

STERLING
ZONING ORDINANCE

ORDINANCE NO. 2128

ADOPTED: SEPTEMBER 20, 1982

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ORDINANCE NO. 2128

AN ORDINANCE AMENDING ORDINANCE NO. 1929, PROVIDING FOR THE REGULATING AND RESTRICTING THE LOCATION CONSTRUCTION AND USE OF LAND, BUILDINGS AND STRUCTURES WITHIN THE CITY LIMITS OF THE CITY OF STERLING, KANSAS AND FOR THE SAID PURPOSE OF DIVIDING THE CITY INTO DISTRICTS AND IN ACCORDANCE WITH A ZONING DISTRICT MAP AND REPEALING ANY ORDINANCES OR SECTIONS THEREOF IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF STERLING, KANSAS.

ARTICLE I TITLE AND AUTHORITY

Section 1. SHORT TITLE.

This Ordinance, including the zoning map, shall be known and may be cited as the zoning ordinance for the City of Sterling, Kansas.

Section 2. AUTHORITY.

This Ordinance is established and prepared in accordance with Chapter 12, Article 7, of Kansas Statutes Annotated as amended and all additions thereto.

ARTICLE II INTERPRETATION, SCOPE, PURPOSES AND DEFINITIONS

Section 1. INTERPRETATION.

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and welfare. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by existing provisions of law, ordinance contract or deed, the provisions of this Ordinance shall control.

Section 2. PURPOSES.

The several purposes of this Ordinance are: to encourage the most appropriate use of land; to conserve and stabilize the value of property; to provide adequate open space for light and air; to lessen the congestion on streets; to give an orderly growth to the City; to prevent undue concentrations of population; to facilitate adequate provisions for the community utilities and facilities such as water, sewage, electrical distribution systems; transportation, schools, parks, and other public requirements; and in general to promote public health, safety and general welfare.

Section 3. DEFINITIONS.

As used in this Ordinance the masculine includes the feminine and neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

3.1 ACCESSORY BUILDING. A detached subordinate building, located on the lot with the main building, the use of which is incidental to the main

building or to the main use of the premises.

3.2 AGRICULTURAL USES. The growing of crops on a tract of land not less than three (3) acres and raising of such stock and poultry as are incidental to the acreage farmed. The feeding or disposal of community or collected garbage shall not be deemed an agriculture use, nor shall riding academies, livery or boarding stables or dog kennels be so considered.

3.3 ALLEY. A public or private thorough fare which affords only a secondary means of access to abutting property.

3.4 ALTER OR ALTERATION. A change or modification in construction or occupancy of a building or structure.

3.5 ANIMAL PEN-ENCLOSURE. Any pen, fence or other type of enclosure used for the keeping, feeding or harboring of any domestic pet allowed in residential districts.

3.6 APARTMENT. A room or suite of rooms in an apartment house or other building, intended, designed, used or suitable for use by one or more persons as a place of residence with culinary accommodations.

3.7 APARTMENT HOUSE. See dwelling, multifamily.

3.8 BOARD. Shall mean the Board of Zoning Appeals.

3.9 BOARDING HOUSE. A building or place, other than a hotel, where by prearrangement and for compensation, lodging and meals for a definite period are provided for not more than three (3) persons. With an amount over three (3) persons to be considered a hotel; and such accommodations are not furnished transient or overnight customers.

3.10. BUILDING. A structure having a roof supported by columns or walls, intended, designed, used or suitable for use for the support, enclosure, shelter or protection of persons, animals, or property, and when separated by fire walls each portion or such structure so separated shall be deemed a separate building.

3.11. BUILDING HEIGHT. The verticle distance measured from the average elevation of the finished lot grade to the highest point of the coping of a flat roof, or to the deck line on a mansard roof, or to the mean height between eaves and ridge of cable, hip, curved and gambrel roofs.

3.12. BUILDING-MAIN. A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in a residential district is a main building.

3.13. BUILDING SITE. The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as a unit of land occupied or to be occupied by a main building, or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards and open spaces as are required by these populations.

3.14. COMMISSION. Shall mean the Planning Commission.

3.15. DISTRICT. A section or sections of the City specifically declared within which the regulations governing the use of the buildings and premises are uniform.

3.16. DUMP. A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

3.17. DWELLING. Any building or portion thereof which is designed or used primarily for residential purposes.

3.18. DWELLING, SINGLE FAMILY. A detached building or portion thereof designed for and occupied exclusively by one family.

3.19. DWELLING, TWO FAMILY. A building or semi-detached building or portion thereof designed for an occupied exclusively by two families living independently of each other.

3.20. DWELLING, MULTIPLE-FAMILY. A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses but does not include hotels, motels and tourist courts.

