limited to, pavement, curbs, sidewalks, storm water facilities, retaining walls and bank stabilization, and work related to such construction, including but not limited to clearing, grading, and grubbing.

138. **Stable, Riding** means a structure and premises in which horses, ponies or mules, used exclusively for pleasure riding or driving are housed, boarded or kept for remuneration, hire or sale.

139. **Storage Yard** means a parcel of land devoted to the outdoor location placement or storage of inoperable vehicles or any other property, goods, products or wares and may include storage buildings.

140. Street Line means the dividing line between the street right-of-way and the abutting lot, tract or parcel of land.

141. Street means a public thoroughfare of such width to conform to adopted subdivision regulations. For the purposes of these regulations, the term "street" shall include "road," “highway," "boulevard," "avenue," “parkway”, "courts," and the following street network:

a. Expressway. A street, which provides for fast and efficient movement of large volumes of traffic between areas and does not provide direct access to abutting land.

b. Arterial. A street, also called a “boulevard”, which provides for distribution and collection of traffic to and from collector streets and local streets through traffic movement between and around areas with direct access to abutting property. Such streets are intended to be formally designed with a “boulevard” character of distinguished character to establish special community identity.

c. Collector. A street, also called an “avenue”, which provides for traffic movement between arterials and local streets, with direct access to abutting property. These formally designed roadways create special character and identity within a development.

d. Local. A street, which provides direct access to abutting property.

e. Parkway. A wide roadway that may vary in character and traffic carrying capacity ranging from a collector street (avenue) through a neighborhood to an arterial street with a boulevard character. A parkway design typically consists of a meandering divided roadway with special features incorporated in a varying sized median. In limited locations a parkway may not include a median where the parkway extends through or along side a park, drainage corridor, or natural open space area.

142. Structural Alteration means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

143. Structure means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

144. Subdivision means the division of a lot, tract or parcel of land into two or more parts for the purpose, whether immediate or future, of sale or building development, including re-subdivision.

145. Subdivision Regulations mean the lawfully adopted subdivision ordinances of the City of Spring Hill.

146. **Transient Guest** means a person who occupies a room for a period of less than one week at a time.

147. **Tavern and Drinking Establishment** means an establishment engaged in preparation and retail sale of alcoholic liquor or cereal malt beverage for consumption on the premise. Typical uses include taverns, beer halls, discotheques, dance clubs.

148. **Truck Trailer** see Chassis or Semi-Trailer (Ord 2015-06)

149. **Underlying District** means the existing base zoning district classification that is applied to land in an overlay district.

150. **Utility, Major** means generating plants; electrical switching facilities and primary substations; water and wastewater treatment plants; water tanks and radio, television and microwave transmission towers; and similar facilities of agencies that are under public franchise or ownership to provide the general public with electricity, gas heat, steam, communication, rail transportation, water, sewage collection or other similar service. The term "utility" shall not be construed to include corporate or general offices; gas or oil processing; manufacturing facilities; postal facilities or other uses defined in this section.

151. **Utility, Minor** means services and facilities of agencies that are under public franchise or ownership to provide services that are essential to support development and that involve only minor structures, such as poles and lines, and structures not exceeding 150 cubic feet in size and six feet in height which do not generate discernable noise, odor, or vibration within any nearby residential district, and which comply with the setback requirements of the district in which they are located.

152. **Variance** means a variation from a specific requirement in this regulation, as applied to a specific piece of property, distinct from rezoning.

153. **Yard** means a space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

154. **Yard, Front** means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot (the depth of a lot that abuts a street is the least distance between the lot line or road easement or right-of-way line including the ultimate right-of-way identified in the Miami County Comprehensive Transportation Plan or the Vehicular Corridor Development Map in the Spring Hill Comprehensive Plan).

155. **Yard, Rear** means a yard between the rear lot line and the rear line of the main building and the side lot lines.

156. **Yard, Side** means a yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

157. **Vehicle Display** means any location outside of an enclosed building used to exhibit, display or view any motorized vehicle capable of movement under its own power, for any purpose, including but not limited to vehicle sales and vehicle show but not including vehicle storage, auto wrecking or salvage yards.

158. **Vehicle and Equipment Sales** means an establishment engaged in the retail or wholesale sale or rental, from the premises, of motorized vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental and farm equipment and machinery sales and rental.

159. **Vehicle Repair, Limited** means a use providing motor vehicle repair or maintenance services within completely enclosed building, but not including paint and body shops or other general vehicle repair services. Typical uses include business engaged in the following activities:

    electronic tune-ups;
    brake repairs (including drum turning);
    air conditioning repairs;
    transmission and engine repairs;
    generator and starter repairs;
    tire repairs;
    front-end alignments;
    battery recharging;
    lubrication;
    sales, repair and installation of minor parts and accessories, such as tires, batteries, windshield wipers, hoses, windows, etc.

160. **Vehicle Repair, General** means an establishment primarily engaged in painting of or body work to motor vehicles or heavy equipment. Typical uses include paint and body shops.

161. **Vehicle Storage** means the keeping of motor vehicles that are inoperable or that are dependent on other vehicles for movement (this includes semi-tractor trailers, trailers, and water craft).

162. **Vocational School** means a use providing education or training in business, commercial trades, language, arts or other similar activity or occupational pursuit and not otherwise defined as "school, elementary, middle and high."

163. **Warehouse, Self-Service Storage** means an enclosed storage facility of a commercial nature containing independent, fully enclosed bays, which are leased to persons exclusively for dead storage of their household goods or personal property.

164. **Warehousing** means the storage of materials, equipment, or products within a building for manufacturing use or for distribution to wholesalers or retailers, as well as activities involving significant movement and storage of products or equipment. Typical uses include major mail distribution centers, frozen food lockers, and moving and storage firms, but excluding "self-service storage warehouses."

165. **Welding or Machine Shop** means a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include forges (hand), machine shops, welding shops and sheet metal shops for electroplating, plumbing, steel fabrication, and the like.

166. **Wholesale or Business Services** means an establishment primarily engaged in the display, storage and sale of goods or services to other firms.

167. **Zoning Area** means the area zoned as set out on the Official Zoning Map for the City of Spring Hill filed of record and amended from time to time.

168. **Zoning Administrator** means the Community Development Director for the City of Spring Hill. (Ord 2016-04)

169. **Zoning Regulation** means the lawfully adopted zoning ordinance for the City of Spring Hill and amended from time to time.

(Ord. 2003-20; 2003-32; 2006-48; 2015-06; 2016-04)

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SECTION 17.304 - DISTRICTS - MAP

A. Zoning Districts Established. The following base zoning districts, special purposes zoning districts and overlay districts are hereby established:

MAP CODE	DISTRICT NAME
Residential Base Districts	
AG	Agricultural
R-R	Rural Residential
R-l	Single-Family Residential
R-lA	Small Lot Single-Family Residential
R-2	Two-Family Residential
R-3	Multifamily
R-4	Multifamily
MH	Manufactured Housing
Commercial Base Districts	
C-O	Office Building
C-1	Restricted Business
C-2	General Business
Industrial Base Districts	
MP	Industrial Park
M-1	General industrial
Special Purpose and Overlay Districts	
PD	Planned
P-O	Protective Overlay

B. Zoning Map.

1. Adoption of official zoning map. The boundaries of the zoning districts established by this Code shall be shown on a map or series of maps entitled "Official Zoning District Map." The legend of the official zoning district map shall indicate the date of adoption. Original copies of such maps and all amendments thereto shall be maintained in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to this Code, the original maps maintained by the Zoning Administrator shall control.

2. Omitted land. In case any land subject to this Code has not been specifically included within any of the districts shown on such map such land shall automatically be classified into the R-R district. (Ord 2016-04)

C. District Boundaries. These provisions shall govern interpretations regarding the location of zoning district boundaries shown on the official zoning map.

1. Streets and alleys. District boundaries are either streets or alleys, unless otherwise shown, and where the designation on the maps indicates the various districts as approximately following the streets or alley lines, the street or alley line shall be construed to be the boundary of the district.

2. Lot Lines. Where district boundaries are not otherwise indicated and where the property has been divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where bounded by lot lines, such lot lines shall be construed to be the boundary of such districts, unless such boundaries are otherwise indicated on the maps.

3. Street vacations. Whenever any street, alley or public way is vacated by official action of the Governing Body, the zoning districts adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and thenceforth be subject to all regulations of the extended districts.

4. Uncertainties. Where physical or cultural features existing on the ground contradict those shown on the official zoning map, or in case any other uncertainty exists, the location of district boundaries shall be determined by the Zoning Administrator.

D. Compliance with Zoning District Standards. No building or structure shall be erected, converted, enlarged, reconstructed or altered for use, nor shall any building or structure or land be used or changed in use, which does not comply with all the district regulations established by this Code for the district in which the building or structure or land is located.

(E. Zoning District Conversions are continued on the next page.)

E. Zoning District Conversions. Zoning district names and map code designations established according to ordinances and resolutions prior to August 14, 1997, are hereby converted as follows:

Old Map Code	Old District Name	New Map Code	New District Name
		AG	Agricultural
R-R	Rural Residential	R-R	Rural Residential
R-l	Single-Family Residential	R-l	Single-Family Residential
R-lA	Small Lot Single-Family Resid.		
R-2	Two-Family Residential	R-2	Two-Family Residential
R-3	Town House	R-3	Multifamily
R-4	Garden Apartment	R-4	Multifamily
R-5	Apartment House	R-4	Multifamily
R-6	High Rise Apartment		
MH	Mobile Home	MH	Manufactured Home
C-O	Office Building	C-O	Office Building
C-1	Restricted Business	C-1	Restricted Business
C-2	General Business	C-2	General Business
MP	Industrial Park	MP	Industrial Park
M-l	General Industrial	M-l	General Industrial
REC	Recreation District	R-l	Single-Family Residential
PD	Planned District	PD	Planned District
		P-O	Protective Overlay

All references to old district names or old map codes in the Code of the City Spring Hill or the Code of Miami County, or in any order, agreement, permit, license, covenant or any other action entered or permitted by the City or by any person in reliance upon the City zoning designations shall, upon August 14, 1997, be deemed to be reference to the corresponding new district name or map code.

(Ord. 2006-08; 2006-48)

F. Continuance of Special Class and Special Use Provisions. All provisions of Special Class District and Special Use approved under zoning codes in effect prior to August 14, 1997, shall be continued in full force and effect unless the subject uses are Permitted Uses under this new code. (Ord. 2006-08)

G. Approval of a Lesser Change in Zoning. The Planning Commission may recommend and the Governing Body may adopt, a change in zoning which is a lesser change than the one requested, provided that the more restrictive district is in the same residential, commercial or industrial grouping as the district for which the change was requested. An application

cannot be changed to a Planned District unless a new application is filed. In no case may a change to residential district be approved if the application is for a commercial or industrial district, and in no case may a commercial district be approved if the application is for an industrial district. Applications for Agricultural, Planned District, or Protective Overlay may not be changed to another category unless a new application is filed. A Planned District shall be equally restrictive as its equivalent district. Provided, the Governing Body may refer any such application back to the Planning Commission for further consideration if, in its judgment, it deems such referral advisable and in the best interest of the public and the applicant.

TABLE 1

	Most Restrictive----------Least Restrictive
RESIDENTIAL	R-R, R-1, R-2, R-3, R-4, MH
COMMERCIAL	C-O, C-1, C-2
INDUSTRIAL	MP, M-1

(Ord. 2006-08; 2006-48)

SECTION 17.306 - AG AGRICULTURAL DISTRICT

A. Purpose. It is the purpose of this district to provide for agricultural and related uses in a manner, which will allow for the eventual conversion of the land in this district to more intensive urban uses. The AG district is generally compatible with the "Agricultural" designation of the *Spring Hill Comprehensive Plan*. (Ord 2016-04)

B. Permitted Uses. In District AG no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   Single-family

3. Public and civic uses
   Parks and recreation
   Utility, minor

4. Commercial uses
   Kennel, hobby, subject to Section 17.336.A.11

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the AG district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Earth-sheltered residence
   Wind energy conversion systems, subject to Section 17.336.A.15
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Church or place of worship, subject to Section 17.336.A.5
   Golf course
   Government service
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, major

4. Commercial uses
   Airport or airstrip
   Bed and breakfast inn
   Kennel, boarding/breeding/training, subject to Section 17.336.A.11
   Communication tower, subject to Section 17.336.A.7
   Contractor storage, subject to Section 17.336.B.1.c

(Ord. 2006-48)

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the AG district shall be subject to the following minimum property development standards. (See Section 17.338.A.1.) For exceptions see Section 17.348.

1. Minimum lot size: 10 acres subject to the lot meeting minimum standards for sewage treatment.
2. Minimum lot width: 250 feet frontage upon a public street. Lots fronting a cul-de-sac with a 60-foot radius must have a minimum of 60-foot frontage on a public street.
3. Minimum lot depth: 300 feet.
4. Minimum front setback: 50 feet.
5. Minimum rear setback: 50 feet.
6. Minimum interior side setback: 50 feet.
7. Minimum street side setback: 50 feet.
8. Maximum height: 35 feet, except that barns and silos may be of any height.

(Ord. 2002-07)

E. Parking Regulations. See Section 17.350.

F. Sign Regulations. See Chapter 17.700.

G. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

SECTION 17.308 - R-R RURAL RESIDENTIAL DISTRICT

A. Purpose. It is the purpose of this district to provide for the development of the low-density residential neighborhoods that retain the character of the basically rural area and yet allow for the eventual conversion of the land in this district to more intensive urban uses. The R-R district is generally compatible with the "Single-Family" designation of the *Spring Hill Comprehensive Plan*. (Ord 2016-04)

B. Permitted Uses. In District R-R no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   Single-family

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Parks and recreation
   Utility, minor

4. Commercial uses
   NONE

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the R-R district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Earth-sheltered residence
   Wind energy conversion systems, subject to Section 17.336.A.15
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Cultural group, subject to Section 17.336.A.5
   Golf course
   Government service
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, major

4. Commercial uses
   Bed and breakfast inn

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the R-R district shall be subject to the following minimum property development standards. (See Section 17.338.A.1.) For exceptions see Section 17.348.

1. Minimum lot size: 2 acres subject to the lot meeting minimum standards for sewage treatment. The maximum lot coverage for all buildings shall not be more than 40 percent of the total lot area. (Ord. 2006-48)

   No single-family dwelling shall be constructed, reconstructed, altered or moved unless it conforms to the Minimum Dwelling Size – Classification as set out in Section 17.380 of the Subdivision Regulations. (Ord. 2002-07)

2. Minimum lot width: 250 feet frontage upon a public street. Lots fronting a cul-de-sac with a 60-foot radius must have a minimum of 60-foot frontage on a public street.

3. Minimum lot depth: 300 feet.

4. Minimum front setback: 50 feet. Where lots have a double frontage, the required front yard shall be provided on both streets.

5. Minimum rear setback: 25 feet.

6. Minimum interior side setback: 25 feet. There shall be a side yard on each side of a dwelling the total of which side yards shall be not less than 20 percent of the width of the lot measured at the building line.

7. Minimum street side setback: 50 feet.

8. Maximum height: 35 feet.

E. Parking Regulations. See Section 17.350.

F. Sign Regulations. See Chapter 17.700.

G. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

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SECTION 17.310 - R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Purpose. It is the purpose of this district to provide for the development of the low-density residential neighborhoods that retain the character of a small town. The R-1 district is generally compatible with the "Residential" designation of the *Spring Hill Comprehensive Plan*. It is intended for application in the Spring Hill City Limits where adequate public facilities and infrastructure, including municipal water and sewer service, is available. (Ord. 2006-48)

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

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   Single-family

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Parks and recreation
   Utility, minor

4. Commercial uses
   NONE

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the R-1 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Neighborhood swimming pool, subject to Section 17.336.A.12
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Cultural group, subject to Section 17.336.A.5
   Day care, subject to Section 17.336.A.9
   Golf course
   Government service
   Library
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, major

4. Commercial uses
   Bed and breakfast inn

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the R-1 district shall be subject to the following minimum property development standards (See Section 17.338.A.1.). For exceptions see Section 17.348. Modifications to property development standards may be granted with approval of a PD planned district in accordance with Section 17.332 and the property development standards schedule for planned districts (Section 17.338.A.2) (Ord. 2006-48)

1. Minimum lot size: 9,000 square feet, or 10,200 square feet on corner lots. Where lot areas have been platted prior to August 9, 1976, and are at least equal to 60 by 110 feet or 6,600 square feet, this regulation shall not prohibit the erection of a one-family dwelling.

   The maximum lot coverage for all buildings shall not be more than 40 percent of the total lot area.

2. Minimum lot width: 75 feet of frontage at the building setback line or 60 feet if platted prior to August 9, 1976.

3. Minimum lot depth: 120 feet or 110 feet if platted prior to August 9, 1976.

4. Minimum front setback: 35 feet. Where lots have a double frontage, the required front yard shall be provided on both streets. (Ord. 2006-48)

5. Minimum rear setback: 25 feet.

6. Minimum interior side setback: 7 feet or 5 feet if platted before August 9, 1976. There shall be a side yard on each side of a dwelling the total of which side yards shall be not less than 20 percent of the width of the lot measured at the building line.

7. Minimum street side setback: 25 feet.

8. Maximum height: 35 feet.

E. Parking Regulations. See Section 17.350.

F. Sign Regulations. See Chapter 17.700.

G. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

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SECTION 17.314 - R-2 TWO-FAMILY RESIDENTIAL DISTRICT

A. Purpose. It is the purpose of this district to provide for the development of the moderate density single-family and two-family dwellings in a manner that will encourage a strong residential neighborhood. The R-2 district is generally appropriate for areas designated as Mixed-Use" by the *Spring Hill Comprehensive Plan.* This district is intended for application only within the city limits of Spring Hill where adequate public facilities and infrastructure are available.

Moderate density residential developments may also be appropriate in limited areas designated as "Residential" by the *Spring Hill Comprehensive Plan* subject to approval of a PD Planned District to ensure compatibility with low-density residential development, and to ensure compliance with the Neighborhood Development Design Guidelines and the Multifamily Residential Design Guidelines of the *Comprehensive Plan.* Careful consideration and analysis shall be given before granting RP-2 zoning in areas designated as "Residential". Approval of this district in "Residential" designated areas shall not be a matter of right. (Ord. 2006-48)

B. Permitted Uses. In District R-2 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   Single-family
   Duplex

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Parks and recreation
   Utility, minor

4. Commercial uses
   NONE

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the R-2 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Neighborhood swimming pool, subject to Section 17.336.A.12
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Cultural group, subject to Section 17.336.A.5
   Day care, subject to Section 17.336.A.9
   Golf course
   Government service
   Library
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, major

4. Commercial uses
   Bed and breakfast inn

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the R-2 district shall be subject to the following minimum property development standards (See Section 17.338.A.1.) For exceptions see Section 17.348. Modifications to property development standards may be granted with approval of a PD planned district in accordance with Section 17.332 and the property development standards schedule for planned districts (Section 17.338.A.2) (Ord. 2006-48)

1. Minimum dwelling size for duplex: 800 square feet.

2. Minimum lot size: <u>Single-family</u> - 9,000 square feet, or 10,200 square feet on corner lots. Lots platted prior to August 9, 1976 - 6,000 square feet
   <u>Duplex</u> - 4,500 square feet per dwelling unit, or 5,500 square feet per dwelling unit on corner lots.
   <u>Nonresidential uses</u> - 6,000 square feet.

3. Minimum lot width: 75 feet at the building setback line, 85 feet for corner lots.

4. Minimum lot depth: 120 feet.

5. Minimum front setback: 35 feet. Where lots have a double frontage, the required front

yard shall be provided on both streets. (Ord. 2006-48)

6. Minimum rear setback: The average depth of the rear yard for each dwelling unit shall be at least 25 feet. In no case shall the minimum distance be less than 10 feet.

7. Minimum interior side setback: 7 feet. There shall be a side yard on each side of a dwelling the total of which side yards shall be not less than 20 percent of the width of the lot measured at the building line.

8. Minimum street side setback: 25 feet.

9. Maximum height: 35 feet.

E. Parking Regulations. See Section 17.350.

F. Sign Regulations. See Chapter 17.700.

G. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

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SECTION 17.316 - R-3 MULTIFAMILY

A. Purpose. It is the purpose of this district to provide for the development of the moderate density, multifamily residential development with the co-mingling of single, two-family, and multifamily residences, in a manner, which will retain the basic residential quality. This district allows for both rental and individual ownership, either under condominium statutes or other ownership procedures involving corporate maintenance of common area and facilities. The R-3 district is generally appropriate for areas designated as Mixed-Use" by the *Spring Hill Comprehensive Plan.* This district is intended for application only within the city limits of Spring Hill where adequate public facilities and infrastructure are available.

Moderate density residential developments up to six dwelling units per acre may also be appropriate in limited areas designated as "Residential" by the *Spring Hill Comprehensive Plan* subject to approval of a PD Planned District to ensure compatibility with low-density residential development, and to ensure compliance with the Neighborhood Development Design Guidelines and the Multifamily Residential Design Guidelines of the *Comprehensive Plan.* Careful consideration and analysis shall be given before granting RP-3 zoning in areas designated as "Residential". Approval of this district in "Residential" designated areas shall not be a matter of right. (Ord. 2006-48)

B. Permitted Uses. In District R-3 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   Single-family
   Duplex
   Multifamily (up to six dwelling units per building)
(Ord. 2006-48)

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Parks and recreation
   Utility, minor

4. Commercial uses
   NONE

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the R-3 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Neighborhood swimming pool, subject to Section 17.336.A.12
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Cultural group, subject to Section 17.336.A.5
   Day care, subject to Section 17.336.A.9
   Golf course
   Government service
   Group boarding home for adults
   Group boarding home for minors
   Library
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, major

(Ord. 2003-20)

4. Commercial uses
   Bed and breakfast inn

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the R-3 district shall be subject to the following minimum property development standards (See Section 17.338.A.1). For exceptions see Section 17.348. Modifications to property development standards may be granted with approval of a PD planned district in accordance with Section 17.332 and the property development standards schedule for planned districts (Section 17.338.A.2) (Ord. 2006-48)

1. Minimum dwelling size for town house and multifamily:
   <u>One bedroom unit</u> - 600 square feet.
   <u>Two-bedroom unit</u> - 720 square feet.
   <u>Three-bedroom unit</u> – 800 square feet.
   <u>Separate lockable storage</u> – 200 cubic feet for one bedroom and 50 additional cubic feet for each additional bedroom.

2. Minimum lot size: Single-family – 9,000 square feet, or 10,200 square feet on corner lots. Lots platted prior to August 9, 1976 – 6,000 square feet.
Duplex – 4,500 square feet per dwelling unit, or 5,500 square feet per dwelling unit on corner lots.

Town house – 1 acre and 5,000 square feet per dwelling unit. (Town house projects require Planned Development zoning.)
Multifamily - 4,000 square feet per dwelling unit.
Nonresidential uses - 6,000 square feet.

3. Minimum lot width: 75 feet single-family at the building setback line.

4. Minimum lot depth: 120 feet.

5. Minimum front setback: 35 feet. Where lots have a double frontage, the required front yard shall be provided on both streets. (Ord. 2006-48)

6. Minimum rear setback: 25 feet. For properties abutting street right-of-way, the rear setback shall be 75 feet. (Ord. 2006-48)

7. Minimum interior side setback: 15 feet.

8. Minimum street side setback: 25 feet.

9. Maximum height: 35 feet.

E. Parking Regulations. See Section 17.350.

F. Sign Regulations. See Chapter 17.700.

G. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

H. Neighborhood amenities shall be provided at the time of development. The proposed neighborhood amenities and construction phasing shall be submitted and approved by the Planning Commission as part of the rezoning and/or site plan application. (Ord. 2006-48)

I. A minimum of ten (10) percent of net land area shall be declared as common open space and shall include active open space for use by all persons who reside on the premises. See Section 17.332.E.6 for open space requirements in planned developments. (Ord. 2006-48)

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SECTION 17.318 - R-4 MULTIFAMILY DISTRICT

A. Purpose. It is the purpose of this district to provide for the development of the moderate density, multifamily residential development with the co-mingling of single, two-family, and multifamily residences, in a manner, which will retain the basic residential quality. This district is intended to allow for more intense residential development including apartment complexes. The R-4 district is generally appropriate for areas designated as Mixed-Use" by the *Spring Hill Comprehensive Plan*. It is intended for application only within the city limits of Spring Hill where adequate public facilities and infrastructure are available.

Moderate density residential developments up to six dwelling units per acre may also be appropriate in limited areas designated as "Residential" by the *Spring Hill Comprehensive Plan* subject to approval of a PD Planned District to ensure compatibility with low-density residential development, and to ensure compliance with the Neighborhood Development Design Guidelines and the Multifamily Residential Design Guidelines of the *Comprehensive Plan.* Careful consideration and analysis shall be given before granting RP-4 zoning in areas designated as "Residential". Approval of this district in "Residential" designated areas shall not be a matter of right. Residential development exceeding six dwelling units per acre are intended for areas designated as "Mixed-Use" and in the downtown core of Spring Hill. (Ord. 2006-48)

B. Permitted Uses. In District R-4 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   Single-family
   Duplex
   Multifamily

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Parks and recreation
   Utility, minor

4. Commercial uses
   NONE

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the R-4 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Neighborhood swimming pool, subject to Section 17.336.A.12
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Cultural group, subject to Section 17.336.A.5
   Day care, subject to Section 17.336.A.9
   Golf Course
   Government service
   Group boarding home for adults
   Group boarding home for minors
   Library
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, major

(Ord. 2003-20)

4. Commercial uses
   Bed and breakfast inn

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the R-4 district shall be subject to the following minimum property development standards (See Section 17.338.A.1.). For exceptions see Section 17.348. Modifications to property development standards may be granted with approval of a PD planned district in accordance with Section 17.332 and the property development standards schedule for planned districts (Section 17.338.A.2). (Ord. 2006-48)

1. Minimum dwelling size for multifamily:

   <u>One bedroom unit</u> - 600 square feet.
   <u>Two-bedroom unit</u> - 720 square feet.
   <u>Three-bedroom unit</u> - 800 square feet.
   <u>Separate lockable storage</u> - 200 cubic feet for one bedroom and 50 additional cubic feet for each additional bedroom.

2. Minimum lot size: Single-family - 9,000 square feet, or 10,200 square feet on corner lots. Lots platted prior to August 9, 1976 - 6,000 square feet.
Duplex - 4,500 square feet per dwelling unit, or 5,500 square feet per dwelling unit on corner lots.
Multifamily - 3,000 square feet per dwelling unit.
Nonresidential uses - 6,000 square feet.

3. Minimum lot width: 75 feet single-family at the building setback line.

4. Minimum lot depth: 120 feet.

5. Minimum front setback: 35 feet. Where lots have a double frontage, the required front yard shall be provided on both streets. (Ord. 2006-48)

6. Minimum rear setback: 25 feet. For properties abutting street right-of-way, the rear setback shall be 75 feet. (Ord. 2006-48)

7. Minimum interior side setback: 10 feet.

8. Minimum street side setback: 25 feet.

9. Maximum height: 35 feet and 2 stories, or 45 feet and 3 stories if located on a slope of seven percent. (Ord. 2006-48)

E. Parking Regulations. See Section 17.350.

F. Sign Regulations. See Chapter 17.700.

G. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

H. Neighborhood amenities shall be provided at the time of development. The proposed neighborhood amenities and construction phasing shall be submitted and approved by the Planning Commission as part of the rezoning and/or site plan application. (Ord. 2006-48)

I. A minimum of ten (10) percent of net land area shall be declared as common open space and shall include active open space for use by all persons who reside on the premises. See Section 17.332.E.6 for open space requirements in planned developments. (Ord. 2006-48)

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SECTION 17.320 - MH MANUFACTURED HOUSING DISTRICT

A. Purpose. It is the purpose of this district to provide for manufactured home development to occur within manufactured home subdivision. The district is intended for application in the City of Spring Hill where adequate public facilities and infrastructure is available. (Ord. 2006-48; Ord 2016-04))

B. Permitted Uses. In District MH no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   Single-family
   Manufactured home subdivision
   (Ord. 2006-48)

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Parks and recreation
   Utility, minor

4. Commercial uses
   NONE

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the MH district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Neighborhood swimming pool, subject to Section 17.336.A.12
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Cultural group, subject to Section 17.336.A.5
   Day care, subject to Section 17.336.A.9
   Golf course
   Group boarding home for adults
   Group boarding home for minors
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, major

(Ord. 2003-20)

4. Commercial uses
   NONE

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the MH district shall be subject to the following minimum property development standards. (See Section 17.338.A.1.) For exceptions see Section 17.348.

1. Minimum site area: 6 acres with no more than five manufactured homes per acre.

2. Minimum lot size: Residential Uses - 9,000 square feet, or 10,200 square feet on corner lots. The maximum lot coverage for all buildings shall not be more than 40 percent of the total lot area. (Ord. 2006-48)

3. Minimum lot width: 75 feet of frontage at the building setback line. (Ord. 2006-48)

4. Minimum lot depth: 120 feet. (Ord. 2006-48)

5. Minimum front setback: 35 feet. Where lots have a double frontage, the required front yard shall be provided on both streets. (Ord. 2006-48)

6. Minimum rear setback: 25 feet. (Ord. 2006-48)

7. Minimum interior side setback: 7 feet or 5 feet if platted before August 9, 1976. There shall be a side yard on each side of a dwelling the total of which side yards shall be not less than 20 percent of the width of the lot measured at the building line. (Ord. 2006-48)

8. Minimum street side setback: 25 feet. (Ord. 2006-48)

9. Maximum height: 35 feet. (Ord. 2006-48)

E. Parking Regulations. See Section 17.350. (Ord. 2006-48)

F. Sign Regulations. See Chapter 17.700. (Ord. 2006-48)

G. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

H. Design Guidelines. See Section 17.380.B. (Ord. 2006-48)

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SECTION 17.322 - C-O OFFICE BUILDING DISTRICT

A. Purpose. It is the purpose of this district to provide for public, quasi-public, institutional, and professional services. The C-O district is generally appropriate for areas designated as "Mixed-Use Residential" or "Mixed-Use Commercial" by the *Spring Hill Comprehensive Plan*. It is intended for application in those areas in the city limits of Spring Hill where adequate public facilities and infrastructure are available. (Ord. 2006-48)

B. Permitted Uses. In District C-O no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   NONE

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Cultural group, subject to Section 17.336.A.5
   Library
   Parks and recreation
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, minor

4. Commercial uses
   Automated teller machine
   Funeral home
   Medical service
   Office

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the C-O district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses

Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses

Cemetery
Day care, subject to Section 17.336.A.9
Golf Course
Government service
Group boarding home for adults
Group boarding home for minors
Utility, major

(Ord. 2003-20; 2003-32)

4. Commercial uses

Banks or financial institution
Bed and breakfast inn
Boarding or lodging homes
Broadcast/recording studio
Hotel/motel, subject to Section 17.336.A.10
Personal care service
Personal improvement service
Printing and coping, limited

5. Industrial manufacturing and extractive uses

Extraction of minerals

D. Property development standards. Each site in the C-O district shall be subject to the following minimum property development standards (See Section 17.338.A.1.). For exceptions see Section 17.348. Modifications to property development standards may be granted with approval of a PD planned district in accordance with Section 17.332 and the property development standards schedule for planned districts (Section 17.338.A.2). (Ord. 2006-48)

1. Minimum lot size: No minimum.

2. Minimum lot width: No minimum.

3. Minimum lot depth: No minimum.

4. Minimum front setback: 20 feet. (Ord. 2006-48)

5. Minimum rear setback: 30 feet. For residential uses abutting street right-of-way, the rear setback shall be 75 feet. (Ord. 2003-20; 2006-48)

6. Minimum interior side setback: One-story building - 7 feet.
Two-story building - 10 feet.
Two and one-half story building - 15 feet.

7. Minimum street side setback: 25 feet.

8. Maximum height: 35 feet.

E. Use Limitations.

1. No merchandise shall be handled or displayed except inside buildings and no equipment or vehicle other than motor passenger cars shall be stored outside a building in this district.

2. The location of uses within this district shall be on property, which has an acceptable relationship to major streets.

(Ord. 2002-07; 2006-48)

F. Parking Regulations. See Section 17.350.

G. Sign Regulations. See Chapter 17.700.

H. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

I. Landscaping and Screening. See Section 17.358 and Section 17.360. Additional landscaping or other buffering treatments shall be provided where adjacent to property zoned AG through MH as set forth in Section 17.360. (Ord. 2006-48)

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SECTION 17.324 - C-1 RESTRICTED BUSINESS DISTRICT

A. Purpose. It is the purpose of this district to provide for restricted commercial locations for areas of convenience shopping facilities in and near residential neighborhoods. Such convenience shopping facilities will often occupy a small area, frequently at an area that is otherwise wholly residential. The C-1 district is generally appropriate for areas designated as "Mixed-Use Commercial" by the *Spring Hill Comprehensive Plan*. It is intended for application in those areas in the city limits of Spring Hill where adequate public facilities and infrastructure are available. (Ord. 2006-48)

B. Permitted Uses. In District C-1 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   NONE

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Cultural group, subject to Section 17.336.A.5
   Golf Course
   Government service
   Library
   Parks and recreation
   Recycling collection station, public, subject to Section 17.336.A.14
   School, elementary, middle and high, subject to Section 17.336.A.5
   Utility, minor

4. Commercial uses
   Automated teller machine
   Banks and financial institutions
   Funeral home
   Medical service
   Office
   Personal care service
   Personal improvement service
   Post office substation
   Printing and copying, limited
   Retail, limited
   Restaurant
   Secondhand store

5. Industrial manufacturing and extractive uses
   NONE

C. Conditional uses. The following uses shall be permitted in the C-1 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
   Cemetery
   Day care, subject to Section 17.336.A.9
   Group boarding home for adults
   Group boarding home for minors
   Utility, major
(Ord. 2003-20; 2003-32)

4. Commercial uses
   Animal care, limited, subject to Section 17.336.A.2
   Bed and breakfast inn
   Boarding or lodging homes
   Broadcast/recording studio
   Hotel/motel, subject to Section 17.336.A.10
   Service station

5. Industrial manufacturing and extractive uses
   Extraction of minerals

D. Property development standards. Each site in the C-1 district shall be subject to the following minimum property development standards (See Section 17.338.A.1.). For exceptions see Section 17.348. Modifications to property development standards may be granted with approval of a PD planned district in accordance with Section 17.332 and the property development standards schedule for planned districts (Section 17.338.A.2). (Ord. 2006-48)

1. Minimum lot size: No minimum.

2. Minimum lot width: No minimum.

3. Minimum lot depth: No minimum.

4. Minimum front setback: 15 feet.

5. Minimum rear setback: None, except for utility or drainage easement or where rear line of lot abuts districts AG through C-O districts it shall be a minimum of 25 feet. (Ord. 2006-48)

6. Minimum interior side setback: None, except where side line of lot abuts districts AG through C-O the setback will be the same as the adjoining district, but shall be no less than 25 feet. (Ord. 2006-48)

7. Minimum street side setback: 15 feet.

8. Maximum height: 35 feet.

E. Use Limitations.

1. The location of uses within this district shall be on property, which has an acceptable relationship to major streets.