3.21. EXCEPTIONS. An exception shall mean the allowance of a use within any district, such use and the conditions which it may be permitted being clearly and specifically stated within this regulation or by and with the expressed permission of the Board of Zoning Appeals. Said exceptions must be listed under the "Exceptions" listed in these regulations.

3.22. FLOOD PLAIN. An area that has been determined by the City, County or the State to be subject to flooding based on sufficient data with reference to a 100 year frequency flood.

3.23. GOVERNING BODY. The City Commission.

3.24. GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building, including interior balconies, mezzanines and accessory buildings. All horizontal dimensions are to be made between the exterior faces of the building.

3.25. HOME OCCUPATION. Any use customarily conducted entirely upon the premises and carried on by a member of the household residing in the dwelling, which use is clearly incidental and secondary to the use of the premises for dwelling purposes and which use neither changes the character thereof nor adversely affects the uses permitted in the district of which it is a part, no signs are displayed, except as permitted in this ordinance, no outdoor display or storage of materials or supplies, and no mechanical equipment is used that makes any loud unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

3.26. HOTEL. A structure designed, used or offered for residential occupancy for any period of time over a month excluding hospitals or nursing homes.

3.27. HOUSE TRAILER. See Mobile Home

3.28. JUNK YARD. A lot, land or structure or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or dis-

carded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for sale of parts thereof.

3.29. LOT. A parcel of land shown as a unit on a recorded subdivision plat.

3.30. LOT AREA. The total horizontal area within the lot lines of a lot.

3.31. LOT, CORNER OR EXTERNAL. A lot abutting upon two or three streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.

3.32. LOT DEPTH OF. A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

3.33. LOT, INTERNAL. Any lot which does not constitute a corner or external lot.

3.34. LOT LINE, FRONT. A boundary line of a lot which coincides with a street boundary line. The word "street" as used in this definition shall not include alley.

3.35. LOT LINE, REAR (INTERNAL). A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.

3.36. LOT LINE, SIDE (INTERNAL). A boundary line of a lot which does not coincide with a street boundary line. The word "street" as used in this definition does not include alley.

3.37. LOT, REVISED CORNER. A corner lot, the rear lot line of which either abuts upon, or is directly across an alley from the side lot line of another lot or parcel.

3.38. LOT WIDTH. The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front lot line be less than thirty-five (35) feet in width.

3.39 MOBILE HOMES. Mobile home as used in this Ordinance shall mean a moveable, detached, single-family dwelling unit with all of the following characteristics;

- (a) Designed for long-term occupancy and containing accommodations, a flush toilet, a tub or shower bath, kitchen facilities and having plumbing and electrical connections provided for the attachment to outside systems
- (b) Designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels (or detachable wheels)
- (c) Arrive at a site where it is to be occupied as a dwelling complete, and ready for occupancy except for minor and incidental assembly and unpacking operations, location on supports, connections to utilities and the like
- (d) Not to be placed on a permanent foundation as required for a permanent structure.

3.40. MOBILE HOME PARK. Any tract, area, site or plot of land whereupon a minimum of four (4) mobile homes are herein defined are placed, located or maintained or intended to be placed, located or maintained for dwelling purposes

3.41. MOBILE HOME SPACE. Any plot of ground within a mobile home accommodations for transient occupancy and have individual entrances.

3.42. MOTEL. A group of buildings including either separate cabins or a row of connected cabins or rooms which contain individual sleeping accommodations for transient occupancy and have individual entrances.

3.43. NONCONFORMING USE. The use of any building or premises which are lawfully used at the time of the effective date of this regulation but do not conform with the regulations and requirements of this regulation. This definition shall have the same application to any amendments hereto.

3.44. PARKING SPACE. A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building suitable in size and location to store one standard automobile.

3.45. PARCEL. All contiguous lands (including lots and parts of lots) held in one ownership.

3.46. PERSON. Any natural individual, firm, trust, partnership, association or corporation.

3.47. PLAT. A map, plan or layout of a city, township, section or subdivision indicating the location and boundaries of individual properties.

3.48. ROOMING HOUSE. Any dwelling unit in which more than one or more persons either individuals or as families are housed or lodged for hire with or without meals.

3.49. PREMISES. A parcel together with all buildings and structures thereon. See "Building Site"

3.50. SETBACK-LINE BUILDING. The distance extending across the full width of a lot, the depth of which shall be measured between the front line of the building and the center line of the street right of way.

3.51. SIGN. Any words, numerals, figures, devices, designs or trade marks by which anything is made known, such as are used to designate an individual firm, profession, business, or a commodity and which are visible from any public street or air.

3.52. SITE. See "Parcel"

3.53. STREET. That area of land platted and dedicated for public use, or lawfully used, as a public thoroughfare for vehicular travel; excluding from this definition accessways commonly designated as alleys.

3.54. STRUCTURE. Anything fabricated, assembled, constructed or erected by the skill of man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, advertising signs, billboards, poster panels, steak ovens, trash burners, radio towers, poles and fences.

3.55. STRUCTURE ALTERATIONS. Any change in the supporting members of a building such as bearing walls or partitions, columns, beams or girders, any substantial change in the roof or in the exterior walls.

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

3.57. TRAILER, CAMPING (TRAVEL TRAILER). A trailer as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath sanitary equipment, size and furnishings of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this ordinance.

3.58. TRAILER CAMP. See "Mobile Home Park".

3.59. VARIANCE. A modification or variation of the provisions of this regulation, as applied to a specific parcel of property, as distinct from rezoning.

3.60. USE. The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

3.61. YARD. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the minimum horizontal distance between the lot line and the main building shall be used.

3.62. YARD, FRONT. A yard extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. Covered porches shall be considered part of the main building and shall not project into a required front yard.

3.63. YARD, REAR. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or other projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

3.64. YARD SIDE. A yard extending from the front lot line to the rear yard line and being the minimum horizontal distance between the side lot line and the side of the main building or any projection thereof as herein defined. On corner lots the side yards shall be perpendicular to the street upon which the lot has its least dimension.

Section 4. COMPLIANCE WITH ORDINANCE PROVISIONS.

No Structure or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered contrary to the provisions of this ordinance.

ARTICLE III
DISTRICTS AND BOUNDARIES: MAP

Section 1. CLASSIFICATION OF DISTRICTS.

For the purpose of the ordinance, Sterling, Kansas is divided into the following districts in accordance with the "Zoning Map", included herein and made a part hereof by reference:

- 1-1 General Agricultural Districts
 - A-1 Single Family Residential District
- 1-2 Residence Districts
 - R-1 Single Family Residential District
 - R-2 Two Family Residential District
 - R-3 Multi-Family Residential District
- 1-3 Business Districts
 - B-1 Service Business District
 - B-2 General Business District
- 1-4 Industrial Districts
 - I-1 Industrial District
- 1-5 Miscellaneous Districts
 - M-1 Flood Area Districts

Section 2. ZONING MAP.

Said districts are bounded and defined as shown on a map entitled "Zoning Map-Sterling, Kansas". and adopted as a part of this Ordinance. The "Zoning Map" shall be kept and maintained by the Zoning Administrator or other official, designated by the governing body, and shall be available for inspection and examination by members of the public at all reasonable hours as that of any other public record.

Section 3. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES AND GENERAL RULES.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts on the Zoning Map, the following rules shall apply.

3.1 Where district boundary lines are indicated as approximately following streets and alleys, highways or railroads such boundaries shall be construed as following the centerline thereof.

3.2 Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.

3.3 Where a boundary of a district appears to follow a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.

3.4 Where a district boundary line divides a lot, or unsubdivided property and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.

3.5 The words and numbers used singularly or plurally shall include both singular and plural interpretation.

3.6 The word "may" is permissive; the word "shall" is mandatory.

ARTICLE IV DISTRICT REGULATIONS

Section 1. A-1 GENERAL AGRICULTURAL DISTRICT.

1.1 General Description. These districts are intended to protect normal agricultural uses in open country locations and to serve as holding areas around the developing urban fringe where immediate urban development would be premature and where the most appropriate urban use is not yet apparent.

1.2 Uses Permitted. Property and structures in an A-1 AGRICULTURE DISTRICT shall be used for any of the following uses and no other:

- (a) All agricultural uses including farm dwellings
- (b) Accessory farm buildings
- (c) Single Family Dwellings, provided a minimum of 100' measured laterally shall be provided between single family buildings, trailer homes
- (d) Utility substation, pumping station, water reservoir and telephone exchange.
- (e) Fire Station
- (f) Public and Private Schools and Colleges
- (g) Public Park and recreation areas
- (h) Private non-commercial recreation areas, including country clubs, swimming pools, golf courses, but not including commercial miniature golf, golf driving ranges, or motorized cart tracks.

1.3 Conditional Uses. The following uses may be permitted only if authorized by the Commission.

- (a) Aviation fields, airports, or heliports
- (b) Cemeteries
- (c) Churches
- (d) Commercial recreational areas
- (e) Dog Kennels
- (f) Fur bearing animal farms
- (g) Reservoirs, wells, towers, filter beds, or water supply plants
- (h) Riding stables
- (i) Trailer camps, trailer parks, mobile home parks
- (j) Seasonal dwellings for part time occupancy only
- (k) Roadside stands for sale of agriculture products by operator other than producer of the agricultural product
- (l) Hospitals, sanitariums, nursing homes and retirement homes
- (m) Nursery
- (n) Public utility other than sewage treatment or dump
- (o) Motorized cart tracks, motor vehicle race tracks and drag strips
- (p) Hospitals for the insane or feeble minded or penal or correctional institutions
- (q) Drive-in theaters and theaters

Section 2. SINGLE FAMILY RESIDENTIAL DISTRICT. R-1

2.1 General Description. Among residential districts these are the most restrictive. The principal use of land is for one-family detached dwellings.