2. No wholesale sales shall be conducted

3. No merchandise or equipment shall be stored or displayed outside a building.

4. All products shall be sold and all services rendered inside a building, except that banks and financial institutions may have a drive-up/walk-up service window and an automatic teller machine.

5. Alcoholic beverages and cereal malt beverages shall not be sold for consumption on the premises.

(Ord. 2002-07; 2006-48)

F. Parking Regulations. See Section 17.350.

G. Sign Regulations. See Chapter 17.700.

H. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

I. Landscaping and Screening. See Section 17.358 and Section 17.360. Additional landscaping or other buffering treatments shall be provided where adjacent to property zoned AG through R-4, inclusive, as set forth in Section 17.360. (Ord. 2006-48)

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SECTION 17.326 - C-2 GENERAL BUSINESS DISTRICT

A. Purpose. It is the purpose of this district to provide a zone, which will accommodate the broad range of retail shopping activities and service and offices. The C-2 district is generally appropriate for areas designated as "Mixed-Use Commercial" by the *Spring Hill Comprehensive Plan*. The C-2 district should typically be directed to limited areas appropriate for highest intensity development such at interchanges along U.S. 169 Highway, rather than near residential neighborhoods. It is intended for application in those areas in the city limits of Spring Hill where adequate public facilities and infrastructure are available. (Ord. 2006-48)

B. Permitted Uses. In District C-2 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   NONE, except residential dwellings may be permitted subject to approval of a P-O Protective Overlay District in accordance with Section 17.334. Approval of a P-O district shall establish specific development standards for residential uses in the underlying C-2 district. (Ord. 2006-48)

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.6
   Community assembly
   Cultural group, subject to Section 17.336.A.6
   Golf Course
   Government service
   Library
   Parks and recreation
   Recycling collection station, public, subject to Section 17.336.A.14
   School, elementary, middle and high, subject to Section 17.336.A.6
   Utility, minor

4. Commercial uses
   Animal care, limited, subject to Section 17.336.A.2
   Automated teller machine
   Banks and financial institutions
   Construction sales and service, retail uses only, subject to Section 17.336.A.8
   Convenience store
   Funeral home
   Medical service

Office, general
Personal care service
Personal improvement service
Post office substation
Printing and copying, limited and general
Retail, limited and general
Restaurant
Secondhand store
Vocational school
Wholesale or business services

5. Industrial manufacturing and extractive uses
NONE

C. Conditional uses. The following uses shall be permitted in the C-2 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
NONE

2. Residential uses
Hospitals, nursing or convalescent homes congregate care facilities, and retirement housing (Ord. 2003-32)

3. Public and civic uses
Cemetery
Day care, subject to Section 17.336.A.9
Group boarding home for adults
Group boarding home for minors
Utility, major
(Ord. 2003-20; 2003-32)

4. Commercial uses
Animal care, general
Bed and breakfast inn
Boarding or lodging homes
Broadcast/recording studio
Car wash, subject to Section 17.336.A.4
Club, Class A
Club, Class B, subject to Section 17.336.A.6
Communication tower, subject to Section 17.336.A.7 (Ord. 2002-07)
Freeway sign, subject to Chapter XVIII, Article 7, Section 17.730.A.5.g, of the Sign Regulations of Spring Hill, Kansas (Ord. 2006-48)
Hotel/motel, subject to Section 17.336.A.10

Microbrewery
Microbrewery with consumption on premises, subject to Section 17.336.A.7
Recreation and entertainment, indoor
Recreation and entertainment, outdoor, subject to Section 17.336.13
Service station
Tavern and drinking establishment, subject to Section 17.336.A.7
Vehicle and equipment sales
Vehicle repair, limited
Vehicle repair, general
Warehouse, self-service storage
(Ord. 2004-41; Ord 2016-04)

5. Industrial manufacturing and extractive uses
Extraction of minerals

D. Property development standards. Each site in the C-2 district shall be subject to the following minimum property development standards (See Section 17.338.A.1.). For exceptions see Section 17.348. Modifications to property development standards may be granted with approval of a PD planned district in accordance with Section 17.332 and the property development standards schedule for planned districts (Section 17.338.A.2). (Ord. 2006-48)

1. Minimum lot size: No minimum.

2. Minimum lot width: No minimum.

3. Minimum lot depth: No minimum.

4. Minimum front setback: 15 feet. If build height exceeds two stories in height, the setback shall be increased by three feet for each story in excess of two.

Exception: Zero front setback for properties zoned C-2 and located within tracts described as follows:
Lots 1-22, Block 2, Sprague's Addition to Spring Hill
Lots 1-6, Block 3, Sprague's Addition to Spring Hill
Lots 1-7, Block 4, Sprague's Addition to Spring Hill
Lots 1-12, Block 5, Sprague's Addition to Spring Hill
(Ord. 2013-13)

5. Minimum rear setback: None, except for utility or drainage easement or where rear line of lot abuts districts AG through C-O districts it shall be a minimum of 25 feet. (Ord. 2006-48)

6. Minimum interior side setback: None, except where side line of lot abuts districts AG through C-O the setback will be the same as the adjoining district, but shall be no less

than 25 feet. (Ord. 2006-48).

7. Minimum street side setback: 25 feet. If build height exceeds two stories in height, the setback shall be increased by two feet for each story in excess of two.

8. Maximum height: 45 feet.

E. Use Limitations.

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produce, except that banks and financial institutions may have a drive-up/walk-up service window and an automatic teller machine.

2. No merchandise shall be stored or displayed outside a building. Generally all sales will be conducted within buildings. Rental shops will be permitted to have a screened yard that will not be a part of the required parking, but will be in addition thereto.

3. Any tavern, restaurant, club, business, or similar use serving alcoholic or cereal malt beverages shall not be located within 200 feet of property used for church or place of worship, school, nursing home, library, or hospital.

(Ord. 2002-07; 2006-48))

F. Parking Regulations. See Section 17.350.

G. Sign Regulations. See Chapter 17.700.

H. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

I. Landscaping and Screening. See Section 17.358 and Section 17.360. Additional landscaping or other buffering treatments shall be provided where adjacent to property zoned AG through R-4, inclusive, as set forth in Section 17.360. (Ord. 2006-48)

SECTION 17.328 - MP INDUSTRIAL PARK DISTRICT

A. Purpose. It is the purpose of this district to accommodate limited commercial services, research and development, administrative facilities and industrial and manufacturing uses that can meet high development and performance standards. The MP district is generally compatible with the "Industrial" designation within the Spring Hill City Limits of the *Spring Hill Comprehensive Plan* where adequate public facilities and infrastructure are available. (Ord. 2006-48)

B. Permitted Uses. In District MP no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   Agriculture, subject to Section 17.336.A.1

2. Residential uses
   NONE

3. Public and civic uses
   Church or place of worship, subject to Section 17.336.A.5
   Community assembly
   Cultural group, subject to Section 17.336.A.5
   Golf course
   Government service
   Library
   Parks and recreation
   Recycling collection station, public, subject to Section 17.336.A.14
   Utility, minor

4. Commercial uses
   Automated teller machine
   Banks and financial institutions
   Construction sales and service, subject to Section 17.336.A.8
   Convenience store
   Funeral home
   Medical service
   Office
   Personal care service
   Personal improvement service
   Post office substation
   Printing and copying, limited and general
   Retail, limited and general
   Restaurant

Secondhand store
Vehicle and equipment sales
Vehicle repair, limited
Vehicle repair, general
Vehicle Storage
Warehouse, self-service storage
(Ord. 2002-07)

5. Industrial manufacturing and extractive uses
   Manufacturing, limited
   Storage yard
   Warehousing
   Wholesale or business services

C. Conditional uses. The following uses shall be permitted in the MP district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   NONE

3. Public and civic uses
   Cemetery
   Day care, subject to Section 17.336.A.9
   Utility, major

4. Commercial uses
   Adult business subject to Chapter VIII, Article 3 of the Spring Hill City Code
   Airport or airstrip
   Animal care, limited, subject to Section 17.336.A.2
   Animal care, general
   Broadcast/recording studio
   Car wash, subject to 17.336.A.4
   Communication tower, subject to Section 17.336.A.7 (Ord. 2002-07)
   Freeway sign, subject to Chapter XVIII, Article 7, Section 17.730.A.5.g, Sign Regulations of Spring Hill, Kansas (Ord. 2006-48)
   Hotel/motel, subject to Section 17.336.A.10 (Ord. 2006-48)
   Off-Premise Billboard Signs, subject to Chapter XVIII, Article 7, Section 17.730.A.6, Sign Regulations of Spring Hill, Kansas (Ord. 2006-48)
   Service station

5. Industrial manufacturing and extractive uses
   Auto wrecking or salvage yard, subject to Section 17.336.A.3
   Cargo Container Storage Facilities, subject to Section 17.336.A.5
   Cargo Container Maintenance Facilities, subject to Section 17.336.A.5
   Manufacturing, general
   Extraction of mineral

(Ord 2015-06)

D. Property development standards. Each site in the MP district shall be subject to the following minimum property development standards (See Section 17.338.A.1.). For exceptions see Section 17.348.

1. Minimum lot size: No minimum (minimum park size 10 acres).

2. Minimum lot width: No minimum.

3. Minimum lot depth: No minimum.

4. Minimum front setback: 50 feet.

5. Minimum rear setback: 15 feet.

6. Minimum interior side setback: 10 feet, except where side yard abuts a lot zoned AG through MH the setback shall be 25 feet. A side yard shall be provided on each side of a building or unit group of buildings, the total of side yards shall not be less than 40 feet. (Ord. 2006-48)

7. Minimum street side setback: 20 feet.

8. Maximum height: 55 feet. A structure other than a building may be erected to a height not to exceed 100 feet provided such structure is set back from all property lines a distance equal to or greater than its height and is approved by the Planning Commission. (Ord 2016-04)

E. Use Limitations.

1. All operations shall be conducted within a fully enclosed building.

2. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are not visible at eye level (5 feet) within 300 feet of the property. The storage yard may be surfaced with gravel, bituminous, or concrete.

3. Truck traffic shall have direct access to major thoroughfares. Docks shall be located

wholly within buildings and out of view. Truck areas shall be totally screened from residential view with dense evergreens, masonry walls, berms and the like.

(Ord. 2002-07; 2006-48)

F. Parking Regulations. See Section 17.350.

G. Sign Regulations. See Chapter 17.700.

H. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

I. Landscaping and Screening. See Section 17.358 and Section 17.360. Additional landscaping or other buffering treatments shall be provided where adjacent to property zoned AG through R-4, inclusive, as set forth in Section 17.360. (Ord. 2006-48)

SECTION 17.330 - M-1 GENERAL INDUSTRIAL DISTRICT

A. Purpose. It is the purpose of this district to allow basic or primary industries, which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require a conditional use permit to locate in this district. The M-1 district is generally compatible with the "Industrial" designation of the *Spring Hill Comprehensive Plan*. It is intended for application in those areas of Spring Hill where adequate public facilities and infrastructure are available. (Ord. 2006-48; Ord 2016-04)

B. Permitted Uses. In District M-1 no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one or more of the following and their customary accessory uses:

1. Agriculture uses
   - Agriculture, subject to Section 17.336.A.1
   - Agriculture, sales and service
   - Grain storage

2. Residential uses
   - NONE

3. Public and civic uses
   - Church or place of worship, subject to Section 17.336.A.5
   - Community assembly
   - Cultural group, subject to Section 17.336.A.5
   - Golf course
   - Government service
   - Library
   - Parks and recreation
   - Recycling collection station, public, subject to Section 17.336.A.14
   - Utility, minor

4. Commercial uses
   - Automated teller machine
   - Banks and financial institutions
   - Construction sales and service, subject to Section 17.336.A.8
   - Convenience store
   - Funeral home
   - Medical service
   - Office
   - Personal care service
   - Personal improvement service
   - Post office substation
   - Printing and copying, limited and general

Retail, limited and general
Restaurant
Secondhand store
Vehicle and equipment sales
Vehicle repair, limited
Vehicle repair, general
Vehicle Storage
Warehouse, self-service storage
(Ord. 2002-07)

5. Industrial manufacturing and extractive uses
   Freight terminal
   Gas and fuel storage and sales
   Manufacturing, limited and general
   Storage yard
   Warehousing
   Welding or machine shop
   Wholesale or business services

C. Conditional uses. The following uses shall be permitted in the M-1 district if reviewed and approved by the Planning Commission and Governing Body in accordance with the procedures and standards of Section 17.354.

1. Agriculture uses
   NONE

2. Residential uses
   NONE

3. Public and civic uses
   Cemetery
   Utility, major

4. Commercial uses
   Adult business subject to Chapter VIII, Article 3 of the Spring Hill City Code
   Airport or airstrip
   Animal care, limited, subject to Section 17.336.A.2
   Animal care, general
   Broadcast/recording studio
   Car wash, subject to 17.336.A.4
   Communication tower, subject to Section 17.336.A.7 (Ord. 2002-07)

Freeway sign, subject to Chapter XVIII, Article 7, Section 17.730.A.5.g, Sign Regulations of Spring Hill, Kansas (Ord. 2006-48)
Hotel/motel, subject to Section 17.336.A.10
Off-Premise Billboard Signs, subject to Chapter XVIII, Article 7, Section 17.730.A.6, Sign Regulations of Spring Hill, Kansas (Ord. 2006-48)
Service station

5. Industrial manufacturing and extractive uses
   Auto wrecking or salvage yard, subject to Section 17.336.A.3
   Cargo Container Storage Facilities, subject to Section 17.336.A.5
   Cargo Container Maintenance Facilities, subject to Section 17.336.A.5
   Basic industry
   Extraction of mineral

(Ord 2015-06

D. Property development standards. Each site in the M-1 district shall be subject to the following minimum property development standards. (See Section 17.338.A.1.) For exceptions see Section 17.348.

1. Minimum lot size: No minimum.

2. Minimum lot width: No minimum.

3. Minimum lot depth: No minimum.

4. Minimum front setback: 30 feet.

5. Minimum rear setback: 20 feet.

6. Minimum interior side setback: 10 feet, except where side yard abuts a lot zoned AG through MH the setback shall be 25 feet. A side yard shall be provided on each side of a building or unit group of buildings, the total of side yards shall not be less than 30 feet. (Ord. 2006-48)

7. Minimum street side setback: 15 feet.

8. Maximum height: 55 feet. A structure other than a building may be erected to a height not to exceed 100 feet provided such structure is set back from all property lines a distance equal to or greater than its height and is approved by the Planning Commission. (Ord 2016-04)

E. Use Limitations.

1. All storage of materials, products or equipment shall be within a fully enclosed building or in an open yard so screened that the materials, products or equipment are

not visible at eye level (5 feet) within 300 feet of the property. The storage yard may be surfaced with gravel, bituminous, or concrete.

2. Truck traffic shall have direct access to major thoroughfares. Docks shall be located wholly within buildings and out of view. Truck areas shall be totally screened from residential view with dense evergreens, masonry walls, berms and the like.

(Ord. 2002-07; 2006-48)

F. Parking Regulations. See Section 17.350.

G. Sign Regulations. See Chapter 17.700.

H. Performance Standards. See Section 17.338.A.3. (Ord. 2006-48)

I. Landscaping and Screening. See Section 17.358 and Section 17.360. Additional landscaping or other buffering treatments shall be provided where adjacent to property zoned AG through R-4, inclusive, as set forth in Section 17.360. (Ord. 2006-48)

SECTION 17.332 - PD PLANNED DISTRICT

A. Purpose. The zoning of land to one of the Planned Districts shall be for the purpose of encouraging and requiring orderly development on a quality level generally equal to that of the equivalent standard zoning districts, but permitting deviations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale development tracts, efficient development of small tract, innovative and imaginative site planning, conservation of natural resources and minimizing the inefficient use of land.

Planned Zoning Districts and their equivalent districts are as follows:

Planned District		Equivalent District
RP-1	Planned Single-Family Residential	R-1
RP-2	Planned Two-Family Residential	R-2
RP-3	Planned Multifamily	R-3
RP-4	Planned Multifamily	R-4
MHP	Planned Manufactured Housing	MH
CP-O	Planned Office Building	C-O
CP-1	Planned Restricted Business	C-1
CP-2	Planned General Business	C-2

(Ord. 2006-48)

B. Statement of Objectives. The zoning of land in the City of Spring Hill to one of the Planned Districts (RP-1 through RP-4 and CP-0 through CP-2) shall be for the purpose of encouraging and requiring orderly development on a quality level generally equal to that of the equivalent standard zoning districts, but permitting deviations from the normal and established development techniques. The use of planned zoning procedures is intended to encourage large-scale development tracts, efficient development of small tracts, innovative and imaginative site planning, conservation of natural resources and minimizing the inefficient use of land. Planned Districts are expected to be consistent with the *Comprehensive Plan* recommendations, including the Planning Principles and Design Guidelines. The following are specific objectives of this section. (Ord. 2006-48)

1. A proposal to rezone land to a planned district shall be subject to the same criteria relative to compliance with master plans, land use policies, neighborhood compatibility, adequacy of streets and utilities and other elements as are normal in rezoning deliberations.

2. The submittal by the developer and the approval by the City of the approved plan in concept, intensity of use, aesthetic levels and quantities and qualities of open space.

3. Deviations in yard requirements, setbacks and relationship between buildings as set out in the Standards of Development of the underlying district may be approved if it is deemed that other amenities or conditions will be gained to the extent that an equal or higher quality of development is produced. (Ord. 2006-48)

4. Residential areas will be planned and developed in a manner that will produce more useable open space, better recreational opportunities, safer and more attractive neighborhoods than under standard zoning and development techniques.

5. Commercial areas will be planned and developed so as to result in attractive, viable and safe centers and clusters, as opposed to strip patterns along thoroughfares. Control of vehicular access, architectural quality, landscaping and signs will be exercised to soften the impact on nearby residential neighborhoods, and to assure minimum adverse effects on the street system and other services of the community.

6. The developer will be given latitude in using innovative techniques in the development of land not feasible under application of standard zoning requirements.

7. Planned zoning shall not be used as a refuge from the requirements of the equivalent district as to intensity of land use, amount of open space to other established development criteria. Nor will any use be permitted in the planned district that is not clearly permitted in the equivalent district.

8. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101.

9. For purposes of this title, the term "shopping center", "office park", or other grouping of buildings shall mean developments that were planned as an integral unit or cluster on property under unified control or ownership at the time the zoning was approved by the City. The size and/or subdivision of other partitions of the site after zoning approval does not exempt the project or portions thereof from complying with development standards, architectural quality, sign concepts and other conditions that were committed at the time of rezoning. (Ord. 2006-48)

10. Open space in planned developments shall contribute to the use and enjoyment of the development's residents or users. Open space shall be provided in useful, quality spaces integrated purposefully into the overall development design. Residual areas left over after buildings and parking areas are sited are not considered acceptable useful open space. (Ord. 2006-48)

C. Modification of underlying district regulations. The Planning Commission may recommend and the City Council may approve, pursuant to the procedures set forth in this Section, a preliminary development plan that modifies one or more of the property development standards found in the equivalent zoning district, including, but not limited to, density and minimum lot size requirements, floor area ratios, building setback requirements, design

standards, required minimum public improvements, maximum structure heights, parking, landscaping, buffering and tree protection requirements. Uses permitted as of right, uses permitted with conditions, and special uses within each district cannot be modified pursuant to this subsection. No separate vote on proposed modifications is required by this subsection. It is the intent of this subsection that the Planning Commission and City Council evaluate the proposed preliminary development plan to determine if, as a whole, it is consistent with the approval criteria set forth herein and the purposes of Section 17.334.B. Ample evidence shall be present that said modifications will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege. (Ord. 2006-48)

D. Local Administrative Agency. The Planning Commission, together with the City staff, will administer the Planned Zoning Procedure and present a recommendation to the City Council for final zoning action. Also see Section 17.364 for zoning procedure.

E. Standards of Development.

1. The property development standards shall be as set out in the equivalent district. However, modifications to the underlying property development standards may be granted in accordance with the property development standards for Planned Zoning Districts provided Section 17.338.A.2. Reduction of lot area, setbacks, or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases, such modifications shall be in keeping with good land planning principles, and must be specifically set out in the minutes of the Planning Commission, as well as on plans and other exhibits in the record. (Ord. 2006-48)

2. The intensity of land use, the bulk of buildings, the concentration of population, the amount of open space, light and air shall be generally equal to that required in the equivalent district.

3. The permitted uses shall be the same as those permitted in the equivalent district. Limitations may be placed on the occupancy of certain premises or those uses allowed in the equivalent district may be restricted or prohibited, if such limitations are deemed essential to the health, safety or general welfare of the community. (Ord. 2006-48)

4. The Planning Commission may require assurance of the financial and administrative organization and ability of any agency created by a developer for the purpose of maintaining common open space and facilities or amenities of a nonpublic nature.

5. The parking ratio for grouped commercial projects shall as a minimum follow the underlying district requirements, unless modifications are granted through a planned district. Reduction of parking, setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases, such deviation shall be in keeping with good land planning principles, and must be specifically set out in the minutes of the Planning Commission, as well as on plans and other exhibits in the record.

The design of all planned projects, whether residential or commercial shall be such that access and circulation by fire fighting equipment is assured and may not be retarded by steep grades, heavy landscaping or building space. (Ord. 2006-48)

6. For residential developments granted reductions to the minimum lot area per dwelling unit, a minimum fifteen (15) percent of the net land area shall be declared as common open space. A minimum of fifty (50) percent of the required common open space area in residential developments shall be developed as active open space for use by all persons who reside in the subdivision. Such open space shall be located in highly accessible locations surrounded predominately by public streets rather than located behind development or on remnant tracts of land. Variations to these minimum open space standards may be granted with approval of a preliminary development plan provided the Planning Commission and City Council determine the development achieves the objectives of planned zoning stated in Section 17.332.B, and the recommendations of the *Comprehensive Plan* including the *Planning Principles and Design Guidelines*. (Ord. 2006-48)

7. Nonresidential uses which are proposed for the benefit of or as an amenity to a particular development and not for use by the general public should be located within the interior of the development where most accessible to a majority of residents within the development. (Ord. 2006-48)

8. Residential and commercial zoned developments are expected to use higher-quality durable building materials and architectural-design features that provide an increase in visual interest over conventional zoned developments. Such developments are expected to comply with the *Planning Principles and Design Guidelines* recommendations in the *Comprehensive Plan*, including recommended building materials and building design. Single-family residential uses are expected to incorporate building materials consistent with those recommended for multifamily residential developments as well as stucco and fiber-cement board, particularly on sides of the structures visible to the public, except that the sides and rear of such single-family structures may be permitted other exterior finishes. (Ord. 2006-48)

9. Residential zoned developments granted lot area, lot width, or building setback reductions shall comply with the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines to limit the width of garages oriented toward the street in relation to the overall width of the residential structure, and to limit garage projections in front of habitable living space. The number of garages oriented toward a street in a multifamily structure shall be limited to minimize the number of visible garages and the amount of pavement in the front yard setback. Additional architectural and site design requirements may be established at the time of preliminary or final development plan approval. (Ord. 2006-48)

F. Planned District Preliminary Development Plans – Contents and Submission Requirements. When property is zoned a planned district, the development plan shall be considered as preliminary and approved as part of the rezoning application. Due to the nature of planned districts, the preliminary site development plan may be more schematic and general in nature than a final plan that is more detailed in nature. The proponents of a planned district shall prepare and submit to the Planning Commission 16 copies of the preliminary development plan and a digital format approved by the Zoning Administrator, containing the following information:

1. A development plan showing the property to be included in the proposed development, plus the area within 200 feet thereof.

    a. Existing topography with contours at two-foot intervals, and delineating any land areas subject to one hundred-year flood, including those areas identified by flood studies prepared by the Johnson County Storm Water Management Program.

    b. Location of existing or proposed buildings and other structures, parking areas, drives, walks, screening, drainage patterns and drainage controls, public streets, proposed utility connection layouts for water and sewer, any existing easements, and areas of existing tree cover.

    c. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, and other elements of the plan.

    d. General extent and character of proposed landscaping, including common names and planting size.

    e. Exterior Building Elevations. Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. In the event of several buildings, a typical sketch may be submitted. In case several building types, such as apartments and business buildings, are proposed on the plan, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings and a floor plan, but detailed drawings and perspectives are not required.

    f. Schedules. A schedule shall be included indicating total floor area, dwelling units, land area, number of required and proposed parking spaces, and other quantities relative to the submitted plan in order that compliance with requirements of this title can be determined.

    g. Amenities. Proposed development amenities shall be identified, including but not limited to pedestrian walkways and trails, neighborhood parks, plazas, landscaped open spaces, recreational facilities, pools, clubhouses or community buildings, and any other site amenities.

(Ord. 2006-48)

2. The following information shall be shown on the same drawing within the 200-foot adjacent area:

   a. Any public streets, which are of record.

   b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City of Spring Hill, except those serving single-family houses.

   c. Any buildings, which exist or are proposed to the degree that their location and size are shown on plans on file with the City of Spring Hill. Single and two family residential buildings may be shown in approximate location and general size and shape.

   d. The location and size of any drainage structure, such as culvert, paved or earthen ditches or storm water sewers and inlets.

(Ord. 2006-48)

3. The following other relevant information including:

   a. Name, address, telephone number, and fax number of the landowner, as well as the architect, landscape architect, land planner, engineer, surveyor, or other person involved in the preparation of the plan, technical studies, and documents submitted with the application.

   b. Date of plan preparation.

   c. The boundary lines of the area included in the development plan, including bearings, dimensions and reference to a section corner, quarter corner, or point on a recorded plat.

   d. Existing land uses and current zoning districts.

   e. North arrow and small key map indicating the location of the property within the City.

   f. Engineering scale for site plans and standard architectural scale for building elevations.

   g. Proof of adequate public facilities as set forth by Section 17.370.F of the City of Spring Hill Subdivision Regulations.

(Ord. 2006-48)

G. Studies. The applicant shall furnish a traffic impact study and a storm water runoff study pertaining to the planned district.

H. Procedure for Rezoning to a Planned District. The Planning Commission shall advertise and hold a public hearing on the plan as provided by law and as set forth by Section 17.364. The review criteria set forth by Section 17.364.D and the statement of objectives of planned zoning provided in Section 17.332.B shall apply to the approval of planned districts and the associated preliminary development plan. (Ord. 2006-48)

I. Recording of Approved Preliminary Development Plan.

1. After rezoning to a planned district and the associated preliminary development plan has been approved, the landowner shall file with the Register of Deeds a statement that such a plan has been filed with the City of Spring Hill and has been approved, and that such planned unit development is applicable to certain specific legally described land and such statement recorded shall also specify the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchaser or users of land of the existence of such plan. (Ord. 2006-48)

2. The statement shall contain the following information:

   a. A legal description of the property.

   b. A statement that copies of the plan are on file with the City of Spring Hill Zoning Administrator.

   c. A statement as to the nature of the plan, the proposed density or intensity of land uses, and other pertinent information determined necessary by the Zoning Administrator sufficient to notify any prospective purchasers or users of land of the existence of such a plan.

   d. A statement that the preliminary development plan and development regulations established by the planned zoning district approval are binding upon all successors and assigns unless amended in conformance with this Code, or amendments thereto.

(Ord. 2006-48)

J. Changes to the Development Plans in Planned Zoning Districts.

1. Once property has been rezoned to a planned zoning district, changes to the preliminary development plan may be made only after approval of a revised preliminary development plan. Changes in the preliminary development plan which are not substantial or significant may be approved by the Planning Commission, and disapproval of such changes by the Planning Commission may be appealed to the Governing Body. Substantial or significant changes in the preliminary development plan may only be approved after rehearing; such rehearing shall be subject to the notice and protest provisions set forth in Section 17.364. (Ord. 2006-48)

2. For purposes of this section, “substantial or significant changes” in the preliminary development plan shall mean the following:

   a. Increases density or intensity of residential uses more than five percent.

   b. Increases the floor area of nonresidential buildings by more than 10 percent.

   c. Increases the ground cover of buildings by more than five percent.

   d. Increases the height of a building of more than 5 percent.

   e. Involves changes in ownership patterns or stages construction that will lead to a different development concept, lessens architectural harmony or quality or imposes substantially greater loads on streets and neighborhood facilities.

   f. Changes in architectural style and building materials which make the project less compatible with surrounding uses.

   g. Decreases in any peripheral setback of more than 5 percent.

   h. Decreases of areas devoted to open space of more than 5 percent or the significant relocation of such areas.

   i. Modification of removal of conditions or stipulations to the planned zoning preliminary development plan approval.

3. The criteria set forth in Section 17.364 shall be applied in determining whether to approve an application for revised preliminary development plan. In the event the application for revised preliminary development plan is denied, the previously approved preliminary development plan will remain in effect.

4. Upon approval of a revised preliminary development plan the plan shall be filed pursuant to Section 17.332.H.

(Ord. 2006-48)

K. Final Development Plans for Planned Zoning Districts, when required. Approval of a final development plan is required any time a preliminary development plan is required and approved for zoning to a planned district. No building permit shall be issued until a final development plan is approved and the property is platted. (Ord. 2006-48)

L. Final Development Plans – Contents and Submission Requirements. All final development plans are to be drawn at the same scale as the preliminary site development plan. Sixteen copies of the final development plan and a digital format approved by the Zoning Administrator, containing the following information:

1. Contents required to be submitted with the preliminary development plan in Section 17.332.F. However, final development plan applications for single-family and two-family developments may not require all information as described in this section. Such applications must include information to address conditions established by the preliminary development plan related to consideration of the final plan, as well as information including but not limited to street tree plans, master landscape and fencing plans, and development amenities.

2. All information relevant to the proposed development including:

   a. All existing and proposed adjacent public street rights-of-way with centerline location and surface type, condition, and width. Location, size and radii of all existing and proposed median breaks and turning lanes. All existing and proposed drive locations, widths, curb cuts and radii.

   b. Finished grades showing 2 foot contours for the entire site.

   c. Location, width, and limits of all existing and proposed sidewalks.

   d. Location of all required building and parking setbacks.

   e. Location, dimensions, number of stories, and area in square feet of all proposed buildings.

   f. Final drainage design. Limits, location, size and material to be used in all proposed drainage basins and retaining walls.

   g. Building elevations including the following:
      i. Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs.

      ii. Size, location, color, and materials of all signs to be attached building exteriors.

      iii. Location, size, and materials to be used for screening of rooftop, wall-mounted, or ground-based mechanical equipment and utility meters, fans, vents, or flues.

   h. Final water and sanitary sewer plans and locations of existing and proposed fire hydrants.

   i. Final landscape plans including detailed schedule of plant materials, planting size, and common and botanical names.

   j. Location, height, candle power, and type of outside lighting fixtures for buildings and parking lots.

(Ord. 2006-48)

3. The following shall be submitted in support of the application for final development plan approval:

   a. Deeds of dedication for all rights-of-way or easements required as a result of preliminary development plan approval, if conveyance thereof is not to be made by plat.

   b. A copy of all covenants and restrictions applicable to the development.

   c. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurance of the financial and administrative ability of such agency required pursuant to approval of the preliminary development plan, if required by the terms of the approved preliminary development plan.

   d. Evidence of satisfaction of any stipulations of the preliminary development plan approval which were conditions precedent to consideration of the final development plan.

   e. Assurances of adequate public facilities.

(Ord. 2006-48)

M. Consideration of Final Development Plans for Planned Zoning Districts.

1. Final development Plan review shall be performed by the Zoning Administrator and presented to the Planning Commission for approval. The Planning Commission shall forward the Plan to the City Council for consideration with recommendation(s).

2. A final development plan which contains modifications from the approved preliminary development plan, but is in substantial compliance with the preliminary plan, may be considered and approved by the Planning Commission and Governing Body without a public hearing, provided the Planning Commission determines all submission requirements have been satisfied and conforms with the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines. For purposes of this section, lack of "substantial compliance" shall have the same meaning as "substantial or significant changes" as set forth in Section 17.332.I.2.

   In the event the Planning Commission determines the proposed final development plan is not in substantial compliance with the approved preliminary site development and the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines, the application may not be considered except at a public hearing, following publication notice to surrounding property owners and protest provisions set forth in Section 17.364.

3. The applicant, in case of denial, may apply for a new hearing, with publication and posting as required in Section 17.364 and the Planning Commission and Governing Body may approve or deny the final plans after said hearing. All decisions of the Planning Commission may be appealed to the Governing Body who may reverse or affirm the same.

4. Revisions to approved final development plans which are insignificant in nature may be approved administratively by the Zoning Administrator. Provided, however, that in no event may revisions to approved final development plans be approved administratively if the proposed revised final plan contains "substantial or significant changes" as defined in Section 17.332.I.2.

(Ord. 2006-48)

N. Abandonment of Final Development Plan. In the event that a plan or a section thereof is given final approval and thereafter the landowner abandons said plan or the section thereof, then the landowner shall so notify the City in writing, or in the event the landowner fails to commence the planned development within 2 years after final approval has been granted, then in either event such final approval shall terminate and shall be deemed null and void unless such time period as extended by the approving authority upon written application by the landowner. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new final development plan has been approved. (Ord. 2006-48)

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SECTION 17.334 - P-O PROTECTIVE OVERLAY DISTRICT

A. Purpose. The P-O district may be applied in combination with any base-zoning district. By tailoring use or property development standards to individual projects or specific properties, the P-O district is intended to:

1. ensure compatibility among incompatible or potentially incompatible land uses;

2. ease the transition from one zoning district to another;

3. address sites or land uses with special requirements; and

4. guide development in unusual situations or unique circumstances.

B. Use and Property Development Standards. The P-O district can be used to modify and restrict the use and property development standards of an underlying base zoning district. All requirements of a P-O district are in addition to and supplement all other applicable standards and requirements of this Regulation. Restrictions and conditions imposed by a P-O district shall be limited to the following.

1. prohibiting otherwise permitted or conditional uses and accessory uses; or making an otherwise permitted use a conditional use;

2. decreasing the number or average density of dwelling units that may be constructed on the site;

3. increasing minimum lot size or lot width;

4. increasing minimum setback requirements;

5. restrictions on access to abutting properties and nearby roads, including specific design features; and

6. any other specific development standards required or authorized by this Regulation.

C. Method of Adoption. Restrictions imposed through a P-O district are considered part of this zoning code text and accompanying map. All property included in a P-O district shall be identified on the Zoning Map. The ordinance or resolution modifications imposed pursuant to Section 17.334.B. The restrictions imposed shall be considered part of the text of this Code, and a violation of the restrictions shall be a violation of this Code. The restrictions shall continue in full force and effect until modified by the Governing Body in accordance with the amendment procedures of this Code. *(2007-24 8/07)*

D. Effect of P-O Designation. When the P-O zoning designation is applied in combination with a base zoning district it shall always be considered to result in a more restrictive designation than if the base district did not have the P-O classification. In the event that the P-O designation was not originally requested as part of the rezoning application, but instead is added during the staff review or public hearing process, renotification and re-advertisement of the requested zoning change shall not be required.