Restrictions as indicated are imposed to enhance the development of a garden type housing area. Related recreational religious and educational facilities, governmental, utility and hospital facilities are included when it is indicated that the addition of such will enhance neighborhood desirability; but all encroachments which might be in conflict are prohibited.

2.2 Uses Permitted

(a) Single Family Dwelling

(b) Accessory buildings and uses customarily incident to the uses permitted, all located on the same lot or parcel

2.3 Conditional Uses. The following uses may be permitted if authorized by the commission as provided herein:

(a) Churches

(b) Fire Stations, Ambulance Stations

(c) Municipal parks and playgrounds and community clubhouses

(d) Parking lot when established to fulfill parking requirements for and existing or permitted use in the district.

(e) Public parochial or private schools, attendance at which satisfies the requirements of the compulsory education laws for the State of Kansas

(f) Radio towers under such safeguards as the Board may require

(g) Building or the use of premises for public utility purposes or public service corporations, which buildings or uses the Board deems necessary for public convenience or welfare

(h) Cable TV Satellite dishes or receivers

(i) Accessory buildings and uses customarily incidental to the uses permitted, all located on the same lot or parcel.

Section 3. R-2 TWO FAMILY RESIDENTIAL DISTRICT

3.1 General Description. Two Family Residential District is intended for the purpose of allowing single family and two family dwellings free from other uses except for those which are both compatible with an convenient to the residents of such a district.

3.2 Uses Permitted. The following uses shall be permitted in the R-2 Two Family Residential District:

(a) Two Family Dwelling Units

(b) Single Family Dwelling Units

(c) Accessory buildings and uses customarily incidental to the uses permitted, all located on the same lot or parcel

3.3 Conditional Uses. The following uses shall be permitted only if authorized by the Commission as provided in Section 4, Article V.

(a) All uses listed as "Conditional Uses" in R-1

(b) Child Care Homes

(c) Funeral Homes

(d) Professional offices and customary home occupations

(e) Private organizations, fraternities, sororities, and lodges, not including those whose activities are the providing of services customarily carried on as a business

(f) Radio towers under such safeguards as the Board may require

(g) Buildings or the use of premises for public utility purposes or public service corporations which buildings or uses the Board deems necessary for public convenience or welfare.

(h) Cable TV satellite dishes or receivers

Section 4. R-3 MULTIPLE FAMILY RESIDENCE DISTRICT

4.1 General Description. The R-3 Multiple-Family Dwelling District intended for the purpose of allowing high residential density land use with co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities and certain uses, yet retaining the basic residential qualities.

4.2 Uses permitted. Property and structures in an R-2 Multiple Family Residence District shall be used for any of the following uses and no other:

- (a) Multiple Family Dwellings
- (b) Two-Family Dwellings
- (c) Single-Family Dwelling
- (d) Accessory buildings and uses as regulated herein

4.3 Conditional Uses. The following uses shall be permitted only if authorized by the Commission as provided in Section 4. Article V:

- (a) All uses listed as "Conditional Uses" in R-1
- (b) Child Care Homes
- (c) Funeral Homes
- (d) Professional offices and customary home occupations
- (e) Private organizations, fraternities, sororities, and lodges, not including those whose activities are the providing of services customarily carried on as a business.
- (f) Radio towers under such safeguards as the Board may require
- (g) Buildings or the use of premises for public utility purposes or public service corporations, which buildings or uses the Board deems necessary for public conveniences or welfare
- (h) Cable TV satellite dishes or receivers

Section 5. B-1 SERVICE BUSINESS DISTRICTS

5.1 General Description. This business district is for the conducting of retail trade and to provide personal services to meet the regular needs and for the convenience of people of adjacent residential areas. Because these shops and stores may be an integral part of the neighborhood and closely associated with residential, religious, recreational and educational elements, more restrictive requirements for air, light, open space and off-street-parking are made than are provided for in the B-2 General Business District.

5.2 Uses Permitted. Property and structures in a B-1 Service Business District shall be used for any of the following uses and no other:

- (a) Ambulance Service
- (b) Bakeries and confectioneries, not wholesale
- (c) Banks, trust companies, building and loan association
- (d) Barber shops, beauty shops, other personal service shops
- (e) Bicycle sales and repair shops
- (f) Blue printing and photostating establishments
- (g) Book, stationery and gift stores
- (h) Bowling alleys
- (i) Clothing stores, retail
- (j) Drug stores having no curb or parking lot delivery service of mountain products
- (k) Dry cleaning pick-up stations
- (l) Fabric or decorator
- (m) Filling stations

- (n) Finance and loan companies
- (o) Florist shop (not including greenhouses)
- (p) Food sales, retail
- (q) Furniture and appliance stores, retail
- (r) Hardware stores, retail
- (s) Hobby, craft and toy shops, retail
- (t) Jewelry and watch repair shops, retail
- (u) Laundromats, laundry pick-up stations
- (v) Lock and gunsmiths, not including shooting range
- (w) Music Stores
- (x) Office and agencies
- (y) Office equipment and supplies sales, and service retail
- (z) Optical services
- (aa) Package liquor stores
- (bb) Paint stores, retail
- (cc) Pharmacy
- (dd) Photography shops and studios
- (ee) Public buildings and uses
- (ff) Radio and television sales and service
- (gg) Restaurant or cafeteria not including drive-in facilities
- (hh) Rug and carpet stores, retail
- (ii) Shoe store and shoe repair, retail
- (jj) Sporting goods store, retail
- (kk) Tailors, dressmakers and milliners, custom service
- (ll) Other uses which in the judgement of the Commission are of the same general character as those listed in this section and have been approved by action of the Commission

5.3 Conditional Uses. The following uses shall be permitted only if authorized by the commission as provided herein.

- (a) Motels, Motor Hotels
- (b) Radio towers under such safeguards as the Board may require
- (c) Building or the use of premises for public utility purposes or public service corporations, which buildings or uses the Board deems necessary for public convenience or welfare.

Section 6. B-2 GENERAL BUSINESS DISTRICT

6.1 General Description. This business district is for the conduct of retail trade and to provide personal services which, due to their character, create an increased traffic flow and higher density of land use. Because of these characteristics less restrictive uses and requirements are made in this district than are found in a neighborhood business district.

6.2 Uses Permitted. The following uses shall be permitted and the following regulations shall apply within the business district:

- (a) Stores and shops for the conducting of any retail business
- (b) Banks, offices and studios
- (c) Painting or decorating shops
- (d) Personal service shops
- (e) Restaurants, cafes and lunchrooms
- (f) Hotels, motels, lodging houses, apartments
- (g) Garages, filling stations and implement companies
- (h) Printing plants and newspaper offices
- (i) Laundries and laundromats
- (j) Schools, business or commercial
- (k) Theaters, bowling alleys, taverns and any public recreational use.

(l) Accessory buildings and accessory uses in connection with business uses.

(m) Other uses which in the judgement of the Commission are of the same general character as those listed in this section and are approved by the action of the Commission

5.3 Conditional Uses. Light industrial uses which do not constitute a nuisance by reason of noise, vibration, odor, smoke, gas or other offensive conditions.

- (a) Clinics, including animal clinics
- (b) Radio towers under such safeguards as the Board may require
- (c) Buildings or the use of premises for public utility purposes or public service corporations, which buildings or uses the Board deems necessary for public convenience or welfare.

Section 6. I-1 INDUSRTIAL DISTRICT.

6.1 General Description. This district is intended primarily for industrial uses. Since the character of differing industries vary so widely, most proposed industrial uses must be reviewed prior to construction.

6.2 Uses Permitted:

- (a) The manufacturing, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletrie food products, hardware
- (b) Machine repair shops
- (c) Manufacturing, processing and packaging of rubber moulded products
- (d) Manufacturing of pottery or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas
- (e) The manufacturing, processing and packaging of electrical appliances instruments and devices, radios and phonographs.
- (f) The manufacturing of farm equipment
- (g) The manufacturing of motorized vehicles or vehicular parts
- (h) Warehouse and wholesale establishments and truck terminals
- (i) Central dry cleaning plants or laundries, provided that such plants shall not deal directly with consumer at retail
- (j) Public utilities, excluding power plants
- (k) Trade or industrial schools
- (l) Accessory structures incidental to uses outlined in (a) through (r)

6.3 Conditional Uses.

- (a) Bulk petroleum or natural gas stations and terminals
- (b) Power plants
- (c) The processing of animal skins, furs, hides and other by products
- (d) Drilling operations
- (e) Radio or television transmitting towers
- (f) Automobile Service Stations
- (g) Other uses of a similar or no more objectionable nature and which will not be injurious or have an adverse effect on adjacent areas

Section 7. FLOOD AREA DISTRICT "F".