SECTION 17.336 - USE REGULATIONS

A. Supplemental Use Regulations. No permit shall be issued for any development or use of land unless the activity is in compliance with all-applicable supplementary use regulations specified in this section. In case of conflict with zoning district property development standards or other regulations of this Code, the more restrictive requirement shall apply, unless otherwise specifically provided.

1. Agriculture. There shall be no retail or wholesale sales permitted in conjunction with agriculture uses in any district from AG through M-1 except on sites of at least 10 acres in size, unless a conditional use permit has been approved in accordance with Section 17.354. In addition, agricultural uses within the Spring Hill City Limits will be allowed in any district R-1 through M-1, but restricted to: grains and feed crops; and fruits, nuts, and berries.

   In districts AG and R-R nursery, gardening produce, riding stables, livestock, poultry, swine, ducks, geese, beekeeping, domestic fowl, dairy cattle will be allowed provided that any building structure or yard for the raising, feeding, breeding, or housing of livestock or poultry shall be located at least two hundred feet from a residential structure; and further provided within the Spring Hill City Limits that there shall be no obnoxious fertilizer stored or processed on the premises and no killing or butchering or dressing of animals on the farm tract.

(Ord. 2006-48)

2. Animal care (limited) in C-1 to C-2. Limited animal care facilities shall be subject to the following standards when located within the C-1 to C-2 districts.

   a. No noise or odors shall be discernible at the property line.

   b. Treatment shall be limited to dogs, cats and other small animals.

   c. All animals shall be harbored indoors.

3. Auto wrecking and salvage yards in MP and M-1. Auto wrecking and salvage yards may be approved as a conditional use in MP and M-1 districts, provided that such operation:

   a. is not on an arterial or expressway;

   b. in the opinion of the Planning Commission, will not adversely affect the character of the neighborhood; and

   c. is enclosed by a fence or wall not less than six feet in height and having cracks and openings not in excess of five percent of the area of such fence.

4. Car wash. The following standards shall apply to car wash facilities as a conditional use in C-2 and as permitted uses in MP and M-1.

   a. at a minimum, be located 200 feet from residential zoning;

   b. be set back at least 35 feet from all arterials, expressways and freeways;

   c. a fence with a minimum height of six feet shall be provide along the interior side and rear property line, when adjacent to a dwelling, to protect the dwelling from light and noise and eliminate blowing debris and to protect adjacent property values.

   d. all the area to be utilized by the washing and drying operations, including all ingress and egress areas, shall be paved with concrete, asphalt or asphaltic concrete;

   e. be connected to the City sewer system or have a facility to recycle water;

   f. signs are limited to those permitted in the underlying district; and

   g. all parking areas shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines of parking spaces.

5. Cargo container storage facilities and cargo container maintenance facilities (collectively referred to as "facilities") may be approved as a conditional use in MP and M-1 districts, subject to the following provisions:

   a. Access: No cargo containers or semi-trailers (either on or off a chassis), or a chassis, may be stored in a manner that impedes access to public right-of-way, public utility or drainage easement, structures and buildings.

   b. Exterior Lighting: Facilities shall provide lighting on-site, including at all vehicular entrances and exits. A lighting plan shall be submitted and approved in conjunction with the permit. Said plan shall be prepared in accordance with the requirements of Section 17.338.A.6.

   c. Minimum Lot Size: Facilities shall have a minimum lot size of twenty (20) acres.

   d. Paving: All interior driveways, parking, loading, and storage areas shall be paved and dustfree. For purposes of this stipulation:
      1. Paving shall mean concrete, asphalt, chip seal or milled asphalt surfaces, and
      2. Dustfree shall mean that all interior driveways and storage area surfaces shall be kept free of dust, dirt or other materials to prevent the migration of dust off-site.

   e. Parking: Facilities shall comply with the Off Street Parking Requirements of Section 17.350.A of these regulations.

f. Cargo Container Stacking: Cargo containers shall not be stacked more than three (3) in number. When stacked, an additional 30 feet shall be added to all setbacks for each additional level of stacked cargo containers.

g. Chassis Stacking/Racking. Empty chassis may be stored on end (racking), or may be stacked. When stacked, chassis shall not be more than five (5) in number. Racking of a chassis shall be limited to 57 feet in height. When a racked chassis exceeds 30 feet in height, an additional foot shall be added to all setbacks (from property line) for each additional foot of height for a racked chassis.

h. Screening and Landscaping: Screening may be required on the perimeter of the property. Screening shall be a combination of fencing and landscaping or berming and landscaping. Screening shall comply with Section 17.360 of these regulations.
   1. A landscape plan shall be submitted with the conditional use permit application. The landscape plan shall identify the number, species, and location of all existing and proposed landscaping material.
   2. Berms shall have a minimum height of 12 feet and shall not have a slope of greater than 3:1 (three feet horizontal per one foot vertical).
   3. The required security fence shall be located on the interior side of perimeter landscaping.
   4. Landscaping, fencing, and berming shall be installed prior to a certificate of occupancy being issued.
   5. Maintenance of perimeter landscaping shall be the responsibility of the property owner and shall continue to meet the minimum standards for landscaping established by the City.

i. Setbacks and Separation Distance: All buildings, structures, parking and other uses on the property shall be subject to the setback requirements in Section 17.328 (MP District) or Section 17.330 (M-1 District). In addition, cargo container facilities shall be subject to the following setback standards:
   1. Cargo container storage and maintenance facilities shall be set back at least 1,000 feet from any property zoned or used for residential land uses. This setback shall be measured from the property line of the cargo container storage or maintenance facility to the property line of property zoned or used for residential purposes at the nearest point.
   2. Storage of cargo containers and chassis shall be at least 25 feet from any structure or building on site.
   3. No side-by-side grouping shall exceed 20 cargo containers or 20 chassis in width and no end-to-end grouping shall exceed two cargo containers or two chassis in length. Groupings shall be spaced at least 24 feet apart.
   4. Storage of cargo containers and chassis shall be setback at least 10 feet from interior edge of the required landscape easements.

j. Signage: Business signs shall be allowed according to Section 17.710 thru 17.770 of these regulations. No signage, other than shipping company identification logos and placards, shall be allowed on any cargo container, semi-trailer or chassis.

k. Traffic Study: A Traffic Impact Study shall be submitted with the Conditional Use Permit application. The study shall place emphasis on the impact of the traffic generated by such a facility with regards to safety, quantities and type of traffic generated, and the impact of such facilities on existing infrastructure. The study shall specifically examine and provide recommendations for the existing road infrastructure to be utilized by the cargo facility. Such recommendations shall identify improvements to be made to the road system to assure the integrity and longevity of the road based on anticipated traffic numbers and type. The study shall also make recommendations on improvements to be made to infrastructure including but not limited to: roadway improvements, traffic control devices, turn lanes and location of entrances into the facility. When applicable the Traffic Impact Study shall be reviewed by the County Engineering and/or Public Works Department of Johnson or Miami County.

l. Platting: Cargo container facilities must be located on a platted lot.

m. Right-of Way Dedication: Where applicable, cargo container facilities and cargo container maintenance facilities shall dedicate adequate right-of-way to the City of Spring Hill for public streets and other purposes. The dedication shall be in a form acceptable to the City and shall be at no expense to the City.

n. Public Improvements: Cargo container facilities shall design and install, at no expense to the City of Spring Hill, public improvements adjacent to the facility at the time and in the manner specified by the City in conjunction with the development or subdivision of the parcel, whichever comes first. The improvements shall be engineered, reviewed, approved and installed according to the procedures and conditions set forth by the City.

o. Storm Water: Cargo container facilities shall submit a storm water study with the application for a conditional use permit. Drainage shall be designed and storm water detention required in accordance with City standards.

p. Security: The facility shall be completely enclosed by gated security fencing. The fence shall be between six and twelve feet in height, and shall not include any barbed or razor wire. The gates may remain open when the facility is open, and shall be closed and locked when the facility is closed. The gate shall be located to prevent stacking on the streets. Minimum stacking requirements shall be based on the results of the required traffic analysis, but in no case shall the driveway between the gate and the street be less than 150 feet in length and 24 feet in width.

q. Materials Stored: Materials stored in cargo containers shall not include any material that would be required to be placarded Class 7 (radioactive materials) according to the US Department of Transportation (DOT) Emergency Response Guidebook (ERG), or any other material generally considered to be hazardous, explosive or poisonous. All material stored at the facility shall be properly placarded according to the ERG. Each terminal manager shall maintain adequate and current bills of lading for the contents of all cargo containers stored on site.

r. Fire Code and Insurance: All facilities shall comply with the locally adopted fire code and provide adequate means for fire and emergency vehicles access to cargo containers both on and off a chassis. All facilities engaged in storage and stacking of cargo containers must carry adequate insurance and provide a Certificate of Insurance prior to the issuance of a certificate of occupancy.

s. Modification and Retrofit: Cargo containers may not be modified or retrofitted for on-site habitation. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet minimum codes and standards for lighting and air circulation for storage purposes.

t. Time Limitation: The initial Conditional Use Permit for cargo container facilities may be issued for a maximum time period of five years, with subsequent renewals issued for a maximum of five years. All facilities are subject to an annual review by City staff for compliance with the provisions of the Conditional Use Permit.

u. Other Rules and Regulations: All facilities shall abide by any and all governmental rules, regulations, codes and specifications now in effect or hereafter adopted that would be applicable to this permit or the use of the property by the applicant/landowner.

(Ord 2015-06)

6. Church or place of worship, community center, cultural group, public school and private school with curriculum equal to that of a public school, institution of higher learning. All uses are subject to the following conditions:

a. There shall be a side yard of at least 25 feet for any principal or accessory building.

b. Off street parking shall be set back at least seven feet from any property line and shall be suitably screened by walls, berm or landscaping.

c. The location of the use shall be in accordance with at least one of the following situations:

i. On a corner lot immediately adjacent to or across the street from a public park or public recreational area or any other purpose listed in Section 17.336.A.1.

ii. On a parcel or tract of land entirely surrounded by any combination of highways, streets or alleys.

iii. A lot or parcel of land immediately adjoining R-2 to C-2 District inclusive; or on a corner lot immediately opposite (on the other side of the street) any R-2 to C-2 District.

iv. On a lot approved by the City Council after a public hearing held by the Planning Commission, provided it is found that the use does not materially damage or curtail the appropriate use of neighboring property, and the use conforms to the applicable district regulations and is compatible and does not violate the general spirit and intent of the Zoning Ordinance.

7. Class B clubs, taverns and drinking establishments. Private clubs (taverns, dance clubs) alcoholic beverages are consumed on the premises shall be considered conditional uses and subject to Section 17.354. They shall not be allowed to locate within 200 feet of a church or place of worship, school, nursing home, library, or hospital. This distance shall be measured from the nearest lot line of the church or place of worship, public park, school or residential zoning district to the nearest lot line of the premises on which the drinking establishment is located or of any parking lot designated to be used by the patrons of such businesses, whichever is closest. For purposes of this measurement, the required parking spaces for such a business located within a multi-tenant structure or shopping center are those located nearest the public entrance to the business. Outdoor service of food and drink as an accessory part of the operation shall be allowed when approved with the conditional use permit.
(Ord 2016-04)

8. Communication towers. Whether allowed by right or by a conditional use permit, communication towers shall be subject to the following provisions. (Ord. 2002-07)

a. The applicant shall present satisfactory proof that the proposed location and use is reasonably necessary.

b. There shall be no nighttime lighting of or on the tower except for the red obstruction warning lights.

c. No commercial advertising signs shall be allowed on the tower.

d. The applicant must document that no co-location on an existing tower or other structure exists within five miles of the proposed location. Also, the applicant must document that efforts were made to locate on existing towers or other structures but such efforts were unsuccessful. Affidavit of the applicant or intended user of the tower shall place documentation of this requirement in the record. At the request of the Planning Commission additional evidence in the form of testimony may be

required from the applicant or intended user of the tower.

e. The design of all communication towers will be a monopole structure unless the applicant can provide sufficient information that a different type of tower design is required. In all cases, the tower must include aesthetics that accommodate abutting neighborhoods. (Ord. 2002-07)

f. All proposed communication towers shall be designed to accommodate at least two additional platforms to lease space on the tower to other companies. Any application for proposed commercial communication towers in excess of 150 feet shall provide documentation that a letter of intent for at least two additional users to be located on the tower. (Ord. 2002-07)

g. All communication towers provide information from a licensed engineer that the integrity of the structure will not collapse outside of the property line. (Ord. 2002-07)

h. Any application for a proposed tower in excess of 150 feet in height shall include documentation regarding the necessity for the proposed height from a Radio Frequency Engineer. Such documentation shall be in the form of an affidavit acceptable to the Planning Commission and signed by said Engineer. At the request of the Planning Commission additional evidence in the form of testimony may be required from said Engineer. (Ord. 2002-07)

i. The tower and accessory equipment must meet all requirements of the Federal Aviation Administration and the Federal Communication Administration. (Ord. 2002-07)

j. Communication towers shall be allowed as an accessory use to Government Services or Cemeteries in any zoning district. (Ord. 2002-07)

k. Communication towers shall be allowed in the C-2 zoning district if the tower is located adjacent to U.S. 169 Highway. (Ord. 2002-07)

(Ord 2016-04)

9. Construction sales and service. When a construction sales and service business is located in the C-2 and M-P, it shall be mainly a retail business and not a wholesale or service business and it shall comply with all limitation on outdoor display and storage as specified in Section 17.342.C.

10. Day care. Day care centers shall be subject to the following standards.

a. Day care centers shall comply with all applicable state regulations.

b. When located in the residence of the care provider in an AG through R-2 zoning

district day care centers shall comply with the general home occupation standards of Section 17.336.B.2.

c. Outdoor play shall be limited to the house between the hours of 7:30 a.m. to 6:30 p.m., if located within 100 feet of a lot containing a dwelling unit.

11. Hotels and motels. Hotels and motel uses shall be subject to the following conditions.

a. The minimum lot size for a hotel or motel use shall be 25,000 square feet.

b. No principal building or any portion thereof that is used for any assembly or occupancy shall have any other door other than required exits facing contiguous residentially zoned parcels, unless such opening is set back at least 25 feet from the property line of such adjoining parcel.

c. Outdoor recreational uses shall be limited to nonprofit noncommercial activities used in connection with and operated by the motel or hotel.

d. No commercial uses or activities shall be allowed except for sale of soft drinks. All such sales to be within the office area, Under no circumstances shall eating establishments, restaurants, service stations, filling stations, gift shops, ales offices night clubs, dance hall or taverns and drinking establishments be allowed or permitted as associated use of a motel or hotel within the C-0 zoning district.

e. A hotel/motel shall be located along and have access to a street that is classified as an arterial street or higher classification.

12. Kennels, boarding/breeding/training and hobby. When allowed as a permitted or conditional use, boarding/breeding/training kennels and hobby kennels shall be subject to the following standards.

a. The minimum lot size for hobby kennels shall be ten acres, unless all animals are harbored indoors with no discernible noise or odor at the property lines. Boarding/breeding/training kennels shall require a conditional use permit.

b. Outside runs, holding pens or other open air type enclosures and shelters shall be located behind the front setback line and located at least 200 feet from any dwelling other than the owner's and at least 50 feet from adjoining property lines.

c. Screening shall be provided except for those facilities located 600 feet or more from adjoining property lines. Screening shall be provided by structure, solid or semi-solid fencing, landscape material, earth berms or natural site features maintained for the purpose of concealing the view of the animals behind such fence, landscape material, berm or natural feature from activities on adjoining properties. If fencing is used, it shall not be less than four nor more than six feet in height. Fences used

for screening may have no more than five percent open surfaces. Landscape materials must provide the desired screening effect within the first growing season following installation and throughout the year every year thereafter.

d. When three or more litters are produced for sale, sold, offered, or maintained for sale, the property owner will be required to be licensed by the State of Kansas pursuant to K.S.A. 47-1701 et. seq. Also, any property owner with 19 or more dogs will be required to be licensed by the State of Kansas.

13. Neighborhood swimming pool. Although listed as a conditional use in all districts where allowed, a neighborhood swimming pool shall be permitted by right if it is identified as a permitted use in the platting of "reserves" or as a permitted use within a residential Planned District, provided that a detailed site plan shall be submitted to the Zoning Administrator for approval at the time the final plat is submitted for scheduling before the Planning Commission. Should the plan not be approved, an application for a conditional use may be filed in accordance with Section 17.354 of this Code.

Neighborhood swimming pools, clubhouses, and similar facilities are considered a development amenity and must meet the following criteria unless otherwise approved by the Planning Commission and Governing Body:

a. Centrally located within, and highly accessible to a majority of residents or users of the development.

b. Surrounded by public streets, commonly on two or more sides.

(Ord. 2006-48)

14. Outdoor recreation and entertainment. When allowed as a conditional use, outdoor recreation and entertainment uses the following standards shall apply:

a. The property shall be contiguous to an arterial or expressway.

b. All surfaces shall be of dust free nature.

c. Alcoholic and cereal malt beverages may be sold on the premises only after the Planning Commission, the Governing Body, and any other appropriate authority have approved a Conditional Use Permit. (Ord. 2006-48)

d. Any noise, light, commotion or structure, which may adversely affect adjoining property, shall be screened or otherwise treated in a fashion approved by through the Site Plan approval process.

e. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt.

f. The Planning Commission may establish operating hours as part of Conditional Use Permit process if the property is located in close proximity to residential area.

g. The area shall be properly policed to insure proper maintenance and removal of trash from the premises to eliminate problems to adjacent or public property.

h. Campgrounds for trailers are allowed, provided:

i. The tract to be used for a trailer camp shall not be less than three acres. The applicant shall designate the maximum area desired of the trailer camp.

ii. The applicant for the trailer camp must satisfy the Governing Body that they are financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence within a period of one year following approval by the Governing Body and shall be completed within a period of two years as to the original three-acre or larger tract. (Ord. 2006-48)

iii. The applicant for a trailer camp shall prepare or cause to be prepared a development plan and shall present twenty copies of said plan for review by the Planning Commission and the Governing Body. This plan shall show the proposed development, which shall conform to the following requirements: (Ord. 2006-48)

- Trailer camp parks shall have a maximum density of 12 camping trailers per gross acre.
- Each camping trailer space shall be at least 30 feet wide and clearly defined.
- Camping trailers shall be so located on each space that there shall be at least a five-foot clearance between camping trailers. No camping trailer shall be located closer than 25 feet from any building within the park or from any property line bounding the park.
- All camping trailer spaces shall front upon a private roadway or not less than 40 feet in paved width, which shall have unobstructed access to a public street or highway. Access to the trailer camp park shall be from at least a collector or arterial street as identified by *The Spring Hill Comprehensive Plan* or *Spring Hill Extraterritorial Area Collector and Arterial Street Designations*, the number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, and that no trailer camp space shall be designed for or allow direct access to a public road outside of the boundaries of the trailer camp.
- All roadways and walkways within the trailer camp shall be adequately lighted at night and improved so as to meet the City standards.
- Laundry facilities shall be provided in service buildings. (Ord. 2002-07)
- At least one electrical outlet supplying as least 110 volts shall be provided for each camping trailer.

- Off-road parking shall be sufficient to locate the towing unit for each camping trailer.
- A recreation area of not less than one-half acre shall be provided at a central location in said park.
- A landscaped strip of open space shall surround the trailer camp 50 feet wide along any street or road frontage and 25 feet wide along all other lot lines. A solid or semi-solid fence or wall of six feet shall be provided between this Conditional Use and any adjoining property or property immediately across the street which is zoned for residential use. In lieu of said fence or wall, a landscaped screen may be provided. Said landscaped screen shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscaped screen is used in lieu of the fence or wall, the landscaped screen shall not be included as any part of the required area for the camping space. The fence, wall, or landscaped screen shall be properly policed and maintained by the owner. (Ord. 2002-07)
- A storm shelter shall be provided in a central location and shall have the capability of sheltering two persons for each established trailer space.
- No trailer camp shall be located within 250 feet of an established residence.

iv. Proper provisions shall be made for adequate water supply, sanitary sewers, fire protection, refuse collection, and laundry.

- Application for a Conditional Use Permit for a trailer camp shall include engineering plans and specifications of the water supply and distribution system approved by the water supplier and/or the Kansas Department of Health and Environment.
- Application for a Conditional Use Permit for a trailer camp shall include engineering plans and specifications of sewage disposal facilities and sewer lines approved by the County Environmental Health Administrator and/or the Kansas Department of Health and Environment.
- All refuse shall be stored in fly tight, watertight, rodent proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- Where disposal service is not available, the camp operator shall dispose of the refuse by transporting it to a disposal site approved by any authority having jurisdiction over such disposal areas.

v. The proposed camp shall comply with all provisions of this Article and state and local laws and regulations.

vi. All service buildings and the grounds of the camp shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

vii. A responsible attendant shall be in charge of the camp at all times. Such attendant shall supervise the camp, and together with the holder of the Conditional Use Permit, shall be responsible for any violation of the provisions of this Article, which may occur in the operation of such camp.

15. Public recycling collection stations. Public recycling collection stations shall be subject to the operator obtaining a land use permit, as applicable, from the Zoning Administrator.

16. Wind Energy Conversion System. The tower or propeller shall be set back from any property line a distance of one-foot setback for each foot of the maximum height of tower and propeller.

17. Adult Business Establishments: Adult business establishments shall be subject to the following use standards:

    1. LOCATION AND DISTANCE REQUIREMENTS.

        a. Adult business establishments may be located in any property zoned M-P and M-1. No adult business establishment shall be located in any zoning district of the City except M-P and M-1.

        b. <u>Residential</u>. Adult business may be located as a conditional use on any property zoned for such use, but not within 1,250 feet of any residentially zoned property.

        c. <u>Schools, Parks, Religious Institutions, Group Homes, Nursing Facility, Hospitals and Libraries</u>. No adult business establishments shall be permitted to locate or expand within 1,000 feet of any private or public school, public park, child care facility, group home for adults or minors, nursing facility, hospital, library or religious institution or place of worship.

        d. <u>Other Adult Use</u>. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of another adult business establishment or adult use.

        e. <u>Facilities With a Liquor License</u>. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of any business licensed to sell or serve alcoholic or cereal malt beverages, whether or not such business is also an adult entertainment establishment as defined herein in

Section 3-301 of this Article.

f. Measurement of Distance.

1) The distance between any adult business establishment and any religious institution, school, group home, nursing facility, hospital, library, public park or child care facility or any property zoned for residential use, shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment use to the closest property line of the religious institution or place of worship, private or public school, public park, group home, nursing facility or hospital, child care facility or property zoned for residential use.

2) The distance between any two (2) adult business establishments or between any adult business establishment and a business licensed to sell or serve alcoholic or cereal malt beverages shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

2. Other Regulations: Adult business establishments must also comply with all other regulations contained in the City Code, including, but not limited to, licensing and permitting regulations.
*See Article 3, Chapter VIII of the City Code for business licensing regulations.

(Ord 2005-17)

B. Accessory Uses. Building and structures may be erected and land may be used for purposes, which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise vibration, or glare which are injurious, damaging unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

In any zoning district, permanent cargo containers are prohibited except where otherwise specified. Cargo containers shall not be modified or retrofitted for on-site habitation. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet the minimum codes and standards for lighting and air circulation for storage purposes. (Ord 2015-06)

1. Agricultural accessory uses (districts AG and R-R). In addition to the accessory uses in Section 17.336.B.2. agricultural uses shall include:

a. Accessory uses and activities customarily associated with agricultural operations, including farm equipment repair, and as determined by the Zoning Administrator.

Even though agricultural uses are allowed in all districts accessory agricultural buildings, such as barns will only be allowed in districts AG and R-R. All detached accessory buildings shall provide a minimum rear yard and side yard setback of 20 feet. Cargo containers are prohibited for use as an accessory building or as a component of an accessory building. (Ord 2015-06)

b. A single manufactured home may be used for lodging of farm labor.

c. Contractors' shops and/or yards, including construction equipment and/or material storage areas, subject to all open storage areas shall be screened with fencing and/or landscaping.

(Ord. 2006-48)

2. Residential accessory uses (districts R-1 and R-2). Residential and agricultural uses shall include, but not be limited to, the following accessory uses, activities and structures:

(Ord. 2006-48)

a. Home occupations. The intent of this Section is to maintain the residential character of the neighborhood while allowing for home occupations that would only be discernable by the allowed sign. The harmony of the neighborhood must not be affected by the home occupation. A residence may be used for a home occupation under the following conditions:

i. The home occupation shall be conducted wholly within the home. No home occupation shall be conducted in any accessory building except in the AG district.

ii. No alteration of the principal residential building shall be made which changes the character thereof as a residence.

iii. No sign other than a one square foot non-illuminated sign, mounted flat on the wall of the principal structure, are allowed.

iv. No assistant other than an immediate member of the family household residing in the dwelling unit is employed.

v. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right-of-way or to infringe upon the right of the neighbors.

vi. No commodities shall be displayed or sold on the premises except that which is produced on the premises in the AG district.

vii. No mechanical or electrical equipment shall be used other than that which is normally used for purely domestic or household purposes. The primary uses of

the building or structure in which the occupation is situated is clearly the dwelling used by the person as his or her private residence.

viii. No outdoor storage of materials or equipment used in the home occupation shall be permitted.

ix. No manufacturing or processing of any sort shall be done, and no stock-in-trade shall be displayed or sold on the premises, except for those items identified in Section 17.336.B.2.b.ix.

x. No equipment or machinery used in such activities is perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference, or vibration.

b. Customary home occupations include, but are not limited to, the following list of occupations, provided that each listed occupation is subject to the requirements Section 17.336.B.2.a. The Governing Body may approve a home occupation that is not listed below. (Ord. 2006-48)

i. Dressmaker, seamstresses, and tailors.

ii. Teaching or instruction provide not more than three students are taught at any one time and not more than twelve students per day.

iii. Artists, sculptors, and authors or composers.

iv. Offices for architects, engineers, lawyers, real estate agents, insurance agents, brokers and members of similar professions.

v. Ministers, rabbis, and priests.

vi. Offices for salesmen, sales representatives, manufactures' representatives, when no exchange of tangible goods is made on the premises.

vii. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, provided that no machinery or equipment shall be used other than that which would customarily be used in connection with the above home crafts when pursued as a hobby or a vocation, but not wholesale manufacturing.

viii. Day-care homes or baby-sitters caring for less than six unrelated children or adults, or more than six if all state and county licensing requirements are met.

ix. Barber shops and beauty parlors.

x. Services such as small appliance, radio, and TV repair.

ix. Sale of seeds, farm chemicals, and fertilizer including liquid fertilizer (only in the AG district).

c. Permitted home occupations shall not in any event include the following:

i. Funeral homes.

ii. Restaurants.

iii. Retail services such as antiques, secondhand merchandise, groceries, and the like.

iv. Renting or leasing of trailers or equipment.

v. Animal hospitals.

vi. Auto and other vehicular repair for retail purposes.

vii. Bed and breakfast facilities, except if permitted as a conditional use.

d. Noncommercial greenhouses may be attached to the house or contained within the house. When attached, the character of the construction shall be in keeping with the character of the house and be a well-designed element. Such an attachment shall not violate yard setbacks. When not attached to the house, the maximum size shall not exceed the size allowed for an accessory building (120 square feet) and shall be treated as an accessory building.

e. One accessory building with a maximum size of 120 square feet by 12 feet maximum height may be allowed in the rear yard only. A minimum of a five-foot setback from the side and/or rear yard line is required. It shall be anchored properly to the ground to resist wind forces of 25 lbs. per square foot on roof or wall surfaces. Cargo containers are prohibited for use as an accessory building or as a component of an accessory building.
(Ord 2007-24; Ord 2015-06)

f. Private swimming pools as defined in Appendix G of the International Residential Code including portable seasonal pools may be located in the rear yard provided the following conditions are met:

i. The pool shall not be closer than seven feet to the side or rear yard line.

ii. The pool enclosure is properly fenced in accordance with Section 4-202.R102.5 of the Code of the City of Spring Hill. Swimming pools, hot tubs and spas in existence as of the 30th day of April, 2008 and protected with a four foot fence

and locking gate may continue their current level of pool protection provided the fence and gate are in good repair. Any substantial repair, maintenance or replacement of the fence or gate must be in compliance with Section 4-202.R102.5 of the Code of the City of Spring Hill.

iii. The pool is not under or over electric service line, telephone lines, gas lines, and sewer lines.

iv. Provisions are made to drain the pool to the storm sewers.

v. The pool is properly engineered in relation to health and safety features, including filtering, chlorination, and location to other structures, fencing, screening, and drainage, to be of minimal hazard to the neighborhood.

vi. There is no violation of the City's noise regulations connected with its use.

(Ord. 2008-13)

g. Private garages/carports (attached or detached to the dwelling unit) for passenger cars and other vehicles shall be provided for single-family and two-family dwellings. Such building shall be in keeping with the character of the main building and be residential in appearance. This includes, but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding (including raised panel with nine inch width siding), wood shingles, shakes, or similar material, but excluding ribbed metal or plastic panels. A detached garage shall not exceed a maximum area of 1,000 square feet, a sidewall height of nine feet, and a footwall of one foot above grade. The applicant must furnish drawings to scale along with the application. A minimum of a seven-foot setback from the side and/or rear yard line is required. (Ord. 2006-48)

h. Temporary real estate sales offices/contractor's construction offices, located on the property to be sold and limited to the period of sale, but not exceeding two years without a conditional use permit.

i. Additional uses.

i. Gardens.

ii. Garage, yard, basement or porch sales. The sale of merchandise shall be permitted, provided that such use shall not exceed three consecutive days, nor shall it occur more than four times per year at any particular location.

iii. Gates and guardhouses.

iv. Storm shelters and fallout shelters.

v. Playhouses, patios, cabanas, porches, and gazebos.

vi. Radio and television receiving antennas and support structures.

vii. Solar energy systems.

viii. Temporary parking for loading motor homes, camping trailers or pickup campers for a period not to exceed 48 hours in as 30 day period and they do not occupy any part of a required front yard.

ix. Flagpoles.

x. Signs as permitted by ordinance.

xi. Beekeeping subject to the following conditions:
   1. Hives may be located only on lots with residential use.
   2. Parties responsible for the maintenance of hives shall reside on the property where the hives are located.
   3. A flyway barrier at least six (6) feet in height shall surround all hives and be located a minimum of six (6) feet from any hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.
   4. Hives shall be located a minimum of twenty-five (25) feet from any property line and located so that they are not visible from the public right-of-way.
   5. Permanent posting of ownership or individuals responsible for the maintenance of hives, including name, address and phone number shall be posted in a conspicuous location on the residential structure, fence or flyway barrier.
   6. Hives are limited in size to no more than six (6) square feet of ground coverage area and six (6) feet in height, and shall not extend above the height of the required flyway barrier.
   7. Hives shall be maintained in a responsible manner and in conformance with accepted best management practices. Hives not being actively maintained shall be removed.
   8. No more than two (2) hives, as described above, shall be located on any property in an R-1 or R-2 district.
   9. Annually, the owner or individual responsible for the hives shall register the hives with the City of Spring Hill and shall pay a registration fee as established by the Governing Body.
   10. Upon registration of hives with the City of Spring Hill, the applicant shall notify the Animal Control Officer when the installation of the hives is complete. The Animal Control Officer shall inspect the property for compliance with this code and shall reinspect the site annually or as required to maintain compliance with this code.

(Ord 2014-13)

j. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinated to the principal use on the lot.

3. Multifamily accessory uses (districts R-3 and R-4). Multifamily uses shall include, but not be limited to; the following accessory uses activities and structures:

   a. One accessory building per multifamily structure with a maximum size of 120 square feet by 12 feet maximum height may be allowed in the rear yard only. A minimum of a seven-foot setback from the side and/or rear yard line is required (or not less than twenty-five feet setback shall be provided on the street side of a corner lot). Such building shall be in keeping with the character of the residential dwelling(s). It shall be anchored properly to the ground to resist wind forces of 25 lbs. per square foot on roof or wall surfaces. Cargo containers are prohibited for use as an accessory building or as a component of an accessory building. (Ord 2007-24; Ord 2015-06)

   b. Parking areas.

   c. Signs as permitted by ordinance.

   d. Recreation area including tenant used swimming pools and minor recreation buildings.

   e. Trash collection centers.

   f. Power generators.

   h. Vending machines for tenant use.

   i. Any other similar use.

   j. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinated to the principal use on the lot.

4. Commercial accessory uses (districts C-O, C-1, and C-2). Commercial uses shall include, but not be limited to; the following accessory uses activities and structures:

   a. One accessory building per business with a maximum size of 120 square feet by 12 feet maximum height may be allowed in the rear yard only. A minimum of a seven-foot setback from the side and/or rear yard line is required (or not less than twenty-five feet setback shall be provided on the street side of a corner lot). Such building shall be in keeping with the character of the main building. It shall be anchored properly to the ground to resist wind forces of 25 lbs. per square foot on roof or wall surfaces. Cargo containers are prohibited for use as an accessory building or as a

component of an accessory building. A building permit will be required for the construction of an accessory building in the commercial districts.
(Ord 2007-24, Ord 2013-13; Ord 2015-06)

b. Cafeterias, dining halls, and similar food services when operated primarily for the convenience of employees, residents, clients, or visitors or the principal use.

c. Gift shops, news stands and similar commercial activities operated primarily for the convenience of employees, clients, or visitors to the principal use.

d. Radio and television receiving antennas and support structures.

e. Signs as permitted by ordinance.

f. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinated to the principal use on the lot.

5. Industrial accessory uses (districts MP and M-1). Industrial uses shall include, but not be limited to; the following accessory uses activities and structures:

a. Parking and loading areas.

b. Signs as permitted by ordinance.

c. Security and screen fencing and/or walls.

d. Radio and microwave towers to heights as set out in this Code.

e. Gate house.

f. Loading equipment.

g. Radio and television receiving antennas and support structures.

h. Recreation area and facilities for the use of employees.

i. Other necessary and customary uses determined by the Zoning Administrator to be appropriate, incidental and subordinated to the principal use on the lot.

j. On platted lots larger than one acre, a maximum of two permanent cargo containers may be used as cargo container storage sheds; provided that,
   1. The cargo containers must be located within an outdoor storage area that is properly screened according to the use limitations for outdoor storage areas (Section 17.330.E) and screening requirements (Section 17.360).
   2. No cargo container may be located within 20 feet of any property line.

3. All signage on the cargo container shall be removed and the cargo container shall be painted an earth tone color.
4. Cargo containers shall be anchored to the ground and must be maintained such that they are safe, structurally sound, stable and in good repair. Any cargo container that becomes unsound, unstable or otherwise dangerous shall be immediately removed from the property to a location that can legally accept it.
5. Cargo containers shall not be modified or retrofitted for on-site habitation. Cargo containers shall be prohibited from having windows, heating and cooling, plumbing, or multiple entrances. Cargo containers are allowed to have electric and ventilation systems installed that would be necessary to meet minimum codes and standards for lighting and air circulation for storage purposes.