7.1 General Description. This district is provided for those areas of the City that are subject to periodic flooding. It is intended to prevent any major construction to such an area, so long as the flooding peril is in existence. The fact that this district does permit certain uses is in no instance, a guarantee that the danger of floods and or damages resulting therefrom are reduced for these permitted uses. Any and all development and structures including public and private development and structures shall be developed or constructed entirely at the risk of the person, party, agent, corporation, agency, or any other unit, developing such area, and the governing body and the Commission nor any of its agents or employees, shall be liable for any damages to structures or land as a result of floods, flooding or any other greater damages.

7.2 Resolution No. 288 adopted by the commission of the City of Sterling, Kansas, December 16, 1974, is hereby adopted by reference as a part hereof as though fully set forth herein.

7.3 The Building Inspector provided for in Resolution No. 288 and Section 5.18 of the Code of the City of Sterling shall be one and the same person as the Zoning Administrator provided for herein.

ARTICLE V SUPPLEMENTARY REGULATIONS

Section 1. HEIGHT AND AREA REGULATIONS.

The following requirements are for the purposes of controlling yard and lot sizes; The height and bulk of buildings and lot sizes, the height and bulk of buildings and the arrangement of structures on lots to insure adequate light, air and privacy; to afford safe play space for children; to reduce fire hazards; and in general to afford a healthful and safe environment. See chart marked Exhibit A and attached hereto and made a part hereof the same as though fully set forth herein.

Section 2. ACCESSORY BUILDINGS.

Accessory buildings as defined in Article II. Section 3.1 and as regulated herein, are permitted in any district. No detached accessory building hereafter constructed shall occupy a required front yard or be located within ten (10) feet from any dwelling existing or under construction on the building site, except that for a detached garage, the minimum distance shall be five (5) feet. No single accessory building, in a residence district, shall occupy more than thirty (30) percent nor shall all such buildings collectively occupy more than forty (40) percent of the required yard spaces in the rear half of the lot. No accessory building shall be located closer than five (5) feet to any lot line in the case of a side yard than the front yard abutting. On external lots an accessory building shall not project closer than fifteen (15) feet to the street side lot line except that if the building is required parking garage, and has access to the side street, such a set back shall be a minimum of twenty (20) feet.

Section 3. BUILDING SITE REQUIREMENTS - EXCEPTIONS.

Even though the width of the area is less than the minimum required by these regulations for the district, any of the following specified lots or parcels of land may be used as a building site for dwelling purposes (except in an industrial district). If all other requirements are met; provided, that no more than one dwelling unit shall be placed upon any such lot or a parcel.

3.1 Any lot shown on a subdivision recorded prior to the effective date of this ordinance.

3.2 Any parcel of land purchased prior to the effective date of this Ordinance by the present owner or by a person from whom the present owner acquired it through testamentary disposition or intestate succession where no adjacent land is owned, by the same person.

3.3 Any lot or parcel of land where the deficiency is due exclusively to the condemnation of a portion thereof for a public purpose or the sale thereof to any agency or political subdivision of the City, State or Federal Government.

3.4 Irregular lots. Where the side lot lines are not parallel. The minimum width requirement may be applied to the average lot width of the lot if when measured at the front lot line the width is at least fifty (50) feet. The same determination shall be made on the rear half of a lot.

Section 4. CONDITIONAL USES.

The Commission may approve a conditional use, if permitted, in the district, only if the following requirements have been met:

4.1 The location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on the existing transportation and service facilities in the vicinity.

4.2 The Commission may also determine that the proposed use is such that it is necessary to require greater standards than listed in the district in order to correlate the proposed use to other property and uses in the vicinity.

4.3 That the site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use.

4.4 That the proposed use, if it complies with all conditions upon which the approval is made contingent, will not adversely affect the property in the vicinity.

4.5 The Commission may provide that approval be contingent upon acceptance and observance of specified conditions, including but not limited to:

- (a) Conformity to plans and drawings submitted with the application
- (b) Special yards, open space, buffer strips, walls, fences, hedges, landscaping
- (c) Performance standards relative to emission, to noise vibration or other potentially dangerous or objectionable elements.

- (d) Limits on time of day for conduct of specified activities
- (e) A period in which the approval shall be exercised or otherwise shall lapse
- (f) Guarantees as to compliance with the terms of approval

Section 5. HEIGHT LIMITATIONS-EXCEPTIONS.

5.1 In a residence district a permitted building, other than dwelling or accessory building as defined herein, may be built to a height of forty (40) feet and to a greater height if the minimum dimensions of the rear yard and each of the side yards exceed the requirement in the district by one (1) foot for each (1) foot of additional height.

5.2 The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, penthouses and domes, not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks, bulk heads, carried above the roof level.