(Ord 2015-06)

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SECTION 17.338 - PROPERTY DEVELOPMENT STANDARDS

A. Property Development Standards. The property development standards established by this Code shall be considered minimum standards for each and every building or structure existing on August 14, 1997, and for any building or structure hereafter erected or structurally altered. No land required for setbacks or for lot area for an existing building or structure or required for any building or structure hereafter erected or structurally altered, shall be counted as a setback or lot area for any other building structure.

1. Property development standards schedule. The following property development standards schedules provide tabular summaries of the dimensional and site districts. The schedules are intended for reference and do not necessarily reflect all of the regulations that may apply to particular uses or districts. In the event of conflict between these property development standards schedules and the zoning district standards set out in Sections 17.306 through 17.330, the standards of Sections 17.306 through 17.330 shall control. Attached dwellings which otherwise comply with the ordinances of the City may be divided at the party wall as to ownership and owned as separate owners and such ownership shall not constitute violation of the lot and yard requirements of this ordinance.

Property Development Standards - Residential Zoning Districts

Development Standard	Zoning District AG	R-R	R-1	R-2	R-3	R-4	MH
Minimum Lot Size (sq. ft.)							
Single-family	10 ac.	2 ac.	9,000	9,000	9,000	9,000	9,000
Duplex (lot area/unit)	N/A	N/A	N/A	4,500	4,500	4,500	N/A
Multifamily (lot area/unit)	N/A	N/A	N/A	N/A	5,000	3,000	N/A
Minimum lot width (feet)	250	250	75/60	75	75	75	75
Front Setback (feet)	50	50	35	35	35	35	35
Rear Setback (feet)	25	25	25	25	25/75	25/75	25
Interior Side Setback (feet)	25	25	7/5	7	15	10	7
Street Side Setback (feet)	50	50	25	25	25	25	25
Maximum Height (feet)	35	35	35	35	35	35/45	35

(Ord. 2006-48)

Property Development Standards - Commercial and Industrial Zoning Districts

Development Standard	Zoning District				
	C-0	C-1	C-2	MP	M-1
Minimum Lot Size (sq. ft.)					
Single-family	N/A	N/A	N/A	N/A	N/A
Duplex (lot area/unit)	N/A	N/A	N/A	N/A	N/A
Multifamily (lot area/unit)	3,000	N/A	N/A	N/A	N/A
Nonresidential	6,000	None	None	None	None
Minimum lot width (feet)	None	None	None	None	None
Front Setback (feet)	35	15	15*	50	30
Rear Setback (feet)	30	10	10	15	20
Interior Side Setback (feet)	7	None	None	10	10
Street Side Setback (feet)	25	15	25	20	15
Maximum Height (feet)	35	35	45	55	55

* See Section 17.326.D.4 for exception to front setback in C-2 District

(Ord. 2003-20; Ord 2006-48, Ord 2013-13; Ord 2016-04)

2. Property development standards schedule for planned districts. The following property development standards schedules provide tabular summaries of modified property development standards allowed in planned districts. The schedules are intended for reference and do not necessarily reflect all of the regulations that may apply to particular uses or districts such as screening buffers required by Section 17.360. Further modifications to the property development standards listed in this section may be granted in unique instances that results in exceptional development design and achieves the objectives of planned zoning districts and the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines.

   Property development standards including development density, site design, and architectural design requirements shall be determined in planned districts with approval of the preliminary development plan, with consideration given to the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines, and other plans and policies as approved by the Planning Commission and Governing Body. Planned districts shall not be used only to reduce standards and requirements

and increase the intensity of development, but shall be used as a means to improve development quality. Planned developments are expected to achieve a higher level of site design and architectural quality than typically found in the underlying district. Therefore the modifications to the property development standards of the underlying zoning district shall not be considered a matter of right in planned districts but may be granted upon careful consideration of the overall development design.

Property Development Standards – Planned Residential Zoning Districts

Development Standard	Zoning District				
	RP-1	RP-2	RP-3	RP-4	MHP
Minimum Lot Size (sq. ft.)					
Single-family	5,500	5,000	4,000	3,500	5,500
Duplex (lot area/unit)	N/A	4,500	4,500	4,500	N/A
Multifamily (lot area/unit)	N/A	N/A	5,000	3,000	N/A
Minimum Lot Width (feet)					
Single-family lot width (feet)	50[1]	50[1]	50[1]	50[1]	50[1]
Duplex lot width (feet)	N/A	75[2]	35[2]	35[2]	N/A
Multifamily width (feet)	N/A	N/A	Per approved Plan[2]		N/A
Front Setback (feet)	20	20	15	15	20
Street facing garage (feet)	25	25	25	25	25
Rear Setback (feet)	20	20	20[3]	20[3]	20
Interior Side Setback (feet)	5	5	5[4]	5[4]	5
Street Side Setback (feet)	25[5]	25[5]	25[5]	25[5]	25[5]
Maximum Height (feet) / Stories	40/3	40/3	45/3	50/4	40/3

[1] Cluster developments may vary, with lot widths determined at preliminary plan approval.
[2] Minimum Lot width shall be 35 feet per unit for Duplex, Triplex, or Quadplex. Cluster developments may vary, with lot widths determined at preliminary plan approval.
[3] Rear setback shall be 30 feet for multifamily buildings exceeding 3 units per building.
[4] Multifamily buildings require 10-feet side yard setback and 20-feet separation between buildings.
[5] Street Side Setback shall be 30 feet for garages facing the street.
(Ord. 2006-48)

Property Development Standards – Planned Commercial Zoning Districts

Development Standard	Zoning District CP-0	CP-1	CP-2
Minimum Lot Size (sq. ft.)			
Single-family	N/A	N/A	N/A
Duplex (lot area/unit)	N/A	N/A	N/A
Multifamily (lot area/unit)	3,000	N/A	N/A
Manufactured home	N/A	N/A	N/A
Nonresidential	6,000	None	None
Minimum lot width (feet)	None	None	None
Front Setback (feet)	15[1]	15[1]	15[1]
Rear Setback (feet)	15[2]	10[2]	10[2]
Interior Side Setback (feet)	7[2]	None[2]	None[2]
Street Side Setback (feet)	15[1]	15[1]	15[1]
Maximum Height (feet) / Stories	35/3	35/3	45/3

[1] Front and street side setbacks may be reduced to zero (0) feet for locations where properties are designed to front onto a roadway in developments with special urban main-street character, with highly pedestrian-oriented environments, with main entries and display windows oriented toward the street, and in which on-street parking is provided.

[2] Rear and interior side setbacks shall conform to the buffer screen requirements set forth by Section 17.360 unless otherwise approved with the preliminary development plan.

(Ord. 2006-48)

3. Performance Standards.
   a. All uses within districts AG through C-O shall comply fully with all applicable current Kansas Statutes, Federal Regulations and municipal ordinances regarding environmental controls including but not limited to the following:

      i. State of Kansas Air Pollution Emission Control Regulations.
      ii. Kansas State Department of Health and Environment Minimum Standards for

Design of Water Pollution Control Facilities.

iii. All applicable municipal ordinances and policies covering sewer use, effluent discharge and design, and construction of facilities for discharge of industrial waste. (Ord. 2006-48)

4. Development Amenities. Nonresidential uses which are proposed for the benefit of or as an amenity to a particular development and not for use by the general public should be centrally located within the interior of the development and highly accessible to a majority of residents or users of the development. Alternative locations where deemed appropriate may be approved by the Planning Commission and Governing Body. (Ord. 2006-48)

5. Pedestrian Systems. Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide adequate physical separation from vehicles along all public and private streets and drives, and within any parking area. (Ord. 2006-48)

6. Lighting standards. All lighting for multifamily, office, commercial, and industrial uses shall meet the following standards:

   a. The mounting height for luminaire fixtures shall not exceed 33 feet as measured to the top of the fixture from grade, or 25 feet when located adjacent to residential development.

   b. All fixtures shall be non-adjustable and shall be fully shielded so no direct light is cast upon a residential property and so no glare is visible to traffic on a public street. The fixtures shall be constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection of refraction from any part of the luminaire, is projected below the horizontal. Floodlights are not permitted.

   c. The maximum maintained lumens per acre shall be 50,000.

   d. Luminaire fixtures shall be arranged in order to provide uniform illumination throughout the parking lot of not more than a 6:1 ratio of average to minimum illumination and not more than a 20:1 ratio of maximum to minimum illumination.

   e. A point-by-point calculation to show compliance with the lighting standards is required with all final plan applications. The calculations shall be measured at grade for lighting levels within the parking lot. A cut sheet of the proposed fixtures including a candlepower distribution curve shall also be submitted. A vertical plan foot-candle calculation shall be submitted for property lines abutting residential properties. The maximum maintained vertical foot-candle at an adjoining residential property line shall be 0.2 foot-candles, measured at 5 feet above grade.

f. The Planning Commission can recommend to the City Council changes to the lumens per acre if they are satisfied with the overall proposed lighting for a site plan. (Ord. 2006-48)

SECTION 17.340 - SITE PLAN APPROVAL

A. Applicability. All applications for building permits to construct a new building(s) or for the expansion of an existing building(s) that consist of multifamily, commercial and industrial uses shall be subject to Site Plan review in accordance with this Code. If the building permit is for the repair of a building and the repair does not require the expansion of the building, then a Site Plan shall not be required. If the building permit is for a project identified in Section 17.352.A then a Site Plan shall not be required provided the City Inspector has reviewed and approved the building permit application. (Single-family and duplex units are subject to Section 17.340.G. However, if such types of dwellings are so designed as to form a complex having an area of common usage, such as a parking area, interior court or private recreational area and such complex contains a combine total of four units or more, the provisions of this Code shall be in effect.) Site Plan review shall be performed by the Zoning Administrator and presented to the Planning Commission for approval at the first regular commission meeting for which the application may be scheduled. The Planning Commission will then forward the Plan to the City Council for consideration with recommendation(s). (2013-13)

If a property's use is changed to a more intensive use without the existing building being expanded, then the property owner will be required to: 1) receive approval from the Building Inspector that the proposed use will not require any structural changes; and 2) submit a plot plan showing the location of the paved parking lot and the required number of parking spaces for the new use in accordance with Section 17.350. The Zoning Administrator must approve the plot plan. If the Building Inspector determines that the proposed use would require structural changes, a site plan must be submitted in accordance with this Code.

Approval of a site plan shall automatically expire, without revocation, unless a building permit to effectuate the use is obtained within 12 months after the Planning Commission and City Council's date of approval. If a building permit is not issued, the site plan shall automatically expire unless substantial evidence of the use is filed with the Zoning Administrator for the City of Spring Hill within the 12-month period.

B. Authority. Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts until the following has been accomplished:

1. A final plat has been recorded with the Register of Deeds of Johnson County or Miami County, or approved by the City Council.

2. A Site Plan approval has been granted by the Planning Commission and City Council for any district in which Site Plan approval is applicable.

(Ord. 2006-48)

C. Submission Requirements. The Site Plan shall include the following data, details, and supporting plans, which are found relevant to the proposal. The applicant shall provide 12 legible and complete site plans and a digital format approved by the Zoning Administrator. The site plans shall be prepared by an architect, engineer, landscape architect, or other qualified professional, unless waved by the Zoning Administrator, at a scale of one inch equals 30 feet for sites of five or fewer acres and be prepared at a scale of one inch equals 40 feet for sites over five acres. Items required for submission include:
(Ord 2016-04)

1. Name of the project, address boundaries, legal description, date, north arrow and scale of the plan.

2. Name and address of the owner of record, developer, and name address and phone number of preparer.

3. All existing lot lines, easements, and rights-of-way. The area shall be shown in acres or square feet, abutting land uses and structures.

4. The location and dimensions of all existing and proposed structures and indicate the number of stories, gross floor area, and entrances to all structures. Also, typical elevations and building materials shall be shown.

5. The location and dimensions of existing and proposed curb cuts, aisles, off-street parking, loading spaces and walkways.

6. The location, height, and material for screening walls and fences.

7. The type of surfacing and base course proposed for all parking, loading and walkway areas.

8. A landscape plan showing all existing open space, trees forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas located on the site, proposed by the applicant, or identified by the applicant.

9. The net public area shall be shown for proposed offices and commercial establishments. The proposed use, the required number of off-street parking spaces, and the number of off-street parking spaces shown shall be listed on the site plan. If the exact use is not known at the time a site plan is submitted for review, the number of minimum parking spaces required by the Zoning District shall calculate the off-street parking requirements.

10. The proposed location, direction of light, and the amount of illumination of the proposed lighting facilities as set forth by Section 17.338.A.6. (Ord. 2006-48)

11. The location, height, size, materials, and design of all proposed signage.

12. The location of each outdoor trash storage area and the screening details. Outdoor trash storage must be screened on four sides with either a six foot privacy fence or a masonry wall. (Ord. 2005-29)

13. Proof of adequate public facilities as set forth by Section 17.370.F of the City of Spring Hill Subdivision Regulations, and the location of all present and proposed utility systems including:

    a. sewer or septic system;

    b. water supply system;

    c. telephone, cable, and electrical systems; and

    d. storm drainage system including existing and proposed drain lines, culverts catch basins, head walls, end walls, hydrants, manholes, and drainage swells.

(Ord. 2006-48)

14. Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering the water table, and flooding of other properties, as applicable.

15. Existing and proposed topography shown at not more than two-foot contour intervals.

16. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site.

    The Planning Commission may require a detailed traffic study for large uses, mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:

    a. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.

    b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and

    c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.

D. Standards of Review. The recommendations of the Zoning Administrator and decisions of the Planning Commission and City Council shall be based on the following standards:

1. The extent to which the proposal conforms to the provisions of this Code

2. The extent to which the proposal conforms to the provisions of the Spring Hill Subdivision Regulations.

3. The extent to which the development would be compatible with the surrounding area.

4. The extent to which the proposal conforms to the recommendations of the *Spring Hill Comprehensive Plan* including but not limited to the Vision Plan, the Community Development Recommendations, and the Planning Principles and Design Guidelines.

5. The extent to which the proposal conforms to customary engineering standards used in the City.

6. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

7. The extent to which the buildings, structures, walkways, roads, driveways, open space (if any), and parking lots have been located to achieve the following objectives:

   a. Preserve existing off-site views and create desirable on-site views.

   b. Conserve natural resources and amenities including prime agricultural land.

   c. Minimize any adverse flood impact;

   d. Ensure that proposed structures are located on suitable soils;

   e. Minimize any adverse environmental impact; and

   f. Minimize any present or future cost to the City and private providers of utilities in order to adequately provide public utility services to the site.

8. All structures shall be required to have permanent or continuous footings and foundations.

(Ord. 2006-48)

E. Landscaping. Landscaping on a commercial, industrial or residentially site-planned property shall be maintained in a healthy, disease-free and debris-free condition. Failure to do so shall be deemed a violation of the Zoning Ordinance.

F. Assurance of Performance. The City Council may require either a site plan performance agreement be executed or a performance bond be filed with the City Clerk in an appropriate amount to guarantee completion of the site plan as approved.

G. Temporary Buildings. Temporary buildings will be allowed during the construction of a permanent building subject to the following conditions:

1. The proposed use is a permitted use in the "C-O" Office Building, "C-1" Restricted or the "C-2" General Business Districts. If the proposed use is a school or a church it will be allowed in all zoning districts.

2. The site plan must include the elevations of both the temporary and permanent buildings.

3. A performance bond is filed with the City Clerk in an appropriate amount to guarantee completion of the approved site plan.

4. All temporary buildings must have electricity, water, and sewer service.

5. The temporary building must be removed after one year after the Certificate of Occupancy has been issued for the temporary building and all of the remaining site work must be completed at the time the temporary building is removed.

6. The temporary building must be placed on a permanent foundation that complies with the City building code for residential structures. In addition, the tie down construction shall be pre-engineered or certified by a professional engineer, licensed in the State of Kansas.

7. The hitch, axles, and wheels must be removed.

H. Single-Family and Residential Building Plans. All applications for building permits for single-family and duplex dwelling units are subject to the following Site Plan requirements.

1. A final development plan shall be required for single-family and duplex dwellings in planned zoning districts, in accordance with the submittal and review requirements of Section 17.332, prior to the submission and review of site plan applications set forth by this section.

2. Submit plans prior to issuance of a permit. Plans will have been prepared in accordance with applicable City building codes.

3. Two sets of plans shall be submitted to the City. Scale shall be 1/4 inch equals 1 foot. Plans shall include the following:

   a. Four elevations.

   b. Location of all lights, switches, and outlets. Plans shall show location of all furnaces, hot water heaters, sump pump, floor drains, size of beams, columns, footings, flue sizes and location and types. Plans shall show sizes, spacing and lumber species to meet City codes. (Ord 2016-04)

   c. Exterior elevations shall show materials to be used and approximate finished grades.

   d. Foundation plan will also show footing sizes, height of concrete walls, and special footings, such as for fireplaces.

   e. Details pertaining to any required conditions or improvements related to the subject property as established by the approved final development plan when located in a planned district, such as landscaping, fencing, exterior building materials, and architectural design.

(Ord 2016-04)

4. Two plot plans fully dimensioned showing walks, drives, patios, porches, retaining walls, if any, and showing existing and final grades at corners of building and side property lines. Also show grades at each lot corner and curbs and grades of top of curbs at driveway and street juncture. Show the proposed elevation of each floor level and/or top of foundation wall. Provide direction arrows indicating how water will drain.

5. Building inspections required:

   a. <u>Pre-footing Inspection.</u> When all excavation, forming and placement of reinforcing is complete and prior to pouring.

   b. <u>Rough in Inspection of Below Floor Slab Plumbing.</u> No sewer connection is to be made until the rough-in inspection is completed and it is observed that the roofing is completed at the rough-in framing stage.

   c. <u>Rough-In Framing, Rough-In Electrical, Rough-In Plumbing.</u> All prior to drywall work.

d. Gas Pipe Inspection. When the house gas piping is completed and prior to ordering the meter, the piping shall be air pressure gauge tested at 10 lbs. p.s.i. After an inspection tag is applied, the meter may be ordered.

e. Final Inspection. When the building is complete, final grading is done and before the house is occupied. An Occupancy Permit will be issued when all things are in order.

f. Controlled Materials Procedure and Approval. Whenever it is deemed advisable, the City Council may waive the building inspections required in 4(a) through 4(e) above and substitute the following:

Complete plans for the erection or alteration of a building shall be prepared by a professional registered architect, licensed under the laws of the State of Kansas, except in single and two family residences, and such plans and specifications will be accompanied by an affidavit of the architect that he has supervised the preparation of all the design plans and that he will supervise or check all working drawings and shop details for the future construction; and that the structure will be built under his field supervision and in accordance with the approved plans, and that such plans conform to all the provisions of the City's adopted building codes, amendments thereto, and Zoning laws, and that all materials used in the construction will be selected or identified as to stress, grade and quality in accordance with the controlled materials procedure. Upon compliance of the above paragraph, the Building Inspector may waive the requirements of having the plans checked by the City Engineer. The foregoing shall not prohibit the Building Inspector from making inspections, recording his report in writing during the progress of the work, and issuing such orders as he may deem essential to secure compliance with the Building Code.

Before the building or structure is permitted to be used or occupied, the licensed professional architect who prepared and filed the original plans and who supervised the erection of the building shall file an affidavit stating under oath, that to the best of his ability and knowledge the provisions of this code have been complied with fully, and that the building meets all the regulations of law for the proposed use and occupancy. The Building Inspector in accordance with Section 17.362 shall issue a certificate of occupancy.

g. Remodeling and additions, single-family residential. That part of the house that is to be remodeled and added to will require plans and inspections as stated above that are applicable.

6. In addition, to the above requirements, duplex building plans are required to include details of one-hour party walls for approval.

(Ord. 2006-48)

I. Building Plans other than Single-Family and Duplex. No less than two sets of building plans will accompany the Building Permit Application. One set shall be filed with the City if approved and the other marked "approved" and returned to the Applicant. The plans shall be prepared, signed and sealed by a licensed Architect registered in the State of Kansas. The building inspection requirements will be the same as described in 17.340.H.

SECTION 17.342 - PROHIBITED USES

A. Structure, Recreational Vehicle, Automotive Equipment Incident to Family Dwelling. No temporary or incomplete building, nor any automotive equipment, trailer, recreational vehicle, converted bus, garage or appurtenances incident to a family dwelling, shall be erected, maintained or used for residential purposes; except as provided for herein:

Recreational Vehicles (as defined in Section 17.302.B.110): It is permissible to park or store not more than two (2) recreational vehicles on a single-family or duplex lot, provided that the following criteria are met:

1. The recreational vehicle shall be parked in a garage or rear yard but not in the front or side yard, except as provided in Section 17.342.A.6 and 17.342.A.7.

2. The recreational vehicle shall not be parked closer than two (2) feet to any property line.

3. The recreational vehicle shall not be used for on-site dwelling purposes for more than fourteen (14) days per year; permanently connected to sewer lines, water lines or electrical lines; or used for storage.

4. The recreational vehicle and the area it is parked on shall be maintained in a clean, neat and operable manner, and the equipment shall be in usable and working condition at all times. When parked or stored in the rear yard, the area the recreational vehicle is parked on shall be a continuous rut free surface of asphalt, concrete or gravel.

5. The recreational vehicle shall be owned by the resident upon whose property it is parked, provided that others visiting the resident may park their recreational vehicle on the lot for a period of time not to exceed fourteen (14) consecutive days.

6. Parking of one (1) recreational vehicle is permitted outside on the front drive provided that the following items are met:

    a. No part of the recreational vehicle shall extend over sidewalks, or street right-of-way.

    b. Appeals and variances to these provisions shall be considered by the board of zoning appeals.

    c. The area the recreational vehicle is parked on shall be rut free and continuous for the length of the vehicle, and shall be surfaced with asphalt or concrete. The use of gravel in the front yard is prohibited.

7. Parking of one (1) recreational vehicle is permitted outside on the side yard provided that the following items are met:

    a. The area the recreational vehicle is parked on shall be continuous for the length of the vehicle, rut free and shall be surfaced with asphalt or concrete. The use of gravel in the side yard is prohibited except when the vehicle is screened from view from the street by a minimum six-foot high privacy fence.

    b. The recreational vehicle shall not be parked closer than two (2) feet to any property line. (Ord. 2006-33; 2009-08 March 2009)

B. Structure Unfit for Habitation. No temporary or outwardly incomplete building or structure, no open excavation for a basement or foundation, no open 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.

C. Building Materials, Construction Equipment or Refuse Kept in Open. No building material; construction equipment; commercial vehicle exceeding 26,000 gross vehicle weight; machinery; or refuse shall be stored, maintained or kept in the open upon any lot, tract or parcel other than in the MP and M-1 zoning districts, (except during actual construction operations upon the premises or related premises), and further provided that the City Council may waive this requirement in unusual cases for a limited time.
(Ord. 2006-33)

D. Junk Yard or Slaughterhouse. No building, structure or premises shall be used for or occupied by any of the following uses:

    1. Junk yard or junk storage except as a conditional use in the MP or M-1 District.

    2. Slaughterhouse, commercial poultry dressing or processing establishment where such use is primary and not incidental to a permitted use.

E. Inoperable Vehicles. No inoperable or unlicensed vehicles or equipment or parts thereof shall be permitted outside a building such that it can be seen from any point off the site for a period exceeding 72 hours. Farm equipment kept on a farm or construction machinery kept on an active construction site is excluded.

SECTION 17.344 - NONCONFORMING USES

A. Land. A nonconforming use of land for signs and outdoor storage may be continued not longer than three years from the date of the application of this Code. A lawful use of land other than the above may continue indefinitely provided such use of land shall not expand or occupy additional land unless the Board of Zoning Appeals grants approval.

B. Building. The lawful use of a building existing at the time of the application of this Code may be continued, although such use does not conform with the provisions hereof, and such use may be extended throughout such portions of buildings as are arranged or designed for such use, provided no structural alterations, except those required by law or ordinance, are made therein. A nonconforming use of a building may be changed to another nonconforming use of a more restricted classification provided no structural alterations are made. If such nonconforming building or use is removed, the future use of such premises shall be in conformity with the provisions of this title.

Extension, expansion or alteration of a residential building on a lot which is nonconforming as to dimensions is permitted provided all yard and parking requirements and other regulations are met.

C. Discontinuance of Nonconforming Use - Not to be Re-established. When a nonconforming use has been discontinued for six months or more, it shall not be re-established.

D. Change of Nonconforming Use. A nonconforming use, if changed to a conforming use or more restricted nonconforming use, may not thereafter be changed back to a less restricted use than that to which it was changed. If by amendment to this title any property is hereafter transferred to a more restricted district by a change in the district boundaries, or the regulations and restrictions in a district are made more restrictive or of higher classification, the provisions of this title relating to the nonconforming use of buildings or premises existing at the time of the adoption of this Code shall apply to buildings or premises occupied or used at the time of the passage of such amendment.

E. Repairs and Improvements to Nonconforming Building. Repairs and improvements may be made to a nonconforming building or structure, provided that no alterations shall be made, except those required by law or ordinance, unless the building or structure is changed to a conforming or more restricted use, provided that the Board of Zoning Appeals, in the case of evident hardship, may permit an enlargement of a nonconforming use not exceeding 50 percent of the ground floor area of the building.

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SECTION 17.346 - COMPLETION AND RESTORATION OF BUILDINGS

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 which are on file at the Planning Commission at the time of the adoption of this Code and the construction of which shall have been diligently prosecuted within one year of the date of such permit.

Nothing in this Section shall be taken to prevent the restoration, within six months, of a nonconforming building destroyed to the extent of not more than 50 percent of structural value by fire, explosion, or act of God, or the public enemy, provided that when restoration becomes involved in litigation, the time required for such litigation shall not be counted as a part of the six months required for reconstruction; and nothing in this Section 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 50 percent 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.

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SECTION 17.348 - HEIGHT, AREA, AND YARD EXCEPTIONS

The regulations and requirements as to height of buildings and areas of lots as found in each foregoing use district are modified as found herein.

A. Height Exceptions. In any district, public or semi-public buildings, such as churches, schools, hospitals may be erected to a height not exceeding 70 feet, provided that such buildings shall have yards which shall be increased one foot on all sides for each additional foot that such buildings exceed specified height limit as established by the regulations of the district in which such buildings are situated.

Parapet walls and false Mansards shall not extend more than six feet above the height limit. Items such as flag poles, chimneys, cooling towers, elevator penthouses, radio or television antennas, cupolas, spires and the like may be erected to a height in accordance with existing or hereafter enacted laws affecting the same.

B. Yard Exceptions. Where variations presently exist from front yard setbacks as specified in each use district or where terrain features or lot configuration make it more desirable to alter the setback as called for in the use district, the Planning Commission may recommend a variance be permitted.

Every part of a required yard or court shall be open from its lowest point to the sky, unobstructed except for the ordinary projection of sills, belt courses, cornices, chimney, buttresses, ornamental features and eaves, provided that none of the above projections shall extend more than 30 inches into a minimum yard, and provided further that canopies or open porches having an area not exceeding 60 square feet may project a maximum of six feet into the required front or rear yard. Existing open porches extending into the required yard shall not be enclosed.

An open fire escape may project into a required side yard not more than half the width of such yard, but not more than four feet from the building. Fire escapes, solid floored balconies and enclosed outside stairways may project not more than four feet into a required rear yard.

In any district, a detached accessory building, swimming pool, game court, patio may be built only in the rear yard. It cannot occupy more than 30 percent of the required rear yard setback.

C. Site Distance on Corner Lots. All corner lots shall provide a sight distance triangle, the short leg of which shall be 20 feet, and the long leg of which shall be 140 feet measured along the curb line or edge of the pavement. Such area shall be and remain free of shrubbery, fences, or other obstruction to vision more than two feet in height measured from

the roadway.

D. Through Lot with One End Abutting a Limited Access Highway. A through lot having one end abutting a limited access highway, with no access permitted to that lot from said highway, shall be deemed to front upon the street which gives access to that lot.

E. Accessibility to Rear Portions of Lot. All Districts - Accessibility to the rear portion of all lots for four-wheeled vehicles from and to a public street or alley is required.

SECTION 17.350 - PARKING AND LOADING REGULATIONS

A. Required for all Structures Erected. 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 parking or loading/unloading purposes shall be provided. Such parking spaces shall be located entirely on private property with no portion except the necessary drives extending into any street or other public way. Parking shall be provided in quantities stated below except that certain occupancies, which may have unusual parking needs, are separately listed Section 17.350.B. (Also see Prohibited Uses, Section 17.342.)

In addition, the Community Development Recommendations of the Spring Hill Comprehensive Plan will supplement these regulations. The purpose of the Comprehensive Plan Recommendations is to provide quality and design criteria relating to all development within the City. The following parking regulations shall apply unless modifications are granted with approval of a planned district.

1. A-G Agricultural to R-2 Two-Family Residential District. Two off-street parking spaces shall be provided for each single-family and two-family dwelling; at least one parking space shall be in a garage.

2. R-3 Multifamily to R-4 Multifamily District. Single-family and two-family dwellings shall comply with the requirements of Section 17.350.A.1. Two off-street parking spaces shall be provided for each multifamily dwelling unit. In addition, a parking or storage area or building, screened from view, shall be provided for the parking or storage of tenant owned boats, campers, trailers and the like.

3. C-0 Office Building District. There shall be provided four parking spaces for each 1,000 square feet of gross building area. The parking lot or paved areas shall not be closer to the street right-of-way than the front or street side setback requirements, nor closer to adjoining properties than the rear or interior side setbacks. In addition, parking shall not be permitted in required buffer / screens set forth by Section 17.360.

4. C-1 Restricted Business District. Four off-street parking spaces shall be provided on the premises for each 1,000 square feet of gross building area. The parking lot or paved areas shall not be closer to the street right-of-way than the front or street side setback requirements, nor closer to adjoining properties than the rear or interior side setbacks. In addition, parking shall not be permitted in required buffer / screens set forth by Section 17.360.

5. C-2 General Business District. Four off-street parking spaces shall be provided on the premises for each 1,000 square feet of gross building area. The parking lot or paved areas shall not be closer to the street right-of-way than the front or street side setback requirements, nor closer to adjoining properties than the rear or interior side setbacks. In

addition, parking shall not be permitted in required buffer / screens set forth by Section 17.360.

6. MP Industrial Park District. Each establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at the establishment during working hours. Such parking area shall be permanently surfaced with hot-mix asphaltic concrete, a plant mix bituminous or cement-treated base, or Portland cement concrete, and shall be located on the premises. Not less than one space for each 500 square feet of total floor area shall be provided. Each establishment shall also provide adequate loading space within a building or in a side or rear yard, in such a way that all storage, standing and maneuvering of trucks shall be off the public right-of-way. No portion of a parking area or loading space, except the necessary drives, shall be located closer than 30 feet to a public street. No portion of a paved area shall be closer than ten feet to a property line, except the setback shall be a minimum 25 feet where adjacent to AG through MH zoning. In addition, parking shall not be permitted in required buffer / screens set forth by Section 17.360.

7. M-1 General Industrial District. Each establishment shall provide sufficient off-street parking space for all employees, customers, visitors, and others who may spend time at the establishment during working hours. Such parking area shall be permanently surfaced and shall be located on the premises or within 500 feet thereof on land zoned for business or industry or by a Conditional Use Permit. Not less than one space shall be provided for each 500-sq. ft. of total floor area. Parking shall not be closer to a street or residential lot than 25 feet, otherwise not less than ten feet. In addition, parking shall not be permitted in required buffer / screens set forth by Section 17.360.

8. MH Manufactured Housing District. Two off-street parking spaces shall be provided for each dwelling unit; at least one parking space shall be in a garage.

9. PD Planned District.

    a. A portion of the parking area under this title may remain unimproved until such time as the Governing Body deems it must be approved to serve parking demands adequately.

       The Planning Commission may grant foregoing deviations and Council only where there is ample evidence that said deviation will not adversely affect neighboring property, nor will it constitute the mere granting of a privilege.

    b. The parking ratio for grouped commercial projects shall as a minimum follow the existing district requirements, unless modifications are granted through a planned district. Reduction of parking, setbacks or other open space shall be compensated by additional open space in other appropriate portions of the project. In all cases, such deviation shall be in keeping with good land planning principles, and must be specifically set out in the minutes of the Planning Commission, as well as on plans and

other exhibits in the record.

The design of all planned projects, whether residential, commercial, or industrial, shall be such that access and circulation by fire fighting equipment is assured and may not be retarded by steep grades, heavy landscaping or building space.

10. Shared parking. The parking spaces provided for separate uses may be combined in one lot but the required spaces assigned to each use may not be assigned to another use, except as follows:

    a. A PD Planned District is approved and specifically provides modifications to the parking regulations for the use(s) allowed within the district based on a finding that the total number of spaces will be adequate at the peak hours of the uses they serve.

    b. One-half of the parking spaces assigned to a church, theater, or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

    c. Park spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

    d. Shared parking arrangements must be evidenced by a written agreement acceptable to the Zoning Administrator, and approved by the owners of each of the affected properties or uses. The approved agreement shall be required and a copy supplied to the Zoning Administrator.

    (Ord. 2006-48)

B. Persons and Places Requiring One Space for Each. For the following uses, one off- street parking space shall be provided for each:

    1. Each employee plus each two seats.

    2. Two employees.

    3. Guest room.

    4. Three seats, or three beds.

    5. Staff and visiting doctor.

    6. One hundred square feet service floor area.

7. Two hundred square feet service floor area.

8. 1,000 square feet for the first 20,000 square feet of building area, plus one off-street parking space per 5,000 square feet of building space over 20,000 square feet in addition to the requirement for an area designated for office use.

9. As determined by Planning Commission.

Use	Key
Churches, theaters, athletic fields, assembly, armories	4
Fraternity or sorority houses, dormitories, motels, hotels	2,3
Libraries	2,7
Hospitals, convalescent homes	2,4,5
Restaurants and cafeterias	4
Taverns, clubs, or discotheques	1
Frozen Food Lockers	6
Gymnasium	9
Miniature Golf	9
Barber Shop or Beauty Shop	2,6
Warehouse	8

C. Uses Not Listed. Any use not included in the parking requirements in this title shall be assigned a parking requirement by the Planning Commission.

D. Dimensions of Parking Area. Parking stall dimensions shall be not less than nine feet wide (measured perpendicular) with the necessary space for maneuvering into and out of the space. (The *Design Criteria for Public improvement Projects* lists all of the parking lot requirements.) For standard parking lots, minimum cross dimension shall be as follows:

1. 90 degree pattern single loaded aisle - 42 ft. wheel stop to opposite curb.

2. 90 degree pattern double loaded aisle - 60 ft. wheel stop to wheel stop.

3. 60 degree pattern single loaded aisle - 40 ft. wheel stop to opposite curb.

4. 45 degree pattern single loaded aisle - 34 ft. wheel stop to opposite curb.

5. 45 degree pattern double loaded aisle - 47 ft. wheel stop to wheel stop.

6. Parallel space eight feet by twenty-two feet.

7. Minimum distance between wheel stops on bumper to bumper parking shall be seven feet.

8. Other angle parking may be interpolated from the above.

E. Improvement of Parking Areas. All parking areas shall be at least nine feet by 19 feet, shall be ready for use upon occupying a building and shall be surfaced with a permanent, bituminous or concrete paving meeting the standards of the City prior to the issuance of an occupancy permit, unless special permission is granted by the City Engineer, due to weather conditions not being satisfactory for placing asphaltic materials.

The City Engineer may approve alternatives to bituminous asphalt or concrete paving on private property. Alternative paving materials, when installed according to manufacturer's specifications, shall provide a suitable, all-weather, dust-free, load-bearing surface to support passenger cars and light-duty trucks. Alternative paving surfaces for driveways or parking lots serving large commercial vehicles or fire trucks shall be designed to accommodate the maximum vehicle weight.

The City Engineer may approve such alternative paving to achieve aesthetic and environmental objectives, such as improved appearance, increased water infiltration, reduced erosion and runoff, increased aeration and water for tree roots, reduced glare, and increased area available for landscaping. Examples of permanent alternative paving surfaces include, but are not limited to: interlocking pavers, eco-block, porous asphaltic concrete paving, cobblestone, or other material judged by the City Engineer to be suitable for the application. Such alternative paving materials located over utility easements will not be repaired or maintained by the City.
(Ord. 2006-48)

F. Access to Parking Areas and Garages. Ingress, egress, and parking areas shall be by means of paved driveways not exceeding 32 feet in width except when one of the following is applicable: 1) the property is zoned AG or R-R; or 2) the property owner of a single-family house repairs a garage, improves a garage, enlarges a garage, relocates a garage, or builds a new garage when it connects to an existing gravel driveway of a residential house constructed prior to January 24, 1991. In the event that number (1) or number (2) are applicable, then a paved pad the width of the garage and 20 feet in length shall be required if a garage is enlarged or a new garage is built that connects to a gravel driveway.

G. Head-in Parking. Head-in parking from any public right-of-way shall not be permitted, excepting as hereinafter provided:

1. Head-in parking that exists at the time of the adoption of this Code may continue to be used as a nonconforming use.
2. Head-in parking shall be permitted in C-2 Districts when reviewed by the Planning Commission and approved by the Governing Body. Applications for head-in parking shall be submitted to the Community Development Department and shall include plans and specifications prepared by a licensed architect or engineer unless waived by the Department Director. Plans may be submitted with a site plan or individually. The Department Director shall forward the application to the City Engineer, Public Works Department and Traffic

Consultant for review and recommendation(s). The Planning Commission shall review the application and forward the plan to the City Council for consideration with recommendation(s).

(Ord 2014-18)

H. Lighting of Parking Areas. Any lights used to illuminate the parking area shall be arranged, located, shielded and screened to direct light away from any adjoining or abutting residential districts, and shall be provided in accordance with Section 17.338.A.6. (Ord. 2006-48)

I. Landscape Requirements within Parking and Vehicular Use Areas. See Section 17.358.F. (Ord. 2006-48)

J. Additional Parking Regulations.

1. No parking area or driveway serving one and two family dwellings shall be located within two feet of an adjoining lot line except for joint driveways serving two properties. Paved parking areas or customary driveways in the required yards abutting streets shall not exceed 45 percent of the area of those yards for one and two family dwellings except for properties that have access from a cul-de-sac.

2. For one and two family dwellings, parking shall be restricted to customary passenger or recreational vehicles as defined in Section 17.302.B.110. (Ord. 2006-33)

3. Parking shall be restricted to customary passenger vehicles of not more than a size of factory designated, one (1) ton, single axle, dual wheels which are unloaded.

   No person shall stop, stand or park a commercial vehicle on any street, alley or lot within a residential district, except when necessary for loading or unloading property or when in the performance of a service to or upon property in the block where the vehicle is parked. The provisions of this section may not be defeated by a mere location change of a vehicle within the residential district. Residential district refers to any place or area where the property is zoned for residential occupancy including single-family, two-family or multifamily dwellings. (Ord. 2006-33)

4. In Districts R-3 through R-4, additional parking may be required for campers, boats, trailers, and the like. Such vehicles shall be parked in well screened parking lots or parking garages and shall not be permitted to occupy a regular parking space.

5. In Districts R-3 through R-4, no parking shall be permitted in the required front yard or side yard when abutting a street.

6. All parking lots and drives leading thereto, except those serving single family and two family dwellings, shall have curbs and drainage facilities approved by the City Engineer. Where greater setback requirements do not prevail, the back of the curb of a paved parking

area shall not be closer than six feet to a property line, except that in a Planned Zoning District, the Planning Commission may permit a lesser setback where similar development on an adjoining lot will produce a satisfactory relationship.

7. The Planning Commission may require that a parking area be screened on any side where it may adversely affect adjacent property, by a wall, a fence or screen planting, or a combination to a height that the Commission deems adequate.

8. A portion of the parking area required under this title may remain unimproved until such time as the City Council deems it must be improved to serve the parking demand adequately if the Planning Commission is satisfied that the initial occupancy of the premises will be adequately served by the lesser number of spaces and only after approval of a final development plan indicating clearly the location, pattern and circulation to and from the delayed parking spaces. The land area so delineated for future parking shall be brought to finished grade, be landscaped, and shall not be used for building, storage, loading or other purposes.

9. Handicapped parking spaces shall be not less than eight feet wide with a five-foot wide access aisle, which can be shared between two stalls. One van accessible stall must be included for every eight accessible stalls (each parking lot must have at least one). Van accessible stalls must be a minimum of eight feet wide with an eight-foot wide access aisle. Surface slopes of the stalls must not exceed two percent in any direction. The handicapped signs shall identify such spaces.

   These parking stalls must be placed on closest accessible route from parking lot or garage to a building's accessible entrance. The number of required stalls shall be:

Total Parking Stalls	Minimum Number of Accessible Stalls
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or more	2 percent of total

10. The Planning Commission, in specific cases, may require 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, but provided that such setback need not be greater than the respective front or side yard

requirements in that district.

11. If an existing commercial business paves their parking lot and the width of the entire lot is less than or equal to 80 feet the requirement that a parking lot shall not be closer than six feet to the interior side or rear lot line shall not apply.

SECTION 17.352 - PERMITS

A. Building or Land Use Permit Application, Plans and Procedures. Applicant shall file with the City Building Inspector or his duly authorized representative an application for a land use permit or building permit upon forms prescribed, setting forth the legal description of the lot, tract or parcel of land, together with a general description of any building or structure to be constructed, erected or altered thereon, including the size or square foot area, principal material of construction, location of the building upon the lot, tract or parcel and the intended use and shall include cost of all construction and the name and phone number of the General Contractor, Electrical Contractor and Mechanical Contractor.

Applicant shall furnish two complete sets of documents and plans to the City Inspector for review by the respective departments of City and County Government.

The City Inspector may issue permits for single-family, two-family residential and remodel work without review. In those areas zoned commercial or industrial, and multi-family developments, the City Inspector may issue permits for projects including but not limited to, detached accessory buildings (limited in size to 120 sq. ft. or less, with no utilities servicing the structure), and fencing including trash enclosures, provided the proposed project creates no negative impact on storm water drainage, traffic flows or the number of required parking stalls. All other applications require the review of the Planning Commission, and the approval of the City Council before the issuance of a permit. The Building Inspector will review with the applicant the timetable for plan review. (2013-13)

B. Conformance of Use and Construction. No permit shall be issued for any building, structure, construction or land use unless the same be in conformity in every respect with all the provisions of zoning, subdivision ordinance, the building code, the sewer department requirements, and the fire department requirements, and approval is obtained or authorized by the City Council or Building Inspector, as is applicable.

C. Outside Sanitary Sewer Construction and Connection Permits Required. No building permit shall be issued for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate until and unless the applicant, or his agent, has previously applied for and received from the Sewer District an Outside Sanitary Sewer Construction and Connection Permit as required by the rules and regulations of the Sewer Department. In addition, no building permit shall be issued for any structure or building until the applicant, or his agent, has previously applied and received a water service connection permit.

D. Land Use Permit -- when required. No open, vacant or unimproved land shall be used for any purpose other than agriculture without first obtaining a land use permit from the City Building Inspector or his representative. Land Use permits shall be required for, but not limited to, the following uses:

1. Camping grounds, picnic groves.

2. Parking lot not included in a building permit.

3. Sanitary landfill.

4. Drive-in theater.

5. Cemeteries.

6. Nurseries.

7. Dredging, filling, grading or excavation of land within the flood plain or fringe district.

8. Archery range, baseball diamond or other athletic fields.

9. Race tracks, fishing or boating lakes.

10. Skeet or target range.

11. Machinery, equipment or material storage yard.

12. Public Recycling Collection Stations.

(Ord. 2003-32; 2006-48)

E. Land disturbance permits -- when required. A land disturbance permit shall be obtained from the Chief Building Inspector prior to commencement of any of the following:

1. Any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials. Exemptions permitted in Section 17.352 are not applicable to land disturbance activities in the floodway overlay and/or floodway fringe overlay district pursuant to Section 17.980.

2. Utility construction.

(Ord. 2003-32)

F. Land disturbance permits – exemptions.

1. A Land disturbance permit is not required for the following:

a. Land disturbance activities that cumulatively disturb less than one acre, and are not part of a larger common plan of development or sale which disturbs a

cumulative area of 1 acre or more, and involves fill of less than 3 feet in height, and containing less than 50 cubic yards, and does not create a slope in excess of 3 horizontal to 1 vertical, and does not obstruct a drainage course.

b. Work to correct or remedy emergencies, including situations that pose an immediate danger to life or property or substantial flood or fire hazards.

c. Agricultural uses.

d. Land disturbance activities specifically authorized by a building permit which includes an erosion and sediment control plan covering the entire area of disturbance. This exemption is not intended to exempt the building permit from erosion and sediment control requirements provided by Chapter XVIII of this Code.

2. If the land disturbance activity threatens or impedes the ability of the City to meet its own permit requirements under the National Pollutant Discharge Elimination System (NPDES), the Public Works Director may terminate the exemption and require the applicant to obtain a Land Disturbance Permit in full compliance with Chapter XVIII of the Code.

(Ord. 2003-32)

G. Land disturbance permits – limitations of usage. Construction of a project with a site plan approved by the City Council requires a site development permit or a building permit, or both if a project is constructed in phases. Construction of a project with a site plan cannot be accomplished solely through a land disturbance permit. (Ord. 2003-32)

H. Site development permits – when required. A site development permit is generally considered a companion permit to a building permit, or land disturbance permit, and shall be required to be obtained prior to authorization of the following work unless specifically authorized by a building permit:

1. Construction of any site improvements including but not limited to; pavement, curbs, sidewalks, storm water facilities, retaining walls and bank stabilization, and work related to such construction, including but not limited to clearing, grading and grubbing, unless a building permit authorizes the work. A site development permit may be waived by the Chief Building Inspector for work of a minor nature such as sidewalks on private property, retaining walls under 4 feet in height, patios and other minor flatwork, residential driveways, maintenance or in-kind replacement of existing driveways and parking lots, and similar construction.

2. If a site development permit is not issued in conjunction with a building permit application, a land disturbance permit will also be required, unless waived by the Chief Building Inspector. (Ord. 2003-32)

I. Land disturbance permits, site development permits and building permits – applications.

1. Applications for land disturbance, site development, or building permits shall be filed upon forms prescribed by the City and conform to the following:

   a. Construction documents shall clearly indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this ordinance, and other relevant laws, rules and regulations as determined by the Zoning Administrator.

   b. The construction documents shall include a site plan drawn to scale showing the size and location of new construction and existing structures on the site and the legal description of the lot tract or parcel.

   c. The construction documents shall include a grading plan, drainage map, and an erosion and sediment control plan in conformance with Chapter XVIII of this Code.

2. Applications for land disturbance permits shall be submitted for approval by the Public Works Director. Issuance of land disturbance permits shall conform to the following:

   a. Where the proposed land disturbance activity covers multiple tracts of land or multiple lots, the permit shall be issued only to the common owner.

   b. A contact person or field representative shall be identified on every permit as a responsible party whom the City can contact regarding the installation, maintenance, and removal of erosion and sediment control measures. The land disturbance permit holder is responsible for timely written notification to the Chief Building Inspector of any changes to the contact person or field representative.

   c. The land disturbance permit holder may request that the permit be transferred to another party. The transfer of a permit from one party to another shall be subject to the approval of the Public Works Director and not be effective until written approval is issued.

   d. The owner of the property may designate, in writing, others to act on his or her behalf, however the responsibility for compliance with this Code with respect to land disturbance activities shall remain with the owner of the property until the issued permit has been officially closed.

3. Applications for site development permits shall be submitted for approval by the Public Works Director.

4. Land disturbance permits issued for land disturbances less than one acre are intended to track small projects that may impact the public safety and welfare, or sensitive areas. In these cases, a site specific erosion and sediment control plan is not required unless deemed necessary by the Public Works Director. The applicant is required to acknowledge their intent to conform to the City's standards for erosion and sediment control in accordance with Chapter XVIII of this Code and shall employ BMP methods proportional to the scale of the land disturbance activity.

5. Applications for building permits shall be submitted for approval in accordance with Section 17.352.A.

(Ord. 2003-32)

J. Site development and building permits - compliance with subdivision regulations. Neither building permit to allow the construction of new floor area, nor site development permit for recreational facilities shall be issued unless the applicant can demonstrate compliance with the standards and requirements of Chapter XVII. Provided, however, that land which has already been platted need not be replatted so long as all other requirements of Chapter XVII, including but not limited to, development standards and required improvements, are satisfied. Provided further, that the owner of a single lot may apply to the Board of Zoning Appeals for a variance. (Ord. 2003-32)

K. Approval or Denial of Application - Appeal. The Chief Building Inspector or his duly authorized representative shall be empowered to act within the provisions of this title upon all applications for building permits in Districts R-1, R-2 and for remodel work in all other use districts unless such work involves a condition of zoning. For all other building permits and land use permits that do not include parking lots associated with an existing business or fully enclosed storage areas in the industrial districts, the Building Inspector will be required to submit the application, along with plans and data, to the Planning Commission for a recommendation and then to the City Council for final approval. In the case of a planned unit development, all plans will require the review and certification of the Planning Commission prior to City Council review and approval. In the event the application for a permit is denied, reasons shall be given the applicant for denial. The applicant shall have the right to appeal to the Board of Zoning Appeals as set forth in Section 17.366.

L. Action on permit applications. In the event of refusal to issue a permit upon an application based upon noncompliance with the provisions of this ordinance, the applicant shall have the right to appeal to the Board of Zoning Appeals as set forth in Section 17.366. (Ord. 2003-32)

M. Filing fees. Filing fees for all applications for permits and certificates of occupancy shall be established by resolution of the Governing Body. Filing fees may be reviewed on an annual basis and revised as necessary by adoption of a new resolution. Copies of the current resolution establishing filing fees shall be on file in the offices of the City Clerk,

the Zoning Administrator and the Chief Building Inspector. (Ord. 2003-32)

N. Number of Permits Required for Buildings. There may be required a separate permit for each building or structure to be constructed, or the Building Inspector may issue one permit for groups of buildings and accessory buildings when construction is to be simultaneous, and when all the buildings are to be constructed on land zoned for one classification and use. Separate permits shall be required for signs as set out in City ordinances.

O. Permits -- conformance of construction. No permit shall be issued for any building, structure, sign or disturbance of land unless the same shall be in conformance in every respect with:

1. All provisions of this ordinance.

2. Any conditions or stipulations attached to the approval of any applicable rezoning, conditional use permit, preliminary plat, final plat, site plan or other form of development plan approval.

3. The content of any applicable final plat, site plans, or other development plans approved by the Governing Body, Planning Commission.

4. Chapter XVII of the Code and any other applicable provisions of the Code.

(Ord. 2003-32)

P. Suspension of permits. Suspension of building, site development, and land disturbance permits shall comply with the following:

1. Suspension of building permits are subject to the provisions of Section 17.352.I of this Code.

2. A land disturbance or site development permit can be suspended by the City if the Chief Building Inspector or the Public Works Director determines that:

a. The site is not in substantial compliance with the approved plan or any permit condition.

b. A violation of any provision of this Chapter or any other applicable law, ordinance, rule, or regulation relating to this work exists.

c. A condition exists, or act is being done that constitutes a nuisance or hazard or endangers human life or the property of others.

d. The approved plan is failing to achieve required erosion and sediment control objectives due to improper installation, maintenance, or failure of the plan to

perform anticipated erosion and sediment control functions as required by Chapter XVIII of this Code.

3. A site development or land disturbance permit shall be suspended by issuance of written notice to the permit holder, or the permit holder's representative. The notice shall indicate the reason for permit suspension and indicate corrective measures required and the timeframe within which corrections must be made to reinstate the permit. The notice shall also include a stop work order pursuant to Chapter IV of the Code, if not previously issued. If the applicant fails to make corrective measures within the timeframe required the Public Works Director may revoke the permit.

Q. Expiration of permits. Expiration of building, site development, and land disturbance permits shall comply with the following:

1. Expiration of building permits are subject to provisions of Chapter IV of this Code. Additionally, land disturbance activities authorized by a building permit that are not stabilized following expiration of a building permits are subject to abatement provisions pursuant to Chapter IV of this Code.

2. Site development permits shall expire if the authorized work has not commenced within 180 days of permit issuance, or if the authorized work is suspended or abandoned for a period of greater than 180 days. The Public Works Director is authorized to grant, in writing, extensions up to 180 days each.

3. Land disturbance permits shall expire if the authorized work has not commenced within 180 days after permit issuance. A land disturbance permit shall not expire after land disturbance activities have begun, but shall be closed pursuant to Section 17.352.

(Ord. 2003-32)

R. Revocation of permits. A permit may be revoked by the official issuing the permit at any time prior to the completion of the land disturbance, site development, building, structure or sign for which the same was issued, when it appears to such official that one or more of the following conditions is present: there is departure from the plans, specifications or conditions as required under the terms of the permit; that the permit was procured by false representation; that the permit was issued by mistake; or that any of the provisions of this Title are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed in the building or structure for which such permit was issued, or shall be posted in a prominent location on the property. Where notice of revocation has been served or posted, no further construction or use of the property shall proceed. Any revocation of a permit other than a building permit may be appealed to the Board of Zoning Appeals as provided in Section 17.366. Except where revocation of a building permit is successfully appealed to the Code Board of Appeals, or another permit revocation is successfully appealed to the

Board of Zoning Appeals, a revoked permit may not be reinstated.
(Ord. 2003-32)

S. Site development permits and building permits - minimum rights-of-way required.

1. When a site development permit, or building permit is requested on a lot or tract abutting a public street other than a thoroughfare as defined in Section 17.370, the Public Works Director shall determine that adequate right-of-way exists on that portion of the public street abutting the property. The minimum right-of-way, measured from the center line of the street to the property line of the lot or tract, shall be determined based upon the classification of the abutting street. Classification of the abutting street shall be determined by reference to the Comprehensive Plan; if the classification is not designated on any of such documents, the Zoning Administrator shall determine the street classification by reference to existing or planned land uses of abutting properties.

2. Once the street classification has been determined, right-of-way requirements shall be calculated in an amount equal to one-half of the total right-of-way requirement established for such street classification in Chapter XVIII of the Code and summarized in Section 17.376.B.6 of this Code. Where the property lies on both sides of the public street, the right-of-way requirement shall be equal to the amount set forth in Section 17.376.B.6 of this Code.

3. No site development permit or building permit shall be issued for any lot or tract where the abutting right-of-way does not clearly comply with the right-of-way requirements until title for the additional required right-of-way has been conveyed to the City by plat or deed and accepted by the Governing Body.

4. Any requirement for dedication of right-of-way pursuant to this section may be waived by the Public Works Director where the permit being requested does not result in a change or expansion of use of the property or an increase in the square footage of any building.

(Ord. 2002-07; 2003-32)

T. Building permits and site development permits – compliance with existing land disturbance permits. Issuance of any building permit or site development permit that is part of a common plan of development with a pre-existing land disturbance permit will require written agreement by the permit applicant to comply with the provisions of the pre-existing land disturbance permit. (Ord. 2003-32)

U. Building permits, site development permits, and land disturbance permits – Closure.

1. Closure of a building permit shall be completed in accordance with the provisions of Section 17.362 of this Code. In cases where there is not a separate land disturbance permit issued for a particular site, a final certificate of occupancy shall not be issued until the site has been permanently stabilized and all temporary BMP's removed and all drainage and grading is found to be in compliance with this Code.

2. Closure of a site development permit shall be completed by obtaining a satisfactory final inspection and issuance of a certificate of compliance or certificate of occupancy by the Chief Building Inspector. In cases where there is not a separate land disturbance permit issued for a particular site, a certificate of compliance shall not be issued until the site has been permanently stabilized, all temporary BMP's removed, and all drainage and grading has been found to be in compliance with this Code.

3. Closure of a land disturbance permit is independent of closure of other permits. If a site has been partially stabilized, a land disturbance permit can be closed upon issuance of a subsequent land disturbance permit covering remaining unstabilized areas. Closure of a land disturbance permit shall be completed by obtaining a satisfactory final inspection and issuance of a certificate of compliance. Timing of final inspections for land disturbance permits shall conform to the following:

   a. For single-family or two-family construction only, a final inspection can be completed after 80 percent of the housing units in the associated final plat have received final certificates of occupancy, or a minimum of three years after issuance of the first building permit for a housing unit. Additionally, no final inspection can be made before any temporary BMP's serving more than one lot are no longer needed and are removed.

   b. For development other than single-family or two-family residential development, a final inspection can occur when all temporary BMP's serving more than one lot are no longer needed and are removed.

   c. For single-family or two-family construction only, the holder of a land disturbance permit that includes multiple lots shall no longer be responsible for activities that occur on an individual lot for which all dwellings have received Certificates of Occupancy. In that event there shall be a final inspection of that lot and partial closure of the land disturbance permit prior to or at the time of issuance of a Certificate of Occupancy.

(Ord. 2003-32)

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SECTION 17.354 - CONDITIONAL USES

A. Authority. An application for Conditional Use approval shall require Site Plan approval by the Planning Commission or, if forwarded to the Governing Body for final action, shall require approval by the Governing Body. If the Conditional Use application is accompanied by a rezoning application, the Planning Commission shall forward both to the Governing Body for final action after a hearing and recommendation. (Ord. 2006-48)

B. Initiation. An application for Conditional Use approval may be proposed by the owner(s) of the subject property.

C. Application. A complete application for Conditional Use approval shall be submitted to the Zoning Administrator in a form established by the Administrator, along with a nonrefundable fee that has been established by resolution to defray the cost of processing the application. Each application for Conditional Use approval shall be accompanied by a detailed site plan in a form established in Section 17.340 and made available to the public. No application shall be processed until the application is complete and the required fee has been paid.

D. Establishment of hearing date, publication of notice. Promptly upon determining that an application is complete, the Zoning Administrator shall schedule a public hearing before the Planning Commission, notify the applicant of the meeting and hearing date and give at least 20 days' notice of the hearing in accordance with the notice requirements of Section 17.364.E. The initial public hearing before the Planning Commission shall be scheduled for the next meeting date for which it is practicable to give at least 20 days' notice.

E. Report of Zoning Administrator. The Zoning Administrator shall prepare a staff report that reviews the proposed application for Conditional Use approval in light of the Comprehensive Plan, the general requirements of this Code, and the applicable review criteria set forth in Section 17.364.D. The Zoning Administrator shall provide a copy of the report to the Planning Commission prior to their meeting.

F. Action by the Planning Commission. The Planning Commission shall hold a public hearing on the application. After the public hearing, the Planning Commission may approve, approve with conditions or modifications, or deny the application for Conditional Use approval, based on the criteria of Section 17.364.D. This provision specifically contemplates that it may be necessary for the Planning Commission to attach additional special conditions to a proposed Conditional Use Permit in order to ensure that it complies fully with the criteria of this Regulation. The Planning Commission's action shall be in the form of a recommendation, which is forwarded to the Governing Body for final action.

G. Action by the Governing Body. After the 14-day protest period has concluded, the application will be placed on an agenda for Governing Body action. The Planning Commission will forward with the application the results of the hearing held by the Planning Commission. If a petition has been filed in opposition to the conditional use approval in accordance with Section 17.354.I, a favorable vote of three-fourths of all members of the Governing Body is required to approve the application.

1. At the time of the City Council meeting, the City staff will make a brief presentation. An opportunity is then available for the applicant to make any presentation or statement desired. After the discussion has concluded, the Governing Body will take action on each application in the form of:

   - adopt such recommendation by ordinance,
   - override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the governing body,
   - return such recommendations to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove,
   - denial, or
   - continuance.

   The application may be continued to the following meeting.

2. If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

(Ord. 2004-41; 2006-48)

H. Review criteria. The criteria for review of a proposed Conditional Use are as set out in Section 17.364.D. Not all of the criteria must be given equal consideration by the Planning Commission or by the Governing Body in reaching a decision. The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria. (Ord. 2006-48)

I. Protest petitions. If one or more valid protest petitions against an application for Conditional Use are filed in the office of the City Clerk within 14 days of the conclusion of the Planning Commission hearing pursuant to the publication notice, such Conditional Use application shall be forwarded to the Governing Body for final action. If valid protest petitions are submitted by a minimum of 20 percent or more of the total real property within the required notification area (pursuant to Sections 17.364.E and 17.364.I), excluding street and public ways, such Conditional Use application may be approved by the Governing Body only by a vote of approval by at least three-fourths of all the members of the Governing Body. A protest petition may be withdrawn at any time prior to the date of the scheduled hearing by the Governing Body by a written notice from the protesting owner received in the office of the City Clerk. Property covered by a withdrawn petition shall not be used in the calculation of a valid protest. (Ord. 2006-48)

J. Successive applications. In the event that the final action on a Conditional Use application is that it be denied, a similar application shall not be refilled for one year from the advertised public hearing date. The Planning Commission my permit a refilling of said application after six months of the original hearing date when it determines that significant physical economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the application is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes, which he or she deems significant and upon which he or she relies for refilling the original application.

K. Appeals of final action. The Governing Body 's decision on an application for Conditional Use approval shall be the final local action. Appeals of such final local action shall be taken to the district court. (Ord. 2006-48)

L. Amendments to Conditional Uses. Approved Conditional Uses may be amended by following the same procedures as required for consideration and approval of an original Conditional Use application.

M. Revocation of Conditional Use Permit. In addition to other remedies provided by the regulations, any Conditional Use Permit may be revoked at any time during the period for which the Permit was approved by the Planning Commission if the applicant is notified in writing and granted a hearing as provided in this Section when there has been a determination by the Zoning Administrator that:

1. The applicant has made material misrepresentations or false statements of fact in the application;

2. The provisions or conditions of this Section or these regulations have been violated; and/or

3. The standards of performance, conditions placed on the use as part of the permit approval process are not being met, or the use is not complying with any other City regulations applicable to the operation of such use.

Prior to revocation of a Conditional Use Permit, a written notice that a violation has occurred shall be mailed to the permit holder. That notice shall afford the permit holder a specified time period to abate the violation and shall further grant the permit holder a hearing before the Planning Commission. The Planning Commission will make a recommendation to the Governing Body. The Governing Body will take action on the recommendation in the form of approval, approval with conditions or modifications by a 2/3 majority vote of the membership of the governing body, returned to the Planning Commission with a statement specifying the basis for the governing body's failure to approve or disapprove, denial, or continuance. Continuance may be to the following meeting.

(Ord. 2006-48)

SECTION 17.356 - TEMPORARY USE PERMIT

A. Authority. An application for a Temporary Use Permit shall be submitted to the City Administrator for approval at least 10 days prior to the starting date of the temporary use requested.

B. Applicability. The following are considered temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations of any zone in which they are located. Upon expiration of the Temporary Use Permit, the site shall be cleaned up and restored to its condition before the temporary use began.

1. Street/Outside Sales. The retail sales of merchandise outside of an enclosed structure shall not to exceed a period of three days. A temporary use request that exceeds a three-day period must be approved by the City Council subject to condition(s) recommended by the Zoning Administrator. Street/outside sale displays need not comply with the yard and setback requirements of this Code, provided that no merchandise shall be displayed in the sight triangle (Section 17.348.C). In addition, if the temporary use request exceeds the three-day period or includes a use that will attract vehicular traffic, i.e., vegetable stands, food vendors, then the use will need to be located where adequate paved parking is available. (Ord. 2004-41)

2. Christmas Tree Sales. Christmas tree sales at any business or in an industrial district shall not to exceed a period of 60 days. Display of Christmas Trees need not comply with the yard and setback requirements of this Code, provided that no trees shall be displayed within the sight triangle (Section 17.348.C). The site shall be cleaned and returned to its previous condition within two weeks after Christmas.

3. Carnivals and Circuses. A carnival or circus is permitted, but only for a period that does not exceed seven days. The carnival or circus must be located in a public park. Such use need not comply with the front yard requirements, provided that structures or equipment, which might block the view of an operator of a motor vehicle on a public street, shall conform to the requirement of sight distance on corner lots (Section 17.348.C).

4. Road Construction Equipment Storage and/or Office. An area designated by a road construction company to store their equipment during road construction and/or an office is permitted during the construction of a road. The Temporary Use Permit must be approved by the City Council subject to condition(s) recommended by the Zoning Administrator.

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SECTION 17.358 - LANDSCAPING

A. General Conditions and Plan Requirements. All plans submitted in support of a Final Development Plan, Building Permit, or Land Use Permit shall hereafter include a landscape plan and include visual screening where appropriate. All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade and planted with turf or native grass or other appropriate ground cover and receive trees as specified in Section 17.358.C.

In addition to the minimum number of trees to be planted as set forth in Section 17.358.D, as well as Section 17.360.H when buffer impact screens are required, the appropriate number or amounts of shrubs, ground cover, and/or turf area plantings that shall be included within each project shall be determined by the design criteria within each project as established by the City Planning Commission as the plantings relate to visual safety, species uses, and landscape function.

Also, the Community Development Recommendations and the Planning Principles and Design Guidelines of the *Spring Hill Comprehensive Plan* will supplement these regulations. The purpose of the *Comprehensive Plan* recommendations is to provide quality and design criteria relating to all development within the City.

With the exception of the AG through the R-1 zoning districts, all plans submitted for approval of a landscape plan shall have the following information included:

1. North point and scale.

2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

3. The location, size, and surface materials of all structures and parking areas.

4. The location, size, and type of all above-ground and underground utilities and structures with proper notation, where appropriate, as to any safety hazards to avoid during landscaping installation.

5. The location, type, size and quantity of all proposed landscape materials, along with common and botanical names of all plant species. The size, grade and condition shall be specified according to American Association of Nurserymen standards.

6. The location, size and common name of all existing plant materials to be retained on the site.

7. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.

8. Location of hose connections and other watering sources.

9. The location, on site, of all trees 12 inch diameter or larger measured at 4-1/2 ft. above ground level that is proposed for removal.

10. The location and contours, at one (1) foot intervals, of all proposed berms.

(Ord. 2006-48)

B. Intent. The purpose of such landscaping is:

1. To provide greenery to visually soften paved areas and buildings and to make area cool and inviting.

2. To establish desirable environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, storm water run off retardation, and noise, glare and heat abatement.

3. To ensure that the local stock of native trees is replenished; plant material shall generally be native or hardy to this region.

4. To buffer and screen uncomplimentary land uses and enhance the quality and appearance over the entire site of the project.

C. Definitions.

1. Landscape Material - Shall consist of such living material as trees, shrubs, ground cover/vines, turf grasses, and nonliving material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

2. Landscaped Open Space - All land area within the property lines not covered by building or pavement.

3. Turf Grass - A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.

4. Native Grasses - Species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.

5. Ground Cover - Landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

6. Shrubs - Any self-supporting, woody plant of a species, which normally grows to an overall height of less than 15 feet in this region.

7. Trees - Any self-supporting, woody plant of a species, which normally grows to an overall minimum height of 15 feet in this region.

8. Public Street Setback - That distance of open area between the street right-of-way line and the building setback line.

9. Deciduous Trees - Generally those trees, which shed their leaves annually, such as Ash, Sycamore, Willow, etc.

10. Evergreen Trees - Generally those trees that do not shed their leaves annually, such as Pine, Spruce, Juniper, etc.

11. Small Trees - Generally 30 feet or less in height at maturity, including ornamental flowering trees and "patio" trees.

12. Medium Trees - Generally 30 to 70 feet in height at maturity.

13. Large Trees - Generally those species of trees that reach a height of 70 feet or taller at maturity.

The American Standard for Nursery Stock, as published by the American Association of Nurserymen and incorporated by reference herein, shall be referred to in determining the applicability of the above definitions.

D. Minimum Tree Requirement Per Zoning District.

1. In all zones one large shade tree is required for each 50 feet of street frontage or portion thereof. Said trees shall be planted within the landscape setback abutting said street frontage. Trees may be clustered or arranged within the setback and need not be placed evenly at 50 foot intervals. Such landscaping shall be in addition to the buffer / screen standards as set forth in Section 17.360.

2. In addition, one large shade tree shall be provided for each dwelling unit, or every 3,000 square feet of landscaped open space in zones AG through C-2. Such landscaping shall be in addition to any required buffer / screen standards as set forth in Section 17.360.

3. Nonresidential perimeter landscaping shall be subject to the buffer impact screen standards as set forth in Section 17.360, and shall be no less than one large shade tree for every 50 linear feet of the perimeter of the property.

4. If a property is zoned MP or M-1, any part of the site plan not used for a building, structure, parking or access way shall be landscaped with a sufficient mixture of grass, trees, and shrubs so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Such areas are subject to the buffer impact screen standards as set forth in Section 17.360.

Supplementary to the minimum number of trees required as outlined in this section, existing trees saved on the site during construction may be credited toward the minimum number required. Those existing trees shall be a minimum of 4 inch diameter at 4-1/2 feet above the ground for medium and large deciduous species. Minimum size for ornamental and evergreen species shall be four feet in height. All existing plant material saved shall be healthy and free of mechanical injury.

(Ord. 2006-48)

E. Planting Requirements. The minimum planting sizes for all plant material shall be the following:

1. Medium and Large Deciduous Shade Trees - Two and one-half (2½)-inch caliper, as measured 6 inches above the ground as specified by the American Association of Nurserymen.

2. Small Deciduous or Ornamental Trees - One (1) to one and one-half (1½) inch caliper as measured six (6) inches above ground. Multi-trunk clusters (three [3] or more trunks) the smallest trunk shall be three-quarter (¾) inch as specified by the American Association of Nurserymen, with the exception of true dwarf species.

3. Conifers - Six (6) to eight (8) feet in height.

4. Upright Evergreen Trees - Six (6) to eight (8) feet in height as specified by the American Association of Nurserymen, except for true dwarf varieties.

5. Shrubs (Deciduous and Conifer, including spreader and globe tree forms) – Three (3) to five (5) gallon container depending upon species and spacing. Spacing from three (3) to five (5) feet apart depending upon species.

6. Ground Cover Plants - Crowns, plugs, containers - in a number as appropriate by species to provide 50 percent surface coverage after two growing seasons.

7. Turf and Native Grass - Seeding as appropriate to provide complete coverage within the first growing season.

8. Sod - As necessary to provide coverage and soil stabilization.

(Ord. 2006-48)

F. Planting Requirements within Parking and Vehicular Use Areas. The intent of this section is to encourage interior landscaping within vehicular parking areas, to break up the large expanses of pavement, and to provide relief from the reflected glare and heat, as well as to guide vehicular and pedestrian traffic.