5.3 The provisions of this Ordinance shall not apply to prevent the erection, above the building height limit, of a parapet wall or cornice for ornament and without windows extending above such height limit not more than five (5) feet.

Section 6. LOT COVERAGE-EXCEPTIONS.

In calculating the percentage of lot coverage, or required yards, for the purpose of applying the regulations of this Ordinance, the features of a structure as hereafter set forth shall not be included as coverage, nor be considered an infringement into the required yard.

6.1 Unenclosed steps, stairways, landings and stoops, not extending above the ground level.

6.2 Unenclosed surfaced walks and driveways

6.3 Fence or trestles not exceeding six (6) feet. In residence districts, fences in front yards shall be open.

6.4 Retaining walls not more than eighteen (18) inches higher than the grade of the ground retained.

6.5 Flu or fireplace attached to the main building.

6.6 Bay windows extending not more than eighteen (18) inches from the main building

6.7 Cornices, canopies and eaves not extending more than three (3) feet.

6.8 Open fire escape not projecting into a required side yard more than half of the width of such yard.

6.9 Fire escapes, solid floor balconies and enclosed outside stairways projecting to within twelve (12) feet of the rear lot line.

Section 7. HOME OCCUPATIONS.

Home occupations shall be governed by the following regulations:

7.1 Home occupations shall not occupy more than twenty (20) percent of the total floor area of the main building, or if located in an accessory building, shall not occupy more than five (5) percent of the total lot area.

7.2 Home occupations shall be operated entirely from an enclosed structure

7.3 There shall be no visible evidence of the operations, except for one (1) sign not larger than three (3) feet by two (2) feet in size and one side of said sign shall be affixed to said building. The sign shall not be a flashing or neon sign.

7.4 The operation shall not substantially increase traffic in the area.

7.5 The operation shall not be objectionable due to odor, dust, smoke, noise, vibration or other similar causes.

7.6 No outdoor display or storage of material

7.7 In no way shall the appearance of the structure or the conduct of the occupation within the structure be so altered that it may reasonably be recognized as serving a non-residential purpose (either by color, materials of construction, lighting, sounds or noises, vibrations, etc.)

Section 8. JUNK YARDS.

Junk yards as defined in Section 3.26 of Article II when approved in the Industrial Districts are required to construct a ten (10) foot closed, solid board fence, completely surrounding the area used in the operation.

Section 8-A KENNELS.

Any place, area, building or structure where animals are kept for the purposes of breeding, boarding or are trained by someone other than the owner, any such Kennel must be a minimum of 150 feet from a residential district.

Section 9. MOBILE HOME PARKS.

9.1 Mobile home parks may be located in any district except R-1 upon approval of the commission, following the procedures provided herein.

9.2 The following are minimum requirements for mobile home parks. They shall be located on a well drained site; each mobile home space shall be a minimum of 2,000 square feet, all roadways shall be all weather surfaced or all weather gravel road, and all utility services shall be available to all trailer spaces. All mobile homes not affixed to the realty and capable of being moved without removal of a foundation must be located in a mobile home park.

9.3 The applicant requesting permission to develop a Mobile Home Park shall submit to the Sterling Planning Commission a plot plan for said park which shall include the requirements set forth in 10.2. The Commission shall not grant approval of a mobile home park until such time as it has been reviewed and approved the plot plan. After the plot plan has been approved it shall be filed with the Building Inspector who shall be res-

ponsible for insuring that the development of the mobile park conforms to the plot plan as adopted by the Planning Commission.

Section 10. PARKING REGULATIONS.

Whenever a structure is erected or structurally altered, and where required by this Ordinance there shall be provided off street parking space as follows:

10.1 Single family dwellings. One off-street parking space.

10.2 Multiple-family dwellings. One off-street parking space per unit in the side, rear and front yard.

10.3 Home Occupations. Two (2) off-street parking spaces in the side or rear yard in addition to those required for dwelling purposes.

10.4 Schools:

- (a) Elementary - Two per classroom
- (b) Junior High - Two per classroom
- (c) High School - Ten per classroom
- (d) College - Twelve per classroom

10.5 Churches and other places of Public Assembly. One (1) off street parking space shall be provided for each five seats based on the maximum seating capacity.

10.6 Hospitals, Nursing Homes, Boarding Houses or Lodging Houses. One (1) off street parking space shall be provided in the side or rear yard for each bed plus a passenger loading area.

10.7 Business and Professional Offices. One (1) off street parking space shall be provided per each unit or 250 square feet of gross floor space except in the B-2 District.

10.8 Tourist Courts. Hotels and Motels. One (1) off street parking space shall be provided per each rental unit.

10.9 Bowling Alley. Six (6) off street parking spaces shall be provided for each alley.

10.10 Industrial. One (1) off street parking space shall be provided for every six hundred (600) square feet of gross floor area, or one (1) per every two (2) employees, whichever requires the greater number of spaces.