Except in Districts R-1, RP-1, automobile storage lots, multiple level parking structures and parking lots having a paved area no wider than a double-loaded aisle or more than 65 feet in width, all parking areas in all zoning districts shall include the following as minimum requirements:

1. Not less than six percent of the interior of a parking lot shall be landscaped. The interior of a parking lot shall be calculated by multiplying the number of parking spaces by 270 square feet. Planting which is required along the perimeter of a parking lot shall not be considered as part of the interior-landscaping requirement, and shall be subject to the buffer / screen standards as set forth in Section 17.360.

2. A minimum of one large shade tree shall be provided for each 20 parking spaces. The landscaping and planting areas shall be reasonably dispersed throughout the parking lots.

3. The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to ensure proper growth. Portland Cement Concrete vertical curbs, or similar structures shall protect each area. The interior dimensions of any planting area or landscape islands shall be a minimum of one hundred sixty-five (165) square feet in area. Landscape islands shall be a minimum of nine (9) feet in width, as measured from back of curb to back of curb. Each area shall be protected by vertical curbs or similar structures, and be designed and grouped into a parking and vehicular use area to create defined aisles and entrances for on-site traffic circulation.

4. The primary landscaping materials used in parking lots shall be large shade trees, which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berm and existing topography is also encouraged as a component of the landscaping plan.

5. In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the requirements in Section 17.358.D.

6. Landscape strips between parallel parking rows shall be a minimum of ten (10) feet in width. When incorporating pedestrian walkways, such strips shall be a minimum of twenty (20) feet in width to accommodate vehicular overhangs, walk, lights, posts and other appurtenances. Landscape aisles and strips shall include medium to large

deciduous trees at a minimum of one (1) tree every thirty (30) linear feet, in addition to other parking lot landscape requirements.

7. No landscaping, tree, shrub, fence, wall or similar item shall be placed in zones of ingress or egress, at street corners, or in the intersection of a public right-of-way when the City Engineer determines the planting(s) is an obstruction to visibility, extends into sight lines, as stated in Section 17.348, or is a traffic hazard.

(Ord. 2006-48)

G. Street Trees.

1. Street trees shall be required in all residential and nonresidential districts along all local and collector streets. Street trees shall be provided as follows:

   a. Street trees shall be required along street right-of-way of public or private street frontage, excluding arterial and minor arterial streets where perimeter landscaping is required by other sections of this ordinance. Street trees shall be spaced as uniformly as possible, with an average spacing of forty (40) linear feet between trees in all districts, resulting in at least one (1) tree per lot in residential districts. On a corner lot a minimum of two (2) street trees shall be required. Street trees may count toward the required number of trees within the interior of the lot only in residential districts for single-family and two-family dwellings. Exceptions to the location and spacing of trees may be allowed to accommodate for the location of utilities, streetlights, driveways, storm drain structures, sidewalks and traffic clearance zones. A formal street tree-planting scheme shall not be required if a master landscape plan is approved for a development area.

   b. There shall be a minimum of six (6) feet of space between the right-of-way or sidewalk and the back of curb for the trees to be planted in this area.

   c. Adequate clearance between street trees and other infrastructures shall be coordinated in such a manner to allow for the location of street trees within the right-of-way, wherever practical, and shall promote the longevity of the street trees to avoid premature loss of the trees. The street tree plan shall coordinate the locations of street trees to allow access to utilities with minimal disruption to the street trees and their supporting root systems while avoiding increased service costs to the utilities. Street trees shall observe all sight-distance requirements per Section 17.348.C or as determined by the City Engineer.

   d. Street tree species and typical spacing requirements shall be provided with all preliminary plats and plans.

   e. The developer shall be responsible for planting street trees at the completion of each phase of development in a residential subdivision. Prior to beginning the

final phase the developer shall submit surety approved by the City Attorney that street trees will be planted in all phases yet to be completed.

2. Preferred trees to be used to meet City street tree standards:

Botanical Name	Common Name
Acer platanoides var. rubrum var. saccharum var.	Norway Maple Red Maple Sugar Maple
Carya illinoienses	Pecan
Celtis occidentalis	Hackberry
Cladrastis lutea	American Yellowwood
Fraxinus americana var. pennsylvanica lanceolata var. quadrangulata	White Ash Green Ash Blue Ash
Ginkgo biloba	Ginkgo (male, seedless)
Gleditsia triacanthos inermis var.	Honeylocust (thornless, podless)
Gymnocladus dioicus	Kentucky Coffeetree
Liquidambar styriciflua	Sweetgum
Liriodendren tulipfera	Tuliptree
Platanus x acerfolia	London Planetree
Quercus acutissima bicolor borealis imbricaria macrocarpa muhlenbergi robur	Sawtooth Oak Swamp White Oak Northern Red Oak Shingle Oak Bur Oak Chinquapin Oak English Oak
Tilia americana cordata var. tomentosa	American Linden Little Leaf Linden Silver Linden
Sophora japonica	Japanese Pagodatree
Ulmus carpinus var. buisman parvifolia	Buisman Elm Lacebark Elm
Zelkova serrata	Zelkova

Other species may be acceptable upon approval by the Zoning Administrator and City Planning Commission.

3. Prohibited Trees: Ailanthus, White and Silver Birch, Box Elder, Catalpa, Cottonwood, Siberian Elm, “Fruit” trees, Silver Maple, Mimosa, Pin Oak, Russian Olive, Poplar, weeping trees, willows, shrubs, all evergreens.

4. Street Tree Specifications: All street trees shall meet the City's Specifications for material quality, minimum size, etc. Trees shall be guaranteed for a period of no less than two (2) years.

5. Street trees in the right-of-way shall be the maintenance responsibility of the adjoining property owner.

(Ord. 2006-48)

H. Master Landscape / Fence Plan. The purpose of the master landscape screening plan is to increase privacy, mitigate noise, reduce glare and enhance the aesthetics of the streetscape through the use of fences, walls, berms and professional landscaping to separate residential units from thoroughfare streets. Where a subdivision for property zoned R-R, R-1 through R-4, and MH is adjacent to an arterial street or where rear lot lines are adjacent to a collector roadway, a master landscape / fence screening plan for all areas abutting the arterial street shall be submitted for approval by the Zoning Administrator and Planning Commission prior to recording the final plat.

1. Master landscape / fence screening plan approval:

   a. Landscape tracts shall have a landscape area with a minimum width of twenty-five (25) feet along an arterial roadway and fifteen (15) feet along a collector roadway. The landscape area shall be constructed so that drainage and utility placements are not impaired and so that the required minimum landscape area is not located within a utility easement. The width of the landscape tract shall be in addition to the minimum required lot depth, lot width and yard setback requirements of the zoning district.

   b. Improvements indicated on the master landscape / fence screening plan shall be considered a subdivision improvement, and the completion of said improvements shall be required prior to the issuance of a temporary certificate of occupancy for any lots within the affected final plat covered by the master landscape/screening plan.

   c. When the planting of landscape materials or the installation of irrigation systems is inappropriate due to adverse weather, the developer may submit an irrevocable letter of credit, of up to two (2) years, equal to the value of the landscaping material as outlined in bids from the developer's landscape installer or contractor. Said letter shall be held by the City until such time as all landscaping is installed per the approved plan.

2. Design:

   a. Landscaping: The approved master landscape / fence screening plan shall contain the following landscaping materials as a minimum for each one hundred (100) linear

feet, or portion thereof, of arterial street frontage. Minimum plant size requirements shall be as stated in Section 17.358.E.

i. 8 evergreen trees.
ii. 2 shade trees.
iii. 1 ornamental tree.
iv. For each tree preserved within the landscape tract which meets or exceeds the minimum size requirements outlined in Section 17.358.E, a one (1) to one (1) credit shall be given against the minimum tree requirements of this section.
v. The above landscaping materials may be deviated from provided an alternative list of materials is approved by the Zoning Administrator which achieves comparable screening and buffering.

b. Grass areas: Grass areas located within the arterial street right-of-way as well as the landscape tract shall be sodden. Use of appropriate drought tolerant ground cover to reduce grass areas is encouraged in landscape tracts when approved through the planning process.

c. Fences/Walls: Fences or walls are not required as part of the master landscape / fence screening plan. In cases where the developer of the subdivision chooses to install a fence or wall, all types of fences installed by the developer, except wrought iron, split rail or similar see-through fence/wall types, must be located one (1) foot inside the boundaries of the landscape tract along the residential side of the tract. Wrought iron or similar see-through fences may be installed by the developer anywhere within the landscape tract, except they may be no closer than five (5) feet from the right-of-way line of the abutting arterial street.

d. Berms: Berms are not required as part of the master landscape / fence screening plan. In cases when the developer chooses to install a beam, the following standards apply:

i. The slope of all installed berms shall not exceed three (3) to one (1);

ii. All berms shall be consistent with good engineering and landscape architectural design; and

iii. The grading plan for berms within the landscape tract shall be consistent with the approved subdivision grading plan and shall be approved by the City Engineer.

3. Maintenance/Irrigation:

a. Maintenance: The final plat and deed restrictions shall contain language as approved by the Zoning Administrator which identifies the organization (e.g. a homes

association) that will be the entity having permanent responsibility and authority to enter upon the said landscape tract to maintain, plant, replant, replace, mow, clip, trim, spray, chemically treat, repair, and otherwise maintain any and all grass, trees, shrubs, flowers, plants, fences, and walls. Said deed restrictions shall be recorded with the Register of Deeds of Johnson County or Miami County concurrently with the recording of the final plat.

b. Irrigation: Landscape areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition. Irrigation systems shall comply with the following standards:

i. All landscape areas shall be provided with a readily available water supply with at least (1) one outlet within 100 feet of the plants to be maintained. The use of nonpotable water for irrigation purposes shall be encouraged.

ii. No permanent irrigation system is required for an area set aside on approved plans for preservation of existing natural vegetation.

iii. Temporary irrigation systems installed pursuant to acceptable Xeriscape landscape practices may be used to meet the standards of this section. Xeriscape means to landscape using vegetation that is drought-tolerant or water-conserving in character.

iv. Irrigation systems shall be continuously maintained in working order and shall be designed so as not to overlap water zones, or to water impervious areas.

v. Whenever practical, irrigation systems shall be designed in zones to apply water onto shrub and tree areas on a less frequent schedule than those irrigating grass areas. When technically feasible, a rain-sensor switch shall be installed on systems with automatic controllers.

vi. No irrigation system shall be installed or maintained abutting any public street which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.

vii. The use of irrigation quality effluent or reused water shall be encouraged.

(Ord. 2006-48)

I. Landscaping in Place Prior to Occupancy Permit. All landscape material, living and nonliving, shall be in place prior to issuance of final Occupancy Permit.

All plant material shall be healthy and in place prior to issuance of final Occupancy Permit. A temporary certificate may be issued, without the installation, provided written assurances are given that the planting will take place within six months of the proper season.

J. Maintenance. The trees, shrubs and other landscaping materials depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.

The developer, his successor and/or subsequent owners and their agents shall be responsible for the continued maintenance.

Plant material, which exhibits evidence of insect pests, disease, and/or damage, shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season.

All landscaping will be subject to periodic inspection by the City's Building Inspector or his designee.

Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his agent or agents shall be considered in violation of the terms of the Building or Occupancy Permit. The Building Inspector or his designee is empowered to enforce the terms of this Code.

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SECTION 17.360 - SCREENING AND FENCING

A. Purpose and Intent. It is the purpose and intent of this Section to improve the well being of the community by the control of fencing, and the requiring of proper screening to enhance visual surroundings by screening out unsightly views and conditions, to increase the quality of living by upgrading conditions within the City of Spring Hill, to protect the residential community by affording a level of privacy and at the same time establishing better controls to the business and commercial areas. It is desirable to encourage combinations of elements of appropriate fencing, land berm and planting barriers and to soften hard transition areas. It is equally desirable to maintain a high degree of traffic safety by proper location of screening and fencing so that safety will remain paramount. All screening and fencing shall be built using new building materials that are residential in character and must be approved by the Zoning Administrator.

In addition, the Community Development Recommendations of the Spring Hill Comprehensive Plan will supplement these regulations. The purpose of the Comprehensive Plan Recommendations is to provide quality and design criteria relating to all development within the City.

B. Where Screening and Fencing is Required. Screening and fencing shall be required at the following locations:

1. All multifamily residential projects, and all commercial, office, industrial, or conditional use projects, shall include on the site plan, a detailed drawing of enclosure and screening method to be used in connection with trash bins on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure shall be provided and maintained for each bin.

2. In any district where a retaining wall is needed because of abrupt changes in the grade, planting and fencing shall form a protective barrier to prevent loss or injury.

3. Around a swimming pool, as defined in Appendix G of the International Residential Code including portable seasonal pools whether private or public, shall be a protective fenced enclosure in accordance with Section 4-202.R102.5 of the Code of the City of Spring Hill. Swimming pools, hot tubs and spas in existence as of the 30th day of April, 2008 and protected with a four-foot fence and locking gate may continue their current level of pool protection provided the fence and gate are in good repair. Any substantial repair, maintenance or replacement of the fence or gate must be in compliance with Section 4-202.R102.5 of the Code of the City of Spring Hill. (Ord. 2008-13)

4. Around and about hazardous areas, holes, new construction, etc. whether temporary or permanently necessary to protect against intrusion, for control or to give a degree of privacy or whatever reason, to protect the public from a hazardous situation.

5. In Districts C-O through M-1 all buildings shall provide screening of roof clutter, including mechanical equipment, fans, vents, flues, antenna, and satellite dishes.

6. Where it is deemed necessary as a solution to a problem by either the Planning Commission or Governing Body.

(Ord. 2002-07; 2006-48; 2007-24; 2009-21)

C. Where Screening and Fencing is Prohibited. This zoning ordinance prohibits the erection of a continuous fence more than two feet high in the front yard or side yard abutting a street except: 1) in the AG and R-R district where a see-through fence with a height of four feet or less would be allowed; or 2) in the MP and M-1 district where a security fence would be allowed; or 3) the zoning administrator may approve a portion of a fence to be built in the street side yard of a corner lot to screen outdoor mechanical equipment associated with the structure, walkout doors toward the back of the side building line or other unusual cases as deemed appropriate; or 4) in the R-1 and R-2 districts a fence not to exceed six feet in height may be erected in the side and/or rear yard no closer to the abutting side street than three feet measured from the property line, provided such fence shall not be erected in the vision triangle. In addition, this ordinance prohibits the erection of a fence with a height greater than six feet in Districts R-R through MH. Further, in the interest of safety, every attempt should be made to eliminate blind corners near all drive and street intersections. (Also see Section 17.348 - Site Distance on Corner Lots.) Nothing herein shall discourage or prohibit the landscaping, planting, screening and the erection of stand alone decorative fences no taller than three feet in the front yard that are not hazardous to traffic.
(Ord 2016-04)

To provide for continuity when the side or rear yard of one residential property abuts the front yard of another residential property on a corner lot, the fence cannot protrude beyond the front building line of the adjacent lot.

Exception: The Chief Building Inspector may approve the placement of a fence on a corner lot closer to the street than the front building line of the adjacent lot provided all of the following are met:

1. The fence shall not be erected closer to the street than the street side setback line of the corner lot.
2. No blind corners are created at drive or street intersections.

(Ord. 2009-21)

D. Buffer Screens; where required.

1. Buffer impact screens shall be provided between developments of differing land uses adjoining one another and shall comply with Section 17.360.G, except as follows:

   a. Buffer impact screen requirements may be modified through increased or decreased requirements, or may be waived entirely by the Planning Commission and City

Council with approval of a site plan , or a preliminary and final development plan in planned districts, upon finding that the development is designed in a manner to effectively integrate land uses in a manner in which buffer/screen requirements may be modified or eliminated while achieving the recommendations of the *Comprehensive Plan* and the Planning Principles and Design Guidelines.

b. Residential developments zoned AG through MH shall not be required to provide a buffer screen adjacent to nonresidential properties zoned C-O through M-1 in accordance with Section 17.360.H unless such nonresidential properties are built prior to the development of the residential zoned property and a buffer screen was not provided by the nonresidential zoned property at the time of development.

2. If a single-family subdivision is approved or built adjacent to a previously approved or built, but separate single-family subdivision, and the difference in the average minimum lot size between the two subdivisions is 120 percent or more, the subsequently approved or built subdivision shall contain a buffer impact screen along the periphery adjacent to the previously approved or built subdivision. A medium impact screen in accordance with Section 17.360.G shall be provided unless such buffer impact screen requirements are modified through increased or decreased requirements, or be waived entirely by the Planning Commission and City Council with approval of a site plan. Such buffer screen requirements shall not reduce or eliminate required street connections between developments as required by Section 17.376 of the City of Spring Hill Subdivision Regulations.

(Ord. 2006-48)

E. Buffer/Screen Design Standards.

1. General. Buffer areas shall contain no driveways, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Section. Underground utilities may be permitted to cross a buffer if the screening standards of this Section will be subsequently achieved. Required vehicular access through a buffer may be allowed as a condition of preliminary development plan approval.

2. Natural Buffers. Natural buffers may contain deciduous or perennial vegetation but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

a. A planting screen shall consist of compact evergreen plants or other suitable plants. They shall be of a kind, or used in such a manner, so as to provide an effective screen at least 6 feet in height within 2 growing seasons after initial installation. A planting screen intended for parking lot screenings shall have a minimum height of 3 feet within 2 growing seasons.

3. Structural Buffers. Structural buffers shall meet the following criteria:

   a. Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.

   b. All earthen berms shall have a maximum side slope of three (3) horizontal to one (1) vertical (3:1). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.

   c. Trees shall be located or planted within any structural buffer at a density of no less than one (1) tree for each thirty (30) feet of buffer length or portion thereof. New trees shall have a caliper of no less than 2 ½ inches upon planting and may be clustered for decorative effect, following professional landscaping standards for spacing, location, and design.

   d. Fences and freestanding walls shall present a finished and decorative appearance to the abutting property. Where a fence or wall is set back from the property line, shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.

(Ord. 2006-48)

F. Minimum Buffer/Screen Requirements. A buffer/screen required by this Section shall meet the following criteria:

1. Width of Buffer.
   a. Side Lot Line. Buffers required along any side lot line shall be no less than 20 feet or as approved by the Planning Commission and City Council.

   b. Rear Lot Line. Buffers required along any rear lot line shall be no less than 20 feet or as approved by the Planning Commission and City Council.

2. Minimum Required Screening. Minimum required screening shall conform to Section 17.360.H depending on the impact identified. Structural buffers (high impact screening) shall meet the height required when installed. Planted materials (trees and shrubs) shall meet the expected opacity within 2 growing seasons.

3. Maintenance. Every buffer required by this Section shall be maintained by the owner of the property where the buffer is located, in order to provide the visual screen at the opacity identified, on a year-round basis. Should the buffer not be installed, maintained, and replaced as needed to comply with the approved plan, the owner and his agent or agents shall be considered in violation of the terms of the Building or Occupancy Permit. The Building Inspector or his designee is empowered to enforce

the terms of this Code.

4. Buffer Modifications.
   a. If a structural buffer with landscaping is provided that creates an opaque screen to a height of no less than 8 feet instead of 6 feet, the buffer may be reduced to a width of no less than 10 feet.

   b. The Planning Commission and City Council may reduce the extent of a buffer or waive the buffer requirement to a temporarily appropriate level of screening if the *Comprehensive Plan* anticipates future development on the adjoining property in a land use category such that a buffer would not be required by this Section once the adjoining property is rezoned or developed.

(Ord. 2006-48)

G. Required Typical Impact Screens. The following impact screens shall be required between any district as identified in the Table of Buffer / Screen Impact in which the perspective development is located and adjacent to or across from, unless modifications are granted in accordance with Sections 17.360.D.1.a or 17.360.F.4.

1. High Impact Screening. A 100 percent opaque screen between land uses, which are dissimilar in character. When the proposed plan is considered to have a high impact on surrounding properties or the adjacent property is considered to have an adverse impact, both the following shall be installed within the buffer yard: (1) a six foot high masonry wall or opaque fence, (2) and low impact screening shall be planted on both sides of the wall or fence.

2. Medium Impact Screening. A 70 percent semi-opaque screen between land uses, which are dissimilar in character. Semi-opaque screening should partially block views from adjoining land uses and create separation between the adjoining land uses. For medium impact screening, either a landscape screen or a wall / fencing are required. A medium impact landscape screen must meet one of the following screening options:

Medium Impact Screen A

Shade Trees	1 / 500 square feet
Ornamental Trees	1 / 750 square feet
Evergreen Trees	1 / 300 square feet
Shrubs	1 / 200 square feet

Medium Impact Screen B

Shade Trees	1 / 1,000 square feet
Ornamental Trees	1 / 500 square feet
Evergreen Trees	1 / 300 square feet
Shrubs	1 / 200 square feet

Medium Impact Screen C

Shade Trees	1 / 750 square feet
Ornamental Trees	0
Evergreen Trees	1 / 200 square feet
Shrubs	1 / 200 square feet

3. Low Impact Screening. An open screen between relatively similar land uses which shall provide an attractive separation between land uses. A low impact landscape screen consists of one of the following screening options:

Low Impact Screen A

Shade Trees	1 / 500 square feet
Ornamental Trees	1 / 750 square feet
Evergreen Trees	1 / 500 square feet
Shrubs	1 / 500 square feet

Low Impact Screen B

Shade Trees	1 / 1,000 square feet
Ornamental Trees	1 / 500 square feet
Evergreen Trees	1 / 500 square feet
Shrubs	1 / 500 square feet

Low Impact Screen C

Shade Trees	1 / 750 square feet
Ornamental Trees	1 / 750 square feet
Evergreen Trees	1 / 750 square feet
Shrubs	1 / 200 square feet

(Table of Buffer / Screen Impact continued on next page)

Table of Buffer / Screen Impact

Proposed Use	Adjoining Use												
	AG	R-R	R-1 / RP-1	R-2 / RP-2	R-3 / RP-3	R-4 / RP-4	MH	C-O / CP-O	C-1 / CP-1	C-2 / CP-2	MP	M-1	
AG[1]				L	M	M	M	M	M	H	H	H	
R-R[1]				L	M	M	M	M	M	H	H	H	
R-1 / RP-1[1]				L	M	M	M	M	M	H	H	H	
R-2 / RP-2[1]	L	L	L		L	M	M	M	M	H	H	H	
R-3 / RP-3[1]	M	M	M	L		M	M	M	M	H	H	H	
R-4 / RP-4[1]	M	M	H	M	M		M	M	M	H	H	H	
MH[1]/ MHP[1]	M	M	H	H	H	H		M	H	H	H	H	
C-O /CP-O	M	M	M	M	M	M	M		L	L	M	M	
C-1 / CP-1	M	M	M	M	M	M	H	L		L	M	M	
C-2 / CP-2	H	H	H	H	H	H	H	L	L		M	M	
MP	H	H	H	H	H	H	H	M	M	M		L	
M-1	H	H	H	H	H	H	H	M	M	M	L		

[1] As set forth by Section 17.360.E.1.b, residential zoned developments zoned AG through MH shall not be required to provide a buffer screen adjacent to nonresidential properties zoned C-O through M-1 unless such nonresidential properties are built prior to the development of the residential zoned property and a buffer screen was not provided by the nonresidential zoned property at the time of development.
(Ord. 2006-48)

I. Transition Buffer Impact Screens between Urban Residential Subdivisions and Unincorporated Large Lot/Parcels. The following buffer impact screens shall be provided by residential developments adjacent to unincorporated large lot/parcels of one to five acres unless such buffer impact screen requirements are modified through increased or decreased requirements, or be waived entirely by the Planning Commission and City Council with approval of a site plan, plat or planned zoning district classifications.

1. The lot area for lots adjacent to existing large lot/parcels shall be a minimum of 14,200 square feet.
2. The rear yard setback or side yard setback where applicable, adjacent to the large lot/parcel shall be a minimum 50 feet.
3. A medium impact screen shall be provided in accordance with Section 17.360.H.2 within a buffer area no less than 20 feet in width.
4. Any existing natural features and vegetation shall be preserved to the maximum extent possible and incorporated into the foregoing buffers. Utility easements shall not be placed within the buffer area or within the drip line of trees to be preserved.
   (2007-09 5/2007)

SECTION 17.362 - CERTIFICATE OF OCCUPANCY

A. Certificate of Occupancy. No change in the character or use of land or of a building shall be made, nor shall any new or old building or structure be so occupied or used until a Certificate of Occupancy (closure of building permit) is issued by the Building Inspector or his authorized representative, certifying that such building or use complies with all regulations of the zoning ordinance, building code and all other ordinances and regulations applicable thereto. Upon issuance of a Certificate of Occupancy the building permit will be closed. (Ord. 2003-32)

B. Records. A record shall be kept on file at City Hall of all Certificates of Occupancy issued. Records shall contain the location, the use, the date approved and any remarks about time or time limits. The records will make note of any exceptions granted or anything that is to be completed in the proper season and incomplete items will be given a completion date and extended to that date for review.

C. Connection with Sewer System Required. No Certificate of Occupancy shall hereafter be issued by the Building Inspector or his authorized representative for any and all buildings of any and all zoning classification until the building is connected with a public sanitary sewer system or other system approved by the appropriate County Health Officer.

D. Parking. Before a Certificate of Occupancy is issued on a new use or change in use of an existing building or structure, all parking requirements shall be met.

E. Exceptions Granted. The Governing Body, upon good cause being shown and after a public hearing, may grant an exception from the provisions of this section by a two-thirds vote of the Governing Body present at such hearing.

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SECTION 17.364 - RULES OF PROCEDURE GOVERNING ZONING APPLICATIONS

A. Who May Apply for Changes in Zoning Map or Title? An application for rezoning action may be made by an owner of land or his authorized agent by filling out an application form furnished by the City. The application must contain the appropriate legal description and signature of the property owner and his agent (if any). The application shall show the present zoning and the proposed new zoning. It will also show the reason why such zoning should be granted.

B. Application. A complete application for an amendment to the official zoning map or to the text of the Zoning Ordinance shall be submitted to the Zoning Administrator in a form established by the Administrator, along with a nonrefundable fee that has been established by resolution to defray the cost of processing the application. Each application for an amendment to the zoning map shall be accompanied by the following:

1. A concept plan.

2. Proof of adequate public facilities as set forth by Section 17.370.F of the City of Spring Hill Subdivision Regulations.

3. No application shall be processed until the application is complete and the required fee has been paid.

(Ord. 2006-48)

C. Newspaper Publication. The City will be responsible for publishing at least once in the official City newspaper the notice of the public hearing in the official City newspaper not less than 20 days prior to the date of the public hearing. Such notice shall fix a statement regarding the time and place regarding the proposed changes in the boundary on classification of any zoning district. (Ord. 2006-48)

D. Review Criteria. The criteria for review of a proposed amendment to the official zoning map or the text of the Zoning Code are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or Governing Body in reaching a decision. The criteria to be considered shall be as follows:

1. consistent with purposes of this regulation and intent of the proposed district;

2. character of the neighborhood;

3. zoning and uses of nearby parcels;

4. requested because of changing conditions;

5. suitability of parcel for uses restricted by the current zone;

6. suitability of parcel for uses permitted by the proposed district;

7. detrimental effects on nearby parcels;

8. proposed amendment corrects an error;

9. length of time of property has been vacant;

10. adequacy of current facilities;

11. conformity with the Comprehensive Plan;

12. hardship if application is denied;

13. any additional information; and

14. recommendation of the Zoning Administrator.

The applicant shall have the burden of demonstrating that the proposal meets the applicable review criteria.

E. Certified List of Property Owners. The applicant shall furnish to the City Clerk a certified list of all owners of record of lands located within at least 200 feet of the area proposed to be altered in the city limits; and the area of notification shall be extended to at least 1,000 feet in the unincorporated area when properties proposed to be altered are located adjacent to or outside of the city limits. The list shall include title owners of such property, their mailing addresses, and a legal description of their property. This information must be obtained through a title insurance company. Twenty days prior to the hearing, the Zoning Administrator shall mail to all parties described, a copy of the published notice of the hearing.
(Ord. 2006-48; Ord 2016-04)

F. Posting of Sign. Upon application for rezoning, the applicant shall post a sign, as provided by the City Clerk, on the property in question. The rezoning sign must be posted not less than 15 days prior to the date of the public hearing to be held by the Planning Commission. The sign may be posted anytime in advance of that 15-day minimum. The applicant shall place the sign within five feet of the street right-of-way in a central position on the property to be rezoned. The site may require the posting of two such signs if fronting on two major streets and if the site is more than five acres. The bottom of the sign shall be raised a minimum of two feet above the ground line. The owner or agent shall present a letter to the City Clerk stating the day the sign was posted and that he personally checked the sign, and as of the date of the hearing the sign was still posted. The sign shall remain posted until after Governing Body action and shall then be removed by the applicant. (Ord. 2006-48)

G. Application and Application Review. The applicant will file a completed application for rezoning and other required documents with the Zoning Administrator 20 days prior to the public hearing. The staff will review the application and the applicant may obtain a copy of the staff review at the same time that it is sent to the Planning Commission.

H. Public Hearing by the Planning Commission. The Planning Commission meets on the first Thursday of each month with the exception of holidays. The Chairman of the Planning Commission will announce each application. A short review of the staff comments will then be presented. The applicant will then be allowed to make any presentation or statement desired. The Chairman will then ask if there is anyone else who wishes to speak in favor of the application. At the termination of those speaking in favor of the application, the Chairman will ask for those who wish to speak in opposition to the application. After discussion has concluded, the Planning Commission will take action on each application in the form of recommendation for approval, denial or continuance until a later date.

I. Protest Period and Petition. After the conclusion of the Planning Commission public hearing, a 14 day protest period begins, during which time of all owners of record of lands located either within: 200 feet in the city limits or 1000 feet adjacent to or outside of the city limits of the area proposed to be zoned may file with the City Clerk a petition indicating their protest to the proposed rezoning application. To be valid, the petition must be filed within the 14 days immediately following the conclusion of the Planning Commission hearing and must be signed by the owners of record of 20 percent or more of the total real property within the area required to be notified by this act of the proposed rezoning of a specific property located either within: 200 feet in the city limits or 1000 feet adjacent to or outside of the city limits of the area proposed to be rezoned, excluding public street right-of-way and property excluded pursuant to Section 17.364.I.1. Copies of the protest petition form are available at City Hall. (Ord 2016-04; Ord 2016-04)

1. For the purpose of determining the sufficiency of a protest petition, if the proposed rezoning was requested by the owner of the specific property subject to the rezoning or the owner of the specific property subject to the rezoning does not oppose in writing such rezoning, such property also shall be excluded when calculating the “total real property within the area required to be notified” as that phrase is used in Section 17.364.I

J. Governing Body Action. After the 14-day protest period has concluded, the application will be placed on an agenda for Governing Body action. The Planning Commission will forward with the application the results of the hearing held by the Planning Commission. If a petition has been filed in opposition to the rezoning, a favorable vote of three-fourths of all Council members is required to approve the application.

1. At the time of the City Council meeting, the City staff will make a brief presentation. An opportunity is then available for the applicant to make any presentation or statement desired. After the discussion has concluded, the Governing Body will take action on each application in the form of:

- adopt such recommendation by ordinance,
- override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body,
- return such recommendations to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove,
- denial, or
- continuance.

The application may be continued to the following meeting.

2. If the Governing Body returns the Planning Commission's recommendations, the Planning Commission, after considering the same, may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Panning Commission as a resubmission of the original recommendation and proceed accordingly.

(Ord. 2004-41; 2006-48)

K. Continuances - Action Required of Applicant. Upon request of the applicant to the Secretary of the Planning Commission, one continuance may be granted of the hearing before the Planning Commission; and one continuance may be granted for 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 month. The applicant shall notify all the owners of record of lands located either within: 200 feet in the city limits or 1000 feet adjacent to or outside of the city limits, of the area proposed to be zoned of the area for which the rezoning application has been filed. Such notice shall be given by certified mail, return receipt requested, and shall state that the matter has been continued at the request of the applicant, and the date to which such an application is continued. In the event there is not sufficient time to give notice by mail, the applicant shall attempt to contact each of such owners by telephone, advising of the continuance and the date to which such application is continued. The applicant shall file an affidavit that such notice has been given, the manner and the time thereof. (Ord 2016-04)

L. Traffic Study for Rezoning. In the case of an application for rezoning of land for use, which may, in the opinion of staff, the Planning Commission or the Governing Body, substantially change traffic patterns, or create traffic congestion, either body may, by motion, require that the applicant procure the services of a competent professional traffic engineer for the purpose of preparing a traffic study. Such traffic study shall show that the traffic generated by the proposed development will be handled on the site in an orderly and efficient manner, and that vehicular ingress and egress from the site onto public streets will function in an orderly and efficient

manner. (Ord. 2006-48)

M. Conflict with Other Laws. In interpreting and applying the provisions of this title, said provisions shall be held to be the minimum requirements for the promotion of health, safety, morals or general welfare. Whenever this title requires a lower height of building or less number of stories, or requires a greater percentage of lot to be left unoccupied, or imposes higher standards than are required in any other statute or local regulation, this title shall govern.

N. Saving Clause. All rights or remedies of the Governing Body and Planning Commission of the City of Spring Hill, Kansas, are expressly saved as to any and all violations of previous zoning regulations or amendments thereto, of said City that have accrued at the time of the effective date of this Code; and as to such accrued violations, the courts shall have all the powers that existed prior to the effective date of this Code, and that all existing violations of previous zoning regulations which would otherwise become nonconforming uses under this Code shall not become legal nonconforming uses under this Code, but shall be considered as violations of this Code in the same manner that they were violations of prior zoning regulations of said City. (Ord. 2006-48)

O. Invalidity of a Part Not to Affect Remaining Portions. If any section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this title.

P. Penalty. It is unlawful for any person to violate any of the provisions of this code.

Any person violating the provisions of these rules and regulations shall upon conviction thereof be fined a sum not to exceed Two Thousand Five Hundred Dollars ($2,500.00) or confined to the county jail for a period not to exceed 179 days or both such fine and confinement. In addition to proceeding under authority of this code, the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these rules and regulations and to abate addition to other remedies, institute injunction, mandamus, or other appropriate actions or proceedings to prevent such violations.

Each day any violation of these rules and regulations continues shall constitute a separate offense.

Nothing herein contained shall prevent the City of Spring Hill, Kansas, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

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SECTION 17.366 - BOARD OF ZONING APPEALS

A. Continuance - Authority of Board. The Board of Zoning Appeals is continued in accordance with the provisions of K.S.A. 12-759 and amendments thereof, and authorizing the Board to administer the details of the application of this title and making regulations in accordance with the application of this title and making regulations in accordance with the general rules set forth in the zoning title, including the power to hear and determine appeals from the refusal of building permits and to permit exceptions to, or variations from, the zoning regulations in the classes of cases or situations and in accordance with the purpose, conditions, and amendments thereof, provided that the word "Board" when used in this section means the Board of Zoning Appeals.

B. Membership. The Board shall consist of five members who shall be taxpayers and residents of the City. All members shall be appointed by the Mayor by and with the consent of the Governing Body; provided that a member may be removed by the Mayor with the consent of the Governing Body; the consent to be given by resolution of the Governing Body for cause upon written charges filed with the secretary of the Board; provided that no removal shall occur until after a public hearing is held to consider the written charges.

C. Term. A member shall be appointed to serve a term of three years on the Board from the date of his or her appointment, except where a member is appointed to serve for the balance or the unexpired term of a vacated membership, in which event the member shall serve for the balance of the unexpired term; provided that the Board members serving on the date of enactment of the adoption of this Code will continue to serve until the expiration of the term for which said members shall continue to serve until his or her replacement shall have been appointed.

D. Officers. The members of the Board shall elect from their membership a Chairman and shall appoint a Secretary, each of who shall serve for a term of one year from the date of their election or appointment by the Board.

E. Compensation. All members of the Board shall serve without compensation.

F. Rules of Procedure. The Board shall adopt rules of procedure in accordance with the authority conferred by K.S.A. 12-759 and amendments thereof.

G. Meetings. Meetings of the Board shall be held at the call of the Chair, provided that whenever three or more members of the Board request the Chair to summon a meeting of the Board, the Chair shall call a meeting; provided further that the Secretary of the Board shall keep minutes of its proceedings and official actions, and shall keep records for its examinations and findings, and shall file the same in the office of the Board or such other public place within the City where public records are filed; provided further that the presence of three members of the Board shall constitute a quorum for transacting business and taking official action; provided further that the concurring vote of at least three members of the Board shall be necessary to affect a

ruling of the Board.

H. Duties to Administer of Appeals - Variances and Exceptions. The Board of Zoning appeals shall administer the details of appeals from this title or other matters referred to it regarding the application of this title, including the power to hear and determine appeals from the refusal of building permits and to grant variances and exceptions to this title as hereinafter provided.

I. Appeals - Procedure. Appeals to the Board 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 this title. The Board shall have power to hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the zoning title. Such appeals shall be filed with the Secretary of the Board within thirty days from the date of the decision by the officer administering the zoning title, which decision is appealed, and such appeal shall specify in writing the grounds for the appeal; provided that, notice of the appeal shall be served upon the person whose decision is being appealed by providing said person with a copy of the appeal; provided further that, when the officer is notified that his decision is being appealed, the officer shall forthwith transmit to the Secretary of the Board a transcript of all proceedings from which the appeal is taken; provided further that, and appellant upon filing an appeal with the Secretary of the Board shall pay the required fee set by resolution.

J. Application of Appeal. Any person may apply to the Board for variances and exceptions to this title upon payment to the Secretary of the Board the required fee. The Board may grant variances and exceptions to this title in the manner provided in Sections 17.366.K and 17.366.L.

K. Variances. The Board may grant a variance from the specific terms of the zoning title which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the title will result in unnecessary hardship for the applicant and provided that the spirit of this title shall be observed, the public safety and welfare secured, and substantial justice done for the applicant. Such variance shall not permit any use not permitted by said title in such district. An application for a variance may be granted upon a finding by the Board the all of the following conditions have been met:

1. 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.

2. That the granting of the permit for the variance will not adversely affect the right of adjacent property owners or residents.

3. That the strict application of the provisions of this title of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

5. That the granting of the variance desired will not be opposed to the general spirit and intent of the zoning title.

L. Exceptions. The Board may grant exceptions to the provisions of this title when the Board is specifically authorized to grant such exceptions by the terms of the zoning title. In no event shall exceptions to the provisions of the zoning title be granted when the use or exception contemplated is not specifically listed as an exception in the zoning title. Further, the Board shall not have the power to grant an exception when the conditions of such an exception, as established by the Governing Body in this title, are not found to be present.

M. Dissatisfaction with Determination of Board. Any person, official, or governmental agency dissatisfied with any order or determination of the Board may bring an action in the Johnson County or Miami County District Court to determine the reasonableness of any such order of determination.

N. Hearing Before Board. The City shall mail on or before ten days from the date of hearing set for an appeal or application a copy of the same to the owners of record of all real property (in accordance with Section 17.364.E) located either within: 200 feet in the city limits or 1000 feet adjacent to or outside of the city limits of the boundaries of the property which is the subject of the appeal. (Ord 2016-04)

O. Plat to be Filed Secretary of Board. The appellant or applicant shall file with the Secretary of the board on or before 20 days prior to the date of hearing set for an appeal or application, a plat of the land which is the subject of the appeal or application, said plat being drawn to scale and showing the ownership of all real estate located either within: 200 feet in the city limits or 1000 feet adjacent to or outside of the city limits from the boundaries of appellant's or applicant's real property; provided that an appellant or applicant shall show on said plat the location of all present and proposed improvements relating to appellant's or applicant's real property.
(Ord 2016-04)

P. Time for Hearing Appeal or Application. When an appeal or application has been filed with the Secretary of the Board, said Secretary shall notify the Chair who will call a meeting of the Board; provided that notice of the time, place, and subject of the hearing shall be published in the official newspaper of the City once on a date not less than twenty days prior to the date set for the hearing; provided further that a copy of the publication notice shall be mailed to each party to the appeal within seven days from the date of publication.

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SECTION 17.368 - LEGALITIES, SEVERABILITY, VESTING OF DEVELOPMENT RIGHTS, APPEALS, PENALTIES

A. Legality. See Section 17.364.C of this Code.

B. Severability. If any section, subsection, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed separate, distinct and independent provisions and such holding shall not affect the validity of the remaining portions of this Code.

C. Vesting of Development Rights.

1. For the purpose of single-family residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.

2. For all purposes other than singe-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by a city or county and construction has begun and substantial amounts of work have been completed under a validly issued permit.

3. The Governing Body may provide in zoning regulations for earlier vesting of development rights, however, vesting shall occur in the same manner for all uses of land within a land-use classification under the adopted zoning regulations.

4. The provisions of this section shall become effective on and after August 14, 1997.

D. Appeals.

1. The Governing Body's decision on an application for an amendment to the official zoning map or to the text of this Zoning Code shall be the final local action. Appeals of such final local action shall be taken to the district court in and for the Tenth Judicial District of the State of Kansas.

2. The provisions of this section shall become effective on and after August 14, 1997.

E. Penalties.

1. The City may seek such criminal or civil penalties as are provided by Kansas law, municipal or county code. Any violation occurring within the City shall be punished in accordance with Section 17-303A. For purposes of these penalties, each day's violation shall constitute a separate offense. (Ord 2016-04)

2. Any city, and any person the value or use of whose property is or may be affected by such

violation, shall have the authority to maintain suits or actions in any court or competent jurisdiction to enforce the adopted zoning regulations and to abate nuisances maintained in violation thereof.

3. Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained or any building, structure or land is or is proposed to be, used in violation of any zoning regulations, the city, or in the event the violation relates to a provision concerning flood plain zoning, the attorney general and the chief engineer of the division of water resources of the Kansas state board of agriculture, in addition to other remedies, may 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 such building, structure or land.

4. Any person, company, corporation, institution, municipality or agency of the state that violates any provision of any regulation relating to flood plain zoning shall be subject to the penalties and remedies provided for herein.

SPRING HILL SUBDIVISION REGULATIONS

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SECTION 17.370 - GENERAL PROVISIONS

A. Title and Scope. These Regulations, entitled the Spring Hill Subdivision Regulations, prescribe minimum design requirements and approval procedures for the development of new subdivisions and re-subdivisions of land in the City of Spring Hill. (Ord 2016-04)

B. Purpose. The division and improvement of land for urban development has a significant and lasting impact upon the physical environment of Spring Hill and places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant capital investments and failure to adequately size and construct sewers and streets, insure adequate water supplies, manage storm water runoff and erosion, and plan for public services may result in physical and environmental problems which are difficult and costly to resolve.

These Regulations set forth uniform rules and procedures for the division and improvement of real property to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facilities systems, to prevent potential environmental hazards, and to coordinate the use of private and public resources to achieve planned and orderly land development through the proper location and design of streets, building lines, open spaces, and utilities and the standards by which streets, utilities and other physical improvements shall be erected, constructed and installed.

In addition, the Community Development Recommendations of the Spring Hill Comprehensive Plan including the Planning Principles and Design Guidelines will supplement these Regulations. The purpose of the Comprehensive Plan Recommendations is to provide quality and design criteria relating to all development within the City.
(Ord. 2006-48)

C. Applicability. The provisions and regulations of this chapter apply to all zoning districts, except the provisions of any section of these regulations may be modified in planned zoning districts in accordance with the recommendations of the *Comprehensive Plan* and its associated Planning Principles and Design Guidelines, provided such modifications will not be contrary to the public interest or will not place unnecessary burden on the City.

Except as otherwise provided in this chapter, no subdivision may be developed until both a preliminary and final plat have been approved and filed in accordance with these provisions and the consideration of the *Comprehensive Plan*, *Major Thoroughfare Plan*, *Planning Principles and Design Guidelines*, and any applicable studies and plans approved by the Planning Commission and the Governing Body. Approval of a preliminary plat does not constitute acceptance of the subdivision, but authorizes preparation of the final plat. No improvements shall take place in the subdivision prior to approval and recording of the final plat and submittal and approval of street, sanitary sewer, water line and storm sewer construction plans by the City Engineer.

These Regulations shall apply to any person desiring to do any of the following:

1. Subdivide or further subdivide any lot or tract of land into two or more parts.

2. Re-subdivide any lot or tract of land that has previously been subdivided into two or more parts.

3. Establish any street, alley, sidewalk, park or other property intended for public use or for the use of prospective or existing owners of lots or tracts of land fronting on or adjacent to such property.

The owner(s) of any land located within Spring Hill subdividing said land in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the provisions of these Regulations. No building permit will hereafter be issued by the City of Spring Hill for construction on any land that has not been subdivided in compliance with these Regulations and all other applicable state laws and City of Spring Hill regulations in effect at the time of the subdivision of said land. (Ord 2016-04)

4. After the effective date of these Subdivision Regulations, the owner or owners of any land, subdividing the same into two or more lots, blocks, tracts, or parcels, shall cause a subdivision plat or parcel split to be made.

(Ord. 2006-48)

D. Exemptions. These Regulations shall not apply in the following instances or transactions:

1. Any lot or tract of land located within the area governed by these Regulations that has been legally subdivided or platted prior to the effective date of these Regulations. Exemptions from these Regulations shall not apply to any subsequent subdivision of a lot or tract.

2. The division or further division of land into tracts of 10 acres or more when subdivided only for agricultural use and does not involve or result in the creation of new streets, easements of access or other dedication.

3. A transaction between owners of adjoining tracts of land or lots which involves only a change in the boundary between the land owned by such persons, provided no additional lots are created and such tracts of land or lots comply with the design requirements for lots in Section 17.376.D of these Regulations and applicable provisions of the Spring Hill Zoning Regulations.

4. The use of land for right-of-way by railroad or public utilities subject to local, state, or federal regulations, provided no new street is involved.

5. The division of a tract of land or lot which creates no more than one additional tract or lot subject to the provisions for tract or lot splits described in Section 17.374 of these Regulations and provided such division does not involve the creation of any new streets or easements of access and such newly created tracts or lots comply with the design requirements for lots in Section 17.376.D of these Regulations and applicable provisions of the Spring Hill Zoning Regulations. Any further division of the lot or tract of land shall be platted in compliance with the requirements of these Regulations.

E. **Definitions.** For the purpose of these Regulations, certain terms, words, and phrases are hereby defined and shall have the meaning assigned to them in this Section when used or referred to throughout these Regulations.

1. Access means the right to cross between public and private property, allowing pedestrians and vehicles to enter and leave property.

2. Adequate Public Facilities means those facilities relating to roads, sewer systems, schools, water supply and distribution systems, and fire protection that meet adopted level of service standards.

3. Alley means a dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property, the right-of-way, which is 20 feet in width.

4. Agricultural Use means the use of a tract of land for the raising of crops, animal husbandry, dairying, pasturage, general farming, truck farming, cultivation of field crops, orchards, groves, raising fish, birds, or poultry; and accessory uses necessary for the carrying out of farming operations, including structures for storage, processing, or sale of products raised on the premises. Agricultural uses shall not include the following:

a. The operation or maintenance of greenhouses, nurseries or hydroponic farms operated at retail.

b. Wholesale or retail sales as an accessory use unless the same are permitted by these Regulations.

c. The operation or maintenance of a commercial stockyard or feedlot.

(Ord. 2006-48)

5. Arterial Street (or boulevard) means an arterial street or thoroughfare, which primarily serves as a transportation link for vehicular traffic, and also serves as a formally designed street of distinguished character to establish community identity. (Ord. 2006-48)

6. Block means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, right-of-ways, shoreline of waterways, or boundary lines of municipalities.

7. Bond means any form of security, including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City Attorney. The City Attorney shall approve all bonds whenever a bond is required by these Subdivision Regulations.

8. Collector Street (or avenue) means a road intended to move traffic from local streets to secondary arterials, and also serves as a formally designed roadway to create special character and identity within a development. A collector street serves a neighborhood or large subdivision and should be designed so that no residential properties face onto it, unless a well connected supporting street network is provided to diffuse traffic through the development. A collector street (avenue) design includes wider sidewalks set further back from the street, buildings set further back from the roadway, and more extensive landscape treatment than a typical local street. Such roadways may also incorporate on-street bike-lanes, and in some locations include a landscape median or common left-turn lane. (Ord. 2006-48)

9. Comprehensive Plan means the Spring Hill Comprehensive Plan, as adopted by the Spring Hill City Council in April 1996, and as amended from time to time.

10. Corner Lot means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

11. City Attorney means the City Attorney, or such licensed attorney designated by the Governing Body to furnish legal assistance for the administration of these Regulations.

12. City Engineer means the City Engineer or such licensed professional engineer designated by the Governing Body to provide engineering assistance in administering these and other regulations governing areas of the normal responsibilities assigned to the City Engineer.

13. County Health Officer means the Director of the County Health Department or such person designated to administer the health regulations of the County.

14. Cul-De-Sac means a local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

15. Dead End Street means a street having only one outlet and having no turnaround.

16. Developer means the owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these Regulations for the purpose of subdividing land.

17. Double Frontage means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

18. Easement means an authorization by a property owner for the use by another, for a specified purpose, of any designated part of his property.

19. Final Plat means the map or plan or record of a subdivision and any accompanying materials, as described in the Subdivision Regulations.

20. Frontage means

a. Street Frontage. All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

b. Lot Frontage. The distance for which the front boundary line of the lot and the right-of-way are coincidental.

21. Frontage Road means a public or private marginal 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 unlimited ingress and egress to such street or highway by providing points of access at generally uniformly spaced intervals.

22. Governing Body means the Spring Hill City Council and Mayor. (Ord. 2006-48)

23. Deleted Growth Area Ord 2016-04.

24. Grade means the slope of a road, street or other public way, specified in percent.

25. Improvements means all facilities constructed or erected by the developer and/or City within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial or industrial use.

26. Local Street means a road intended to provide access to other roads from individual properties.

27. Lot means a portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by these Regulations. A lot may be more than one lot of record or may be a metes-and-bounds described tract having its principal frontage upon a street or officially approved place.

28. Monument means the device, usually a metallic bar or tubes, used to mark and identify the corners in the boundaries of subdivisions or lots.

29. Offset Street means a continuous street whose centerline is not tangent through an intersection.

30. Open Space means any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include common, active and landscaped areas, as well as, areas of natural preservation.

a. Open space, active means that part of the net site area of a development that may be improved or set aside, dedicated, designated or reserved for recreational use such as swimming pools, play equipment for children, ball fields, picnic tables, sports courts, etc. Such open space may also include turf/lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas such as commonly found in a neighborhood park.

b. Open space, common means that part of the net site area of a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of a development. In no case shall common open space include required setback areas or contain structures other than those intended for landscape or recreational purposes.

c. Open Space, natural (Also called passive or preserve) means essentially unimproved land or water area, not individually owned, that is part of the net site

area of a development and is designed and intended for the common use or enjoyment of the residents of a development. Such open space may include natural features which are physical characteristics of properties that are not man-made (e.g. soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife).

(Ord. 2006-48)

31. Owner means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.

32. Parkway means a wide roadway that may vary in character and traffic carrying capacity ranging from a collector street (avenue) through a neighborhood to an arterial street with a boulevard character. A parkway design typically consists of a meandering divided roadway with special features incorporated in a varying sized median. In limited locations a parkway may not include a median where the parkway extends through or along side a park, drainage corridor, or natural open space area. (Ord. 2006-48)

33. Preliminary Plat means the preliminary drawing or drawings, described in these Regulations, indicating the proposed manner or layout of the subdivision.

34. Re-subdivision means a change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. Tract or lot splitting may be allowed as specified within these Regulations.

35. Right-Of-Way means a strip of land 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 another special use. The usage of the term "right-of-way" hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions of areas of such lots or parcels.

36. Setback means the distance between a building and the lot line nearest thereto.

37. Sidewalk means a paved walkway located along the side of a street.

38. Street means a right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.

39. Subdivision mean any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of 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-bounds description map, plat or other recorded instrument.

40. Subdivision, Non-Residential means a subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these Regulations.

41. Tract or Lot Split means the dividing or redividing of a lot or tract of land into not more than two tracts or lots subject to the criteria within these Regulations.

42. Walkways means where blocks have substantial pedestrian traffic may occur such as adjacent to schools, the Planning Commission may require pedestrian walkways through blocks. Such walkways shall be 10 feet in width, shall be adequately fenced and shall contain a concrete walk the entire length. Such walkways shall be dedicated to the public in the same manner as streets.

43. Zoning Administrator means the Community Development Director for the City of Spring Hill. (Ord 2016-04)

F. Adequate Public Facilities and Services.

1. In order to prevent the premature development of land which might pose a threat to the health, safety or general welfare of the community at large, or the occupants of land in the particular area of the City, it shall be the policy of the City that no application for conditional use permit, preliminary or final development plan or preliminary or final plat shall be approved unless public facilities and services are available, or will be provided as a condition of the application, which are adequate to serve the development.

2. For purposes of this section, the determination of the adequacy of public facilities and services shall be made in accordance with the following criteria.

a. The road network serving the site shall be capable of handling the increased traffic generated by the development. The Governing Body has the discretion to require the creation of a benefit district for the improvement of nearby arterial streets to ensure that the road network is capable of handling present and future traffic caused by development in the area.

b. The development must be served by a public sanitary sewer system. Sewer lines

and sewage treatment plant capacity must be certified by the City Engineer as being capable of handling the waste flows from the development. Exceptions to sanitary sewers (i.e., private sewage disposal systems) shall be in accordance with the provisions set forth by the Sewer Regulations of the City of Spring Hill Chapter 13, Article 5.

c. The development must have access to a public water supply. Water lines must be certified by the City Engineer or the appropriate water district as being capable of serving the development.

d. The development must have an adequate drainage system. The utilization of on-site or on-stream detention and natural drainage ways is recommended. Storm drainage shall be carried by enclosed systems or open channels, as certified by the City Engineer.

e. Fire protection services should be available to the development.

3. Where adequate public facilities and services are not in place or scheduled to be constructed within one (1) year of the consideration of the application, the City may make approval of the application subject to adequate facilities being provided as described in 17.370.F.2. In determining whether such conditional approval is appropriate, the Planning Commission and the Governing Body shall consider the following factors:

a. The nature, extent and estimated cost of the required facilities or services.

b. The proposed method of providing the adequate facilities.

c. The extent to which other property owners would be required to share in the cost of the improvements.

d. Any public amenities to be provided by the development, such as the donation or dedication of land or improvements for public facilities or services including, but not limited to, water, sewers and streets.

4. An applicant may propose to provide adequate facilities as described in 17.370.F.2, by either providing the facilities or services at their own expense or by agreeing with the City to fund all or a part of the cost of such improvements. The intent of the effect of either method shall be to offset fairly and equitably the timing of the costs of the improvements or any higher net public costs resulting from the impact of the development. In any computations of additional net public costs, the differences between otherwise anticipated public costs and development impact costs, and otherwise anticipated public revenue and development impact revenues shall be considered, among other factors. The Planning Commission or Governing Body may

require expert determination and analysis of public costs and revenues and the development's impact thereon.

5. In the event that an application does not establish adequacy of facilities and services pursuant to the criteria set forth in Section 17.370.F.2, and the applicant does not propose to provide the adequate facilities and services, approval of the application may occur only upon express findings that, due to the nature of the proposed development, the occupants of the development will not be endangered and the inadequacy of a particular facility or service will not pose a threat to the health, safety or general welfare of nearby properties or the community at large. In cases where a prior development application has established the adequacy of public facilities, or where the adequacy of public facilities is evident based upon the location of the property, the Planning Commission may waive the requirement that the applicant provide assurances of any or all public facilities or services as part of the application process.

(Ord. 2006-48)

SECTION 17.372 - PROCEDURE FOR APPROVAL OF SUBDIVISIONS

A. General Provisions. This Section establishes uniform procedures and platting requirements for subdivisions subject to these Regulations. No final plat shall be filed with the County Register of Deeds as required by law until the Spring Hill Planning Commission has acted it upon and approved by the Governing Body as required herein.

B. Pre-Platting Conference. Any person desiring to subdivide land into 40 or more lots shall hold a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plan. Owners of proposed subdivisions of less than 40 lots are encouraged to hold a pre-platting conference; however they may proceed with filing a preliminary plat. Arrangements for this conference shall be made by contacting the Zoning Administrator.

The purpose of this pre-platting conference is to inform the Zoning Administrator and City Staff of possible future subdivisions so that the staff may determine and inform the applicant of the effect, feasibility and compatibility of the proposal in relation to the City's utility and street system and the City's development policies and plans. The conference enables the Zoning Administrator staff to inform owners and their agents of the general conformance or non-conformance of the subdivision proposal with these Subdivision Regulations, additional requirements for further processing of the plan, and to advise them of applicable zoning provisions or conflicts, and special design considerations presented by particular environmental features on or affecting the site (i.e. flood plains, excessive slope areas, soil problems, high water tables, etc.), as well as the provision of adequate public facilities.

The landowner or his representative may, if he deems desirable, prepare a schematic drawing of the proposed subdivision in order to receive any pre-plat comments of the Zoning Administrator, which may prove helpful in designing the preliminary plat. The sketch plan should convey the location of the proposed development, the general layout of the proposed subdivision, including the location and size of streets and the orientation, numbers and dimensions of the lots; plans for water supply and sewage disposal, and any particular design problems posed by the existing natural or manmade conditions and characteristics of the site which could benefit from any early discussion.

The platting conference may include representatives of the City of Spring Hill and other persons and agencies as applicable. No verbal, written or schematically illustrated statements made during the course of the conference shall be held as legally binding since the Governing Body has final authority on all subdivision plats upon action from the Spring Hill Planning Commission.

(Ord. 2006-48)

C. Preliminary Plat.

1. Application. The subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 12 copies of the preliminary plat and a digital format approved by the Zoning Administrator. The appropriate fee shall be paid upon filing the application. (Ord. 2005-29; 2006-48; Ord 2016-04)

2. Preliminary Development Plan as Substitute for Preliminary Plat. Where property has been zoned to a planned zoning district, an approved preliminary development plan may substitute for a preliminary plat where said preliminary development plan contains all information required for preliminary plats as set forth in Section 17.372.C.3, Preliminary Plat Contents. (Ord. 2006-48)

3. Preliminary Plat Contents. The following information shall be shown on the preliminary plat or attached hereto:

a. Items Pertaining to the Title:

i. The name of the proposed subdivision.

ii. Location of the subdivision by reference to a section corner.

iii. The name(s) and address(es) of the owner(s)/developer and the licensed surveyor, architect, or engineer who prepared the plat.

iv. North arrow.

v. Scale of drawings (The preliminary plat shall be drawn to a scale of not less than 1 inch = 100 feet; however, with special conditions and prior approval, this scale may be exceeded).

vi. The legal description of the entire dimension of the subdivision.

b. Items Pertaining to the Subject Property (Existing):

i. All of the land to be platted as well as all platted or unplatted adjacent properties shall be shown. A heavy solid line should accurately indicate the boundary of the platted area.

ii. Existing contours with the contour intervals not more than five feet. All elevations and contours shall be related to mean sea level.

iii. The location, width and names of all existing platted or private streets or other

public ways within or adjacent to the tract, together with easements, railroad and utility rights-of-way, parks and other significant features such as city boundary lines and monuments.

iv. Environmental features, including the location and direction of drainage channels and areas subject to one hundred-year flood, including those areas identified by flood studies prepared by the Johnson County Storm Water Management Program. (Ord. 2006-48)

c. Items Pertaining to the Plat (Proposed):

i. Layout and names of streets, with general dimensions and appropriate grades and their relationship to adjoining or projected streets or roadways.

ii. Intended layout, zoning, numbers, and dimensions of lots.

iii. Parcels of land intended to be dedicated or reserved for parks, school or other public use, or to be reserved for the use of property owners within the subdivision.

iv. A preliminary plat will not be approved without a plan showing how water and sanitary sewers will serve it.

v. Location and type of utilities to be installed, including the approximate location of extensions of any sanitary and/or storm sewers and water mains.

vi. Utility and other easements, indicating width and purpose.

vii. A statement or other indications of phasing of the development and an appropriate timetable if applicable.

viii. Vicinity sketch which indicates the relationship between the proposed subdivision and the surrounding properties, streets and other features.

d. Items to Accompany the Plat:

i. The names and addresses of owners of record of lands located within at least 200 feet of the area proposed to be platted in the city limits; and the area of notification shall be extended to at least 1,000 feet in the unincorporated area when properties proposed to be platted are located adjacent to or outside of the city limits of the proposed platted area in accordance with Section 17.364.E of the City of Spring Hill Zoning Ordinance. Twenty days prior to the meeting, the City Clerk shall mail to each party a courtesy letter with information about the plat application and the meeting date and location the Planning Commission

will consider the application. The applicant may submit the same certified list of owners of record of lands located either within: 200 feet in the city limits, or 1,000 feet in the unincorporated area adjacent to or outside of the city limits submitted for a preliminary plat application, provided the application for preliminary plat is made within six months of the approval of such rezoning. (Ord. 2006-48; Ord 2016-04)

ii. Proof of adequate public facilities as set forth by Section 17.370.F. (Ord 2006-48)

iii. The applicant shall furnish a traffic impact study and a storm water runoff study pertaining to the preliminary plat.

4. Application Complete. Upon receipt of the preliminary plat and supportive data required in this Section, the Zoning Administrator shall certify the application as complete and affix the date of the application acceptance on the plat. He shall then place the preliminary plat on the agenda for consideration at the next meeting of the Spring Hill Planning Commission, provided the application is certified no less than 20 days before the next regular meeting.

5. General City Staff and Utility Review. The Zoning Administrator shall distribute copies of the preliminary plat to the appropriate city departments and agencies and affected utility companies for review and comment. All general staff and utility review comments shall be coordinated by the Zoning Administrator and shall be forwarded along with a report and recommendation to the City Planning Commission.

6. City Planning Commission Review and Actions. A courtesy letter shall be mailed at least 20 days prior to the meeting date to owners of record listed in the certified list of owners submitted in accordance with Section 17.372.C.3.d.i. The Planning Commission shall determine if the preliminary plat conforms to the provisions of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines. If the Planning Commission finds the preliminary plat does not conform to the requirements of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines, the Planning Commission shall notify the owner or owners of such fact.

After reviewing the preliminary plat, comments from concerned citizens, and the report from the Zoning Administrator, the Planning Commission shall take action on the acceptance, modification(s), or rejection of the preliminary plat.

Approval of the preliminary plat by the Planning Commission shall permit the applicant to proceed with the filing of a Final Plat as described in Section 17.372.D.

The Planning Commission shall forward to the Governing Body a statement of the action taken by the Planning Commission.

The Governing Body may, at its request, require that it must approve the preliminary plat before the applicant can submit a final plat.

(Ord. 2006-48)

7. Effect of Approved Preliminary Plat. Approval of the preliminary plat does not constitute final acceptance of the subdivision by the Governing Body. It establishes the overall layout and design of the proposed subdivision and authorizes the applicant to prepare a final plat. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the Planning Commission shall be disallowed and shall cause the re-initiation of the preliminary platting process.

The applicant shall file a final plat application along with the required documents described in Section 17.372.D within one year after approval of the preliminary plat by the Planning Commission. Upon failure to do so within the time specified, approval of the preliminary plat is null and void, unless an extension of time, limited to one year, is applied for by the developer and granted by the Zoning Administrator. An extension shall be granted only once.

(Ord. 2006-48)

D. Final Plat.

1. Application. The final platting process is intended to provide a complete surveyed drawing of the subdivision for the purpose of providing a legal record of lots, streets, and areas for dedication and easements for future reference and transactions. The final plat submitted may be for all of the property approved in the preliminary plat or may be for only a portion or "phase" thereof.

The applicant shall file a final plat application with the Zoning Administrator including 12 copies of the final plat and a digital format approved by the Zoning Administrator, along with the additional information required herein.

(Ord. 2005-29; 2006-48; Ord 2016-04)

2. Final Plat Contents. The following information shall be shown on the final plat and attached thereto:

a. <u>Items to be Included on the Final Plat:</u>

i. Three copies of separate drawings showing a profile and cross section of all streets, alleys or public use areas. The profiles and cross sections shall be drawn to specifications as on file, and acceptable to the City Engineer. (Ord 2016-04)

ii. A certificate which states that the person or persons whose names are signed to this document and/or appear on the final plat are the sole and lawful owners or agents of the property, that the plat is made with their desires, and that they dedicate the areas shown on the plat or as set forth in the document to the perpetual use by the public for the specific purpose stated herein. The City Clerk shall verify ownership.

iii. Certification by the County Clerk in Johnson County or the County Treasure in Miami County showing that all due or unpaid taxes have been paid in full.

iv. Deleted "restrictive convenants". Ord 2016-04

v. Where natural drainage ways are part of the drainage dedication easement, note that the drainage way will be maintained by the abutting property owners.

vi. Proof of adequate public facilities as set forth by Section 17.370.F. (Ord. 2006-48)

vii. Provide for adequate control of storm water runoff to prevent soil erosion, such as silt fences. This includes applying for a Notice of Intent (NOI) for storm water discharges associated with construction activity under the National Discharge Elimination System. A copy of the NOI along with the Storm water Pollution Prevention Plan must be filed with the Zoning Administrator.

viii. Provide for adequate disposal of construction refuse. No construction refuse will be allowed to be stored, maintained or kept in the open on any lot, tract or parcel.

ix. Three copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the City, all public improvements required as a condition for approval of the plat. The agreement shall also set out the time limit for the completion of the specified work, the amount of surety bond to be posted as security for satisfactory completion of the work, and the right of the City, in the event the required work is not completed in a proper or timely manner, to perform or complete the work and recover the actual cost thereof from the developer or the developer's sureties. (Ord. 2002-31)

The developer's agreement for public improvements will set out the public improvements required and also set out or incorporate by appropriate references, the plans and specifications for said improvements. The developer's agreement and bond for required public improvements shall be reviewed and approved as to the form and content by the City Engineer and the City Attorney.

x. Assurance of construction of public improvements to be dedicated to the City shall be made in the form of performance and maintenance bonds or by the creation of a benefit district.

Prior to the issuance of the building permit for the first lot in the subdivision, the developer shall submit a performance and maintenance bond, in an amount to be determined by the Public Works Director, to ensure that public improvements, streetlights, sidewalks and trails, street trees, neighborhood amenities, and landscaping identified within the master landscape fence / screening plan will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping. Said bond(s) shall be to the favor of the City and shall be furnished at the time construction plans are submitted for approval. The amount of the bond(s) shall be for the full cost of the improvements and shall remain in effect for two (2) years from the date of completion and acceptance by the Governing Body of the City. Separate bonds may be presented for separate improvements as defined by the Public Works Director. Said bonds shall be properly executed prior to any grading or construction and shall be released upon written approval of the Public Works Director. No building permit shall be issued for a lot or tract in a subdivision which abuts a public improvement for which a bond has not been furnished. No occupancy permit shall be issued for any such building in a subdivision until a project completion certificate is issued by the Public Works Director.

As an alternative to providing performance and maintenance bonds to assure the construction of public improvements, the developer may present a petition to the Governing Body for creation of a benefit district as a means of guaranteeing the installation of public improvements. This alternative may be utilized only if the following conditions are met:

- The petition is presented on forms secured from the City Benefit District Coordinator or on forms otherwise acceptable to the Public Works Director.
- The petition must be valid under the applicable Kansas Statutes.
- The petition must be approved by the Governing Body.
- The initiating resolution for such improvement must be adopted by the Governing Body concurrent with the petition approval or as soon thereafter, as may be provided by law. The cost of the publication of said resolution shall be borne by the subdivider.
- The City Clerk shall record the resolution with the Register of Deeds.

The developer shall provide a performance and maintenance bond, a letter of credit, or other surety acceptable to the City Attorney to ensure that all erosion

control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris (e.g. dirt, mud, gravel, etc.) during all phases of construction. If the Public Works Director determines an area of the development not to be adequately maintained or free of said debris, the developer shall be notified. From the time of notification, the developer shall have six hours to complete the removal of all said debris. If, after six hours, the developer has not acted, or if such action has failed to adequately remove all debris, the Public Works Director may direct the City to remove the debris and assess all cleanup charges against the developer and the performance and maintenance bond, letter of credit, or other surety.

(Ord. 2005-29; 2006-48)

xi. The plat shall show the signatures of owners, city officials, notary, certifications by a licensed Engineer or registered land surveyors and shall be dated. If owned by a corporation the plat shall show the name of corporation and the title of the officer signing. Names shall be typed below all signature lines.

xii. The plat shall bear the following seals:

- City.
- Notary.
- Licensed Engineer or registered land surveyor.
- Seal if a corporation.

xiii. The consent and agreement clause should stipulate in or on instrument that Special Assessments on dedicated land become and remain a lien on the remainder of the land fronting on or abutting such dedicated roads and streets. (See revised statutes 19-1949; and 19-27, 101, 1953).

xiv. Submit, for the appraiser, the square footage of all areas other than building lots and dedicated streets. Please designate usage for areas.

b. Application Complete. Upon receipt of the final plat, engineering drawings and certification documents required in this Section, the Zoning Administrator shall certify the final plat application as complete. Who shall then place the final plat on the agenda for consideration at the next regular meeting of the Planning Commission, which is held no less than then 20 days after said application or no more than 45 days thereafter.

c. General City Staff and Utility Review. The Zoning Administrator shall transmit copies of the final plat, along with other documents submitted to the appropriate City departments and agencies and utility companies as the Administrator deems necessary for review and to assure compliance with the approved preliminary plat. The Zoning Administrator shall serve as final plat coordinator and all review

comments shall be directed to such person.

d. Spring Hill Planning Commission Review and Action. The Planning Commission shall determine if the final plat conforms to the provisions of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines. If such determination is not made within 60 days after the first meeting of such commission following the date of the submission of the plat to the Zoning Administrator thereof, such plat shall be deemed to have been approved and a certificate shall be issued by the Zoning Administrator upon demand. If the Planning Commission finds the final plat does not conform to the requirements of the subdivision regulations, and the recommendations of the *Comprehensive Plan* and associated Planning Principles and Design Guidelines, the Planning Commission shall notify the owner or owners of such fact. If the final plat conforms to the requirements of such regulations, there shall be endorsed thereon the fact that the plat has been submitted to and approved by the Planning Commission. (Ord. 2006-48)

e. Governing Body Review and Action. The Governing Body shall accept or refuse the dedications of land for public purposes within 30 days after the first meeting of the Governing Body following the date of the submission of the plat to the clerk thereof. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body. No additional filing fees shall be assessed during that period. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission of the reasons therefore.

The Zoning Administrator may approve a minor engineering change to a plat after it has been approved. Both the Planning Commission and the Governing Body shall approve all other changes or amendments to a plat.

f. Recording of Final Plat. It shall be the City's responsibility to file the final plat with the Records and Tax Administration of Johnson County or the Register of Deeds Miami County, Kansas, after approval of the final plat by the Governing Body, as required by State law. The final plat will not be considered official until a file stamp copy is submitted to the City Clerk. In addition, the applicant will need to record with the county an affidavit concurrently with the recording of the final plat to identify the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of the landscape or screen tracts, private greenways, parks or common open space areas as indicated on the final plat, as well as for the payment of the expenses including taxes and special assessments. (2007-24 09/07; Ord 2016-04)

g. Excise Tax. The developer shall be required to contribute to an excise tax equal to the platted area times the tax rate to the City before the Mayor signs an approved recordable plat. (Ord. 2002-07; 2002-31)

E. Replat.

1. Application. A replat may be filed for any platted property. If the replat will not change the location of the utility easements or road right-of-way, a preliminary plat will not be required. If a replat does change the location of the easements and right-of-way, then a preliminary plat will be required.

SECTION 17.374 - TRACT OR LOT SPLITS

A. **Objective.** The objective of this Section is to provide for the division of a tract of land or lot into not more than two tracts or lots without having to comply with the platting requirements described in Section 17.372. Such tract or lot split shall be subject to the guidelines established in Section 17.374.D and any further divisions of the tract or lot shall be platted in compliance with the requirements of Section 17.372.

B. **Authorization for Approval of Lot Splits.** The Planning Commission is hereby authorized to approve or disapprove lot splits in accordance with the provisions of this Section. The applicant may make appeals from a decision made by the Planning Commission to the Governing Body for a final determination.

C. **Application Procedures.** The application shall be accompanied by the following information:

Three copies of a survey to scale of the lots involved, showing the exact location of any structures thereon, and the location and dimensions of the split.

D. **Approval Guidelines.** No lot or tract split will be approved if one of the following applies:

1. A new street or alley is needed or proposed.

2. Such action will result in significant increases in service requirements, e.g., utilities, traffic control, streets, etc., or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.

3. There is less street right-of-way than required by these Regulations, unless such dedication can be made a separate instrument.

4. All easement requirements have not been satisfied.

5. Such split will result in a tract without direct access and less than 75 feet of frontage on a street.

6. A substandard sized lot or parcel will be created according to these Regulations or the Spring Hill Zoning Regulations.

7. The lot split does not have a plan on how it will be served by water and sanitary sewers.

The Planning Commission shall in writing, either approve with or without conditions, or disapprove the lot split within 30 days of the application.

The Planning Commission may make such additional requirements as deemed necessary to carry out the intent and purpose of existing subdivision regulations. Requirements may include, but not be limited to, installation of public facilities or dedication of right-of-way and easements.

E. **Savings Clause.** Nothing in this Section shall be deemed to be in conflict with K.S.A. 79-405 et. seq.

SECTION 17.376 - SUBDIVISION DESIGN STANDARDS

A. Applicability. All subdivisions of land subject to these Regulations shall conform to the following minimum design standards. Such design criteria shall govern the approval of subdivision plats by the Planning Commission and the Governing Body.

All subdivisions shall be platted with due consideration toward sound traffic engineering principles, safe and accessible building sites, adequate methods of storm water drainage and provisions for a sanitary water supply and effective sewage disposal system. All subdivision plats shall be consistent with applicable Citywide development plans and policies and shall be coordinated with existing planned or committed public improvements.

B. Street Standards. The *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* include detailed criteria required for street design and construction. The final street design and arrangement of the development shall be completed in accordance with the *Major Thoroughfare Plan* of the *Comprehensive Plan* and applicable corridor studies and plans and shall be subject to approval by the Planning Commission and the Governing Body. The following are the general street design criteria. (Ord. 2006-48)

1. External Street Considerations. The arrangement, alignment, and width of streets in new subdivisions shall be properly integrated with the existing principal street system and, where appropriate, shall provide for the continuation of existing principal streets in adjoining subdivisions or their projection where adjoining property is not platted. In no case shall the width of streets in new subdivisions be less than the minimum street widths established in this Section.

All subdivisions are required to have access to a paved street. If a street is not paved then the developer will be responsible to pave the road, if it is located in the City, to the standards listed in the Technical Specifications and the Design Criteria. If a portion of an arterial or collector street is located within both the city limits of Spring Hill and the unincorporated area of Johnson County or Miami County, then the road shall be surfaced with a permanent, bituminous or concrete paving from the intersections of all local and collector streets in the subdivision to an intersection with an existing paved arterial street. (Ord. 2006-48; Ord 2016-04)

2. Internal Street Layout. The location, arrangement, character and type of all streets shall be designed in their relations to topographical conditions, the extent and impact of storm water runoff, the safe and convenient circulation of traffic within the subdivision, the uses of the land to be served by such streets, and shall comply with the recommendations of the *Comprehensive Plan* including the Planning Principles and Design Guidelines, as well as the following design principles:

a. Use topography and natural open space areas as the basis for the layout of a street network, allowing for open spaces to be maintained as continuous and interconnected as possible.

b. Provide a street network consisting of a grid, modified grid, or hybrid street layout that responds to local topography, water courses and greenways. Where through street connections are not desirable due to topographic features, collector or local streets parallel to open space areas or looped streets with neighborhood greens shall be favored over cul-de-sac streets. A hybrid street network is considered one that combines the circulation advantages of a grid network with the open space aspects of a curvilinear system by incorporating green space for woodlands, conservation areas, and other open space areas with the street elements. This approach may reduce the amount of total roadways of a strict grid, while maintaining connectivity within a development that is not hampered by dead-end or cul-de-sac streets. This approach provides neighborhood greens within circular or looped street elements for quality neighborhood design and identity, neighborhood open space, and in some instances large enough to serve as a neighborhood park.

c. Local streets shall be planned so as to diffuse traffic through a development and to discourage through traffic from being channeled onto a limited number of local and collector streets.

d. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, or developed, unless prevented by topography or other physical conditions, or unless in the opinion of the Planning Commission and Governing Body such extension is not necessary or desirable for the coordination of the layout of the subdivision or development with the existing layout or the most advantageous future development of adjacent tracts. At a minimum, there shall be one (1) street extended to the boundary line of the tract for each six hundred sixty (660) linear feet of the boundary line with adjoining tracts.

(Ord. 2006-48)

3. Street Intersections. Streets shall be designed to intersect as nearly as possible at right angles except where topography or other natural conditions justify a variation. However, in no instance shall two streets intersect at an interior angle less than 45 degrees without written consent of the City Engineer.

4. Offset Streets. Offset streets whose centerlines are separated by less than 125 feet shall be avoided except where topography or other conditions justify a variation.

5. Dead End Streets and Cul-de-Sacs. Dead end streets and cul-de-sacs are discouraged in favor of a connected street network as described in Section 17.376.B.2.

a. Alternatives to cul-de-sacs as described in Section 17.376.B.2 are the preferred street network design. However, a reasonable limited use of cul-de-sacs may be considered in locations along arterial streets where access is limited or in areas of challenging terrain where a through street connection is not desirable. Where a cul-de-sac abuts an arterial street or open space wide openings shall be provided between lots to provide for landscaping and pedestrian access between the two roadways, rather than enclosing the end of the street with lots and buildings.

b. Permanent dead end streets shall be cul-de-sacs. Where permitted, a cul-de-sac shall be no longer than 600 feet in length and shall have adequate turnaround with a minimum 50-foot radius right-of-way at the closed end.

(Ord. 2006-48)

6. Right-of-way Street Widths, and Access. The widths for all road rights-of-way and roadways shall not be less than the minimum dimensions for each of the following classifications:

Street Classification	Right-of-Way Width (feet) [1]	Street Width (feet)	Maximum Gradient (%)
Local Street			
Curb and Gutter	50	28	8
Ditch (Extraterritorial Area)	60	27	--
Collector Street			
Curb and Gutter	60 to 80[2]	36	6
Ditch (Extraterritorial Area)	80	27	--
Minor Arterial Street			
Curb and Gutter	100	40 to 64	5
Ditch (Extraterritorial Area)	120	40 to 64	--
Major Arterial Street			
Curb and Gutter	120	64 to 87	5
Ditch (Extraterritorial Area)	120 to 150	64 to 87	--
199th Street	150-200 [3]		

(Ord. 2002-31)

[1] Right-of-way for roadways classified as a parkway by the *Major Thoroughfare Plan* of the *Comprehensive Plan* is set forth by Section 17.376.B.6.e.

[2] Collector street right-of-way varies in accordance with Section 17.376.B.6.d.

[3] Right-of-way in accordance with the Johnson County Comprehensive Arterial Road Network Plan (CARNP).

a. Development along 199th Street shall be subject to the following median break spacing, street intersection spacing, and street frontage requirements for business driveways in accordance with the Johnson County Comprehensive Arterial Road Network Plan.

i. Median breaks/street spacing (minimum) shall be 2,640 feet (1/2 mile).

ii. Street frontage required per business driveway or intersecting streets along 199th Street shall be 1,320 feet (1/4 mile). All such access driveways and street intersections are limited to right-in-only usage.

iii. Driveways or streets to 199th Street shall be at least 500 feet from the centerline of any intersecting arterial street. Corner lots with less than 500 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route. (For example, along a local street instead of along a collector street or along a collector street instead of along an arterial street).

(Ord. 2006-48)

b. Driveway intersections with collector streets shall be spaced at a minimum of 200 feet. (Ord. 2002-31)

c. Street and driveway intersections with arterial streets shall be spaced at a minimum of 500 feet for property preliminary platted after November 1, 2002, that abut an arterial street. Driveways to arterial streets shall be at least 500 feet from the centerline of any intersecting arterial street. Corner lots with less than 500 feet of frontage are restricted to access along the lesser-designated route if there is a lesser-designated route. (For example, along a local street instead of along a collector street or along a collector street instead of along an arterial street).
(Ord. 2002-31; 2006-48)

d. Collector streets (avenues) shall provide either:

i. a minimum 80-feet of right-of-way when lots or buildings are designed to front onto the roadway to provide additional landscaping and larger setbacks of buildings from the roadway.

ii. a minimum 60-feet of right-of-way with minimum 10-foot wide landscape tracts provided parallel to both sides of the right-of-way for developments that do not have lots or buildings designed to front onto the roadway. Sidewalks or trails in lieu of sidewalks may meander outside of the right-of-way into the landscape tracts. Parallel landscape tracts are privately owned and maintained to ensure uniform treatment and maintenance.

(Ord. 2006-48)

e. Roadways designated as a parkway by the *Major Thoroughfare Plan of the Comprehensive Plan* may consist of a varying design and right-of-way width consisting of either a meandering divided roadway, or a meandering roadway with no median when located along side a park, drainage area, or natural open space corridor. The right-of-way width of parkways, unless otherwise approved by the Planning Commission and City Council, range from a minimum 150 feet to 300-feet or more based on factors including the terrain, significant natural features and vegetation, and the expected design of the roadway with its associated open space elements.

(Ord. 2006-48)

7. Street Grades. Minimum and maximum grades for roads shall conform to these standards established by and on file with the City Engineer.

8. Street Names. Streets, which are substantially in alignment with existing streets, shall, unless otherwise illogical or due to severe directional change, bear the names of the existing streets. The names of such new streets shall be approved by the City Council. The City Council's approval of a final plat with street names constitutes approval of those street names.

9. Sidewalks, Walkways, and Trails. Pedestrian sidewalks, walkways, and trails shall be provided as set forth by Section 17.378.B.8. (Ord. 2006-48)

C. Block Standards.

1. Lengths. Blocks shall be delineated by intersecting streets at such intervals so as to sufficiently provide for cross traffic and to furnish access to existing streets adjoining the new subdivision. In residential districts, no block shall be longer than 660 feet between centerlines of streets, except variations may be allowed by the Planning Commission due to topography or other conditions that prohibit compliance.

2. Design. The configuration of blocks shall be determined with regard given to:

a. Zoning requirements as to lot sizes and dimensions.

b. Provision of adequate building sites suitable to the particular needs of the type of use intended.

c. Topography as it affects storm water drainage and erosion.

d. Need for convenient circulation, access, safety and control of vehicular and pedestrian traffic.

(Ord. 2006-48)

D. Lots.

1. **Frontage Requirements.** All lots shall provide minimum frontage at the building setback line as required by the Spring Hill Zoning Regulations. (Ord. 2006-48)

2. **Size.** The size, width, depth, shape and orientation of lots and any minimum building setback lines shall be appropriate to provide safe and adequate building sites, based upon the location of the subdivision and for the type of development and use intended.

   As a minimum, lots shall have dimensions and sizes and provide for space requirements as required by the Spring Hill Zoning Regulations.

3. **Double Frontage.** Double frontage lots shall be avoided for single-family and two-family residential dwellings except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision into additional lots. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.

4. **Arterial Streets.** When possible, lots intended for residential use shall not face on arterial streets. It is preferable that the sides or backs of such lots adjoin arterial streets, with the vehicular egress from such lots being oriented to a collector or local street. Lots intended for residential use backing up to a limited access highway, an arterial street, or railroad shall have additional depth to provide additional setback from the highway, street, or railroad. (Ord. 2006-48)

5. **Corner Lots.** Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both streets and to provide adequate corner visibility.

6. **Lot Length to Width Ratio.** The lot width ratio in the AG and R-R districts shall not exceed 3:1 except variations may be approved in instances where topography or other conditions prohibit compliance.

E. Easements.

1. **Utility.** Permanent easements shall be provided, where necessary, for the location and servicing of utility poles, wires, conduits, storm and sanitary sewers, water and gas mains and other public utilities. Utility easements located along rear or side lot lines shall include a:

   a. 20-foot utility easement around the perimeter of the area to be subdivided;
   b. 10-foot utility easement along the side lot lines were needed; and
   c. 10-foot utility easement along the front and rear lot lines.

2. **Drainage.** A drainage easement may be required for a proposed subdivision which is traversed by a watercourse, drainage way or drainage channel. Such easement shall conform substantially to the lines of such watercourse and shall be of such width as may be necessary to provide adequate storm water drainage and access for maintenance, as well as comply with the recommendations of the *Comprehensive Plan* and the Planning Principles and Design Guidelines related to the prevision of buffer zones around stream corridors, wetlands, and floodplains. Structures, fences, and/or cut and fill operations are prohibited within drainage easements. Maintenance of the area within the drainage easement is the responsibility of the property owner. (Ord. 2006-48)

F. **Open Space.** Public or private open space shall be provided in accordance with the recommendations of the *Comprehensive Plan* including the associated Planning Principles and Design Guidelines, and Section 17.378.B.9. (Ord. 2006-48)

G. **Landscaping.** The following landscape plans shall be provided, when applicable, prior to recording a final plat:

1. Street Tree Plan. A street tree plan shall be submitted for approval in accordance with Section 17.358.G of the Zoning Ordinance.

2. Master Landscape / Fence Plan. A master landscape fence plan shall be submitted for approval in accordance with Section 17.358.H of the Zoning Ordinance.

3. Impact Buffer Screen Plan. A landscape plan for an impact buffer screen as required by Section 17.358.D.2 of the Zoning Ordinance.

(Ord. 2006-48)

H. **Plat Exceptions.** In case of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the applicant may request a Plat Exception from one or more of the requirements contained in the subdivision regulations relating to the design standards of Section 17.376 (e.g., lot and street layout, block lengths, lot width or lot depth; and the median break spacing, street intersection spacing, street frontage road requirements, if recommended by the City Engineer.

1. A Plat Exception may be requested in writing with an application for preliminary plat and considered by the Planning Commission.

2. Plat Exceptions shall not be approved by the Planning Commission if said exception is determined to be incompatible with the surrounding neighborhood, is contrary to the public interest or would unnecessarily burden the City, or annuls the intent and purpose of these regulations.

3. Where a preliminary plat is submitted as a preliminary development plan in association with a planned zoning district application, and deviation from the zoning district standards is approved as part of the inherent flexibility of planned zoning (e.g. minimum lot depth, minimum lot width, length of blocks, access spacing) as may be permitted through the development plan process, then a Plat Exception shall not also be required to approve such deviation.

4. A Plat Exception from the median break spacing, street intersection spacing, street frontage requirements of Section 17.376.B.6 may be approved subject to the recommendation of the City Engineer upon:

a. Geological, topographical, floodplain, or other environmental constraints;
b. Safety considerations (e.g. sight distances, curvature, capacity, speed, bridges and other existing structures); and
c. Other traffic engineering design principles.

(Ord. 2006-48)

SECTION 17.378 - REQUIREMENTS FOR IMPROVEMENTS

A. **Applicability.** Prior to, and as a condition to approval of any final plat by the Governing Body, the developer shall agree to install or provide for certain improvements within the proposed subdivision. Such improvements installed by the developer shall comply with the standards and specifications of the City, utility company or public agency having jurisdiction and shall be subject to any applicable surety requirements to guarantee their proper installation.

B. **Required Improvements.** Every developer shall install, or through the appropriate public agencies and utility companies, shall provide for the installation of public improvements in accordance with the criteria listed in the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects*. The following are the general improvements that are required.

1. Water Supply and Sewage Disposal. The type of water supply and sewage disposal utilized to serve the subdivision shall be subject to the requirements of the Spring Hill Sanitary Code. The plans for water supply and disposal of sewage to serve the platted area shall give due consideration to the present and/or foreseeable needs of the subject property and adjoining properties intended to be developed, as well as the overall effectiveness of the system, based on the characteristics of the land and the nature of development. The developer shall have an approved Water Quality Management Plan. Where a public water supply is provided through the City of Spring Hill, such construction and installation of the system shall be in compliance with the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects*.

The connection of the subdivision to the public sewage system shall be in accordance with the requirements of the City of Spring Hill. Additionally, the construction of all public water supply and sewer systems shall be subject to the regulations of the Kansas State Department of Health and Environment.

2. Private Sewage Disposal System. Must be located on a minimum of two acres and be approved for sewage treatment by the Johnson County Environmental Department for the land is located within the Spring Hill City limits regardless if the land is located within either Johnson County or Miami County. If the Spring Hill public sewer is within 200 feet of a property line, then the property owner must connect up to the public sewer system as required in the *City of Spring Hill Sewer Rules and Regulations*, Article 2, Section 13-201.
(Ord 2016-04)

3. Provision for Storm Drainage. The developer shall make adequate provision for the control and discharge of storm water from the platted area and in doing so shall give consideration to the alternatives and principles of storm water management. When necessary, the construction of storm sewers shall be properly integrated with any existing storm sewer system and shall provide for the anticipated extension of its use to serve additional areas. The storm drainage plan and subsequent installation of culverts, storm sewers, stabilization of ditches and other improvements shall comply with the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City Engineer.

4. Provisions for Streets. The developer shall provide for the improvement of all new streets within the platted area. Such street improvements should adequately reflect the classification of the particular street, its location and anticipated volume of traffic. All grades, drainage facilities and surfacing requirements shall be constructed according to the standards and specifications of the City. Construction standards are available in the office of the City Engineer or the Public Works Director.

All street plans and specifications shall be approved by and constructed under the supervision of the City Engineer. No street will be accepted by the City Engineer for maintenance until it meets City standards as determined by the City Engineer.

5. Installation of Utility Lines and Appurtenances. The developer shall be responsible for making the necessary arrangements with the appropriate utility companies for the installation of utility lines and appurtenances. The installation of such utilities shall be done in such a manner as to not interfere with other underground utilities and their installation shall be coordinated through the City Engineer. Underground utility lines, which cross underneath the right-of-way shall be installed prior to the improvement of any such street in order to reduce the damage, caused by street cuts.

Incidental appurtenances, such as transformer enclosures and meter cabinets shall be located so as not to be hazardous to the public and shall be in accordance with the standards and specifications of the City Engineer.

6. Installation of Monuments. The developer shall install monuments within the area to be subdivided. Such monuments shall be of the size and type and location as required by the Zoning Administrator.

7. Street Signs. Street signs shall be place at those locations within the area to be subdivided; street signs shall be placed at those locations as determined by the City Engineer. The City Engineer shall approve such street signs, the cost of which shall be incurred by the developer.

8. Installation of Sidewalks and Trails. The developer shall provide for pedestrian sidewalks and multipurpose trail improvements as follows:

a. Sidewalks shall be provided as follows:

i. Local Street - four foot sidewalk on one side of the street in residential developments zoned R-1, and on both sides of residential developments zoned R-2 through R-4 and MH. Sidewalks shall be provided on both sides of local streets in areas zoned C-O through C-2. Sidewalks shall be provided on at least one side of the street in areas zoned MP and M-1.

ii. Collector Street - minimum five foot wide sidewalk on both sides of the street.

iii. Arterial Street - minimum five foot wide sidewalk on both sides of the street.

b. Any street within a subdivision, which is indicated on the *Major Trails Plan* as being a part of the trail system, shall be constructed with a widened sidewalk within the right-of-way and/or within a recreation easement paralleling the street. The trail or widened sidewalk shall conform to the applicable minimum design standards established pursuant to the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City Engineer.

c. Within the boundaries of subdivisions, open spaces, greenways or recreation easements shall be dedicated to the City when such areas are indicated in the *Major Trails Plan*. The Zoning Administrator and City Engineer shall approve the location, configuration and final boundaries of the open spaces, greenways or recreation easements. Open spaces, greenways and recreation easements shall be platted for the use of the public, for the construction and maintenance of public trails and shall be accessible to the public during normal park operations hours for such improvements and to City personnel for inspection and maintenance purposes.

d. Within the boundaries of subdivisions, trails shall be installed within publicly dedicated open space, greenways or recreation easements when such trails are indicated in the *Major Trails Plan*. The Zoning Administrator and City Engineer shall approve the design and location of the trails.

e. Within the boundaries of subdivisions, trails shall be installed by the developer within publicly dedicated open space, greenways or recreation easements, or within private homes association open space when such trails indicated on an approved preliminary plat are not indicated in the *Major Trails Plan*. The Zoning Administrator and City Engineer shall approve the design and location of the trails. Trails shall conform to the applicable minimum design standards established pursuant to the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City

Engineer.

f. Proposed trails shown on approved preliminary plats and/or preliminary and final site development plans that are not indicated on the *Major Trails Plan* and are shown on tracts to be dedicated to the City of Spring Hill shall be installed by the subdivision developer to the same applicable minimum design standards established pursuant to the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects* and shall be approved by the City Engineer.

(Ord. 2006-48)

9. Open Space.

a. Common Open Space. Common open space provided in a residential subdivision and conveyed to a property owners association (private open space) or to the City (public open space) shall remain permanently open for recreational and conservational purposes.

Open space, whether such areas are or will be public or private, in any residential subdivision shall be laid out, to the maximum feasible extent, so as to connect with other open space, existing or proposed, in the vicinity. In the case of two or more adjacent subdivisions, developers may cooperatively allocate open space areas, if such areas are coordinated in design and location to an extent acceptable to the Planning Commission and City Council. (Ord. 2005-29)

b. Private Common Open Space. Private open space that is held in common shall be set aside for the benefit, use and enjoyment of the subdivision lot owners, present and future. All private, common open space, including recreation areas, tree cover areas, scenic vistas, wildlife or plant preserves, nature study areas, and private walkways, whose acreage is used in determining the size and extent of common open space shall be included in restrictive covenants, easements, or other legal devices designated to assure that such space will remain permanently open. (Ord. 2005-29; 2006-48)

c. Public Park Land. In order to meet the recreational needs of the residents of Spring Hill, all subdivision developments are required to contribute either public park land or fees in lieu of public park land. Where a school, neighborhood park, *greenway or* parkway, recreation area, or public access to water frontage which is shown on the Future Land Use Map of the Comprehensive Plan, in whole or in part in the applicant's proposed subdivision, the City Council may require the dedication or reservation of such open space within the proposed subdivision for school, park, recreation, or other public purpose. Private open space shall not be credited as public open space.

Park land/fee dedications shall be calculated during the preliminary plat process as specified in these regulations; and dedicated with the final plat. The City Council shall determine whether the park land offer should be accepted, accepted with conditions, or if the offer should be declined and a payment of funds in lieu of park land dedication. Dedication of land for park use must be reflected and dedicated as such on the final plat. (Ord. 2005-29; 2006-48)

d. Amount of Public or Private Park/Recreational Area Required. A minimum of four percent (4%) of the gross area of any subdivision shall be reserved for public or private active open space as a park and playground site, unless determined by the City Council that the provision of such open space in the development is unreasonable due to the size or configuration of the property, or other factors unique to the property. The provision of such public or private active open space shall be subject to the following:

i. Active open space park land shall be dedicated to the public when designated as a park by the *Comprehensive Plan* and shall be a quality suitable for dedication as a public park as set for by Section 17.378.B.9.e.

ii. Residential subdivisions in areas located more than one-quarter mile walking distance from an existing or future public park designated by the *Comprehensive Plan* shall provide an active open space park as private common open space to be owned and maintained by a property owners association. At the discretion of the City Council such land may be deemed suitable for public active open space and accepted as park land dedication.

iii. The City Council shall determine as deems appropriate the acceptability of land to be dedicated, or if the development of private open space park and recreational facilities in the subdivision is an acceptable alternative for public park land dedication.

iv. Subdivisions in which open space park land is not suitable for public dedication and is retained as private common open space shall be subject to a payment of fee in lieu of dedication in accordance with Section 17.378.B.9.g.
(Ord. 2005-29; 2006-48)

e. Quality of Parkland Required to be Dedicated. A park land dedication area shall be useable land suitable for park development. For purposes of this section, useable land shall be considered active open space as defined by Section 17.370.E.30.a. Such land shall be located in an area designated for a future park and achieve the recommendations of the *Comprehensive Plan*, as well as the following:

i. Centrally located within, and highly accessible to a majority of residents or users of the development.

ii. Surrounded by public streets, commonly on two or more sides.

iii. Suitable for active open space uses.

iv. Provides a greenway linkage for a trail designated by the *Major Trails Plan* or a parkway corridor, provided such land for a parkway is in addition to required right-of-way dedication.

v. Buffer zones around or along natural green spaces including stream corridors, wetlands, and floodplains may be considered acceptable if such areas remain largely open and accessible and paralleled by an avenue or local street, and such areas provide areas for active open space. These open space areas and buffer zones shall not be located behind buildings or residential lots. Only land considered suitable for active open space shall be considered for purposes of achieving the minimum land area required for parks and playground sites as set for by Section 17.378.B.9.d.

(Ord. 2005-29; 2006-48)

f. Land Not Considered Suitable for Public or Private Parkland. Land with the following characteristics shall not be considered for determining the amount of land to be reserved for public or private parkland and playground sites in accordance with Section 17.378.B.9.d unless otherwise approved through a planned district and preliminary development plan:

i. Deep ravines
ii. Densely wooded areas
iii. Areas where the average slope of the entire park / recreational area exceeds five percent (5%).
iv. Wetlands as determined by the U.S. Corps of Engineers.
v. Floodways as determined by the regulations and guidelines of F.E.M.A
vi. Other areas that are not conducive to park/recreational areas as recommended by the Planning Commission.
vii. The total amount for park/recreational area, however, shall not be less than one-half (1/2) acre in size.
viii. Land generally located behind buildings or residential lots with limited visibility or access from public streets.
ix. Land located in common or landscape buffer tracts along roadways.

(Ord. 2005-29; 2006-48)

g. Fee In Lieu Of Public Park Land Dedication. The park fee contribution in lieu of land dedication will be established by the Governing Body. The fee will be due and payable at the time of issuance of a building permit. Park fees on multiple buildings may be paid in advance or at the time of individual building permit issuance.

Private open space shall not be credited as public open space dedication. (Ord. 2005-29; 2006-48)

h. Assurance of Maintenance and Liability for Private Open Spaces. Where landscape or screening tracts, or private greenways, parks, or common open space areas are indicated on a proposed final plat, assurance by document shall be provided identifying the organization (e.g. a homes association) that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of said areas, as well as for the payment of all expenses, including taxes and special assessments. Said document shall be recorded with the Johnson County or Miami County Register of Deeds office concurrently with the recording of the final plat. (Ord. 2006-48)

i. Park land and/or the trial system will be evaluated in the following manner:

- Is the park land and/or the trail system shown in the *Comprehensive Plan*.
- If they are not shown in the *Comprehensive Plan*, does the park land meet the requirements of Section 17.378.B.9 and/or the trail system meet the requirements of the *Technical Specifications for Public Improvement Projects* and the *Design Criteria for Public Improvement Projects*.
- If the park land and/or trail system does not meet the requirements of Section 17.378.B.9, the City will not accept the park land and/or trail system and the developer will be responsible for the Park fee as described in Section 17.378.B.9.g and the home owners association will be responsible for the maintenance of the park land and/or trail system.

(Ord. 2006-48)

10. Exceptions. All improvement requirements as set out within this Section shall be provided for in all subdivisions with the following exceptions:

a. Upon specific request from the developer and concurrence of the Governing Body, certain improvements may be waived. Such waiver may occur, but not be limited to, instances where the proposed subdivision is a re-subdivision and/or concerns an area presently having any or all required improvements and where such improvements comply with the requirements of said section and are in acceptable condition, as determined by the City Engineer.

b. The Governing Body may make other reasonable requirements for dedications or installation of public improvements or facilities deemed necessary to meet the public needs caused by new subdivisions. Such additional requirements may include, but not be limited to, the provision of park or open space land as is warranted by the reasonably foreseeable population and use of an area as a result of the proposed subdivision.

C. Guarantee of Completion of Improvements. In the event those physical improvements required in this Section and intended to be dedicated to the City for ownership and maintenance have not been installed and accepted by the City prior to the approval of the final plat by the Governing Body, the developer shall, before approval of the final plan, enter into an agreement with the City in which the developer agrees to install such required improvements.

As a guarantee for the completion of public improvements, including streetlights, sidewalks and trails, street trees, neighborhood amenities, and landscape improvements on the master landscape fence plan, the developer shall provide a performance bond in the form of a corporate surety bond, certified check or other form acceptable by the City Attorney, shall be filed with the City Clerk and shall be in an amount not less than the City Engineer's estimate of the cost of constructing or completing the improvements. The City shall retain the surety until the actual completion of such required improvements in an acceptable manner and within the time specified in the agreement between the developer and the City.

As a guarantee that all infrastructure has been constructed in a satisfactory manner, the developer shall provide a maintenance bond to the City. Said bond shall be required for two years following acceptance of such improvements by the City Engineer. The amount of the bond shall be in an amount of the full cost of the improvement.

In lieu of providing performance and maintenance bonds, the Developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, and sidewalks.

(Ord. 2003-20; 2006-48)

SECTION 17.380 - MINIMUM DWELLING SIZE

A. Minimum Dwelling Size – Classification.

The minimum floor area for each dwelling unit within the City which is situated upon land, is as follows:

Single-Family	960 Sq. Ft.
Duplex	800 Sq. Ft.
One and Two Story Apartment	600 Sq. Ft.
Three Story Apartment	450 Sq. Ft.

(Ord. 2002-07; Ord 2016-04)

B. Design Guidelines for Residential-Design Manufactured Housing.

1. The roof must be double-pitched and have a minimum vertical rise of three feet for each 12 feet of horizontal run, and covered with material that is residential in appearance, including, but not limited to wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof.

2. Exterior siding cannot have a high-gloss finish and must be residential in appearance, including, but not limited to clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.

3. The home must be placed on a permanent foundation that complies with the City building code for residential structures. In addition, the tie down construction shall be pre-engineered or certified by a professional engineer, licensed in the State of Kansas.

4. The hitch, axles, and wheels must be removed.

5. The unit must be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50 percent of the unit's long dimension.

6. The lot must be landscaped to ensure compatibility with surrounding properties.

7. The home must be at least 24 feet in width and contain at least 960 square feet of enclosed living space (floor area).

8. A garage is required. The external material and roofing of the garage must be similar to that of the dwelling unit.

9. The structure must meet federal manufactured home construction and safety standards established pursuant to 42 U.S.C. Sec. 5403.

10. A manufactured home or a substandard residential-designed manufactured home shall not be used as a component of a dwelling unit to either meet the residential-designed manufactured home design guidelines or to be considered a conventional residential home. (Ord. 2006-48)

11. The manufacturer must approve any attached addition to a manufactured home.

12. The finished floor of the residential–design manufactured home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.

13. The longest exterior dimension of the structure shall be less than three times the narrowest exterior dimension of the structure.

14. The roof overhang of at least eleven inches on at least the two longer sides of the structure and the roof guttering may be included in that eleven inch overhang.

15. The structure shall have a front porch with a minimum of 25 square feet.

SECTION 17.382 - ADMINISTRATION

A. **Rule Exceptions.** The standards and procedures required in these Regulations shall be interpreted and applied literally in the case of all subdivision plats submitted after the date of the adoption of these Regulations. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the applicant may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested, on forms provided, at the time of filing the preliminary or final plat. The Planning Commission and the Governing Body must approve a rule exception provided that, in its judgment, such action will not violate the public interest, unnecessarily burden the City, or will annul the intent and purpose of these Regulations.

B. **Appeals.** Any decision of the Planning Commission on matters contained herein may be appealed to the Governing Body and the Governing Body may reverse or affirm such decision.

C. **Penalty for Violations, Actions.** The violation of any provision of these Regulations shall be deemed to be a misdemeanor and any person, firm, association, partnership or corporation convicted hereof shall be punished in accordance with Section 17-303A. The Governing Body shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these Regulations 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 the building, structure, or land.

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SECTION 17.384 - MISCELLANEOUS

A. **Validity.** If any section, paragraph, subdivision, clause, phrase, or provision of these Regulations shall be adjudged invalid or held unconstitutional; the same shall not affect the validity of these Regulations as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. All regulations or parts of regulations in conflict herewith are hereby appealed.

B. **Accrued Rights and Liabilities Saved.** The repeal of regulations provided in Section 17.384.E herein, shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or any actions involving any of the provisions of said regulations or parts thereof. Said regulations below repealed are hereby continued in force and effect, after the passage, approval, and publication of these Regulations for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

C. **Severability.** Each article, section, and subdivision or a section of these Regulations is hereby declared to be independent of every other article, section, or subdivision of a section, so far as inducement for the passage of these Regulations is concerned.

D. **Effective Date.** These Regulations, being designated as the "Subdivision Regulations of Spring Hill" shall be in full force and effect from and after passage and publication in accordance with K.S.A. 12-749 and amendments thereof.

E. **Repealing Clause.** This resolution repeals all Subdivision Regulations of Spring Hill, Kansas in their entirety.

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