10.11 These requirements are effective upon the erection of enlargement of a structure, or the use thereof changed to any permitted use or special use within a district. Each required off-street automobile storage space shall have all weather surfaces and have free access to a public right of right of way. No required off-street automobile storage space shall be located within a required front yard in any district.

10.12 Retail and Service Establishment. One (1) off street parking space per 150 square feet of floor space and outdoor sales space.

Section II. LOADING AND UNLOADING REGULATIONS.

Space requirements loading and unloading spaces shall be provided off street and on the premises and in the side or rear yard for commercial and industrial uses involving receipt or distribution of materials or

merchandise by motor vehicle or rail. All loading and unloading operations shall be located as to avoid undue interference with the public use of streets, alleys, and walkways. Such space shall include a twelve (12) foot by fifty (50) foot load area for loading and unloading operations and shall have a minimum height clearance of fourteen (14) feet. The number of spaces shall be provided as follows:

NO. OF SPACES	GROSS FLOOR AREA IN SQUARE FEET
1	3,000 to 20,000
2	20,000 to 40,000
3	40,000 to 60,000
4	60,000 to 80,000
5	80,000 to 100,000
6	100,000 to 150,000

One (1) additional space shall be provided for each fifty thousand (50,000) square feet above one hundred fifty thousand (150,000) square feet.

11.1 Plans and Approval Required. Plans showing the layout and design of all required loading and unloading areas shall be submitted and approved by the building inspector prior to issuance of a building permit. Before approving the layout the Building Inspector shall satisfy himself that all spaces provided are useable and meet standard design criteria and that the complete loading and unloading operation is performed off-street.

11.2 Performance. In lieu of actual construction of the required off street parking loading and unloading area, the Governing Body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount fixed by the governing body and conditioned upon actual construction of such work or improvement, within a specified time and the Governing Body may enforce each bond by all equitable means.

Section 12 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.

Signs permitted in any residential district (R-1, R-2, and R-3 Districts) shall be erected and maintained at least fifteen (15) feet from the street line and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected in the event of a complaint on the character or kind of sign maintained, the decision of the Board of Appeals shall be final as to compliance of the sign with this provision which decision shall be made after investigation and report by the Planning Commission, if deemed desirable by the Board. The following signs are permitted in all residential districts:

(a) One name plate or sign indirectly illuminated or not illuminated as provided for home occupations herein.

(b) One temporary sign, not illuminated, less than six (6) square feet in area advertising the sale, lease or rental of the property.

(c) One temporary sign per tract of land or subdivision advertising the sale of the tract or lots in the tract and not exceeding forty-eight (48) square feet in area. The sign shall be reduced in size by six (6) square feet for each vacant lot less than eight (8) in the subdivision.

12.1 Signs permitted in any commercial district shall not project over public property for a distance of more than five (5) feet and in no case shall a sign project or overhang for a distance of more than eight

(8) feet in the event of a complaint on the character of the kind of a sign being maintained, the decision of the Board of Appeals shall be final as to the sign with this provision, which decision shall be made after investigation and report by the Planning Commission, if deemed desirable by the board. The following signs are permitted commercial district:

(a) Any sign permitted in a residential district.

(b) Signs identifying a business establishment or business area shall be governed by the following regulations.

(1) The content of signs shall relate only to services provided or products produced or sold upon the premises or to the name of the establishment.

(2) Only one (1) sign shall be permitted for any one establishment or business for each facade which faces onto a public right of way and each such sign shall be attached to the corresponding facade, and shall not extend above the roof of the building.

(3) Only one (1) free standing, or pole, sign shall be permitted for any one establishment or business for each side of the business that faces a public right of way and each such sign shall not extend to a greater height than one and one-half (1½) the height of the structure with which the sign is associated.

(4) All signs, whether attached or free standing shall not project or extend from the supporting element for a distance greater than eight (8) feet and shall not project over the public property for a distance of greater than five (5) feet.

(5) Only two (2) movable signs not exceeding forty-eight (48) square feet in total viewing area per sign and not exceeding six (6) feet in height

(6) In the case of stores surrounding a common court, or stores so designed to complement each other, one common sign indicating the name of the shopping area and consisting of the names of the various stores may be permitted. The sign shall be in character with the shopping area and shall not be of a height greater than one and one-half (1½) times the average height of the buildings in the shopping area. Each individual store name making up the common sign shall consist of a length no greater than eighteen (18) inches.

(7) No business signs shall be located within forty (40) feet of a lot in a residential district, a public park or a school.

12.2 Signs permitted in an industrial district shall be erected, maintained and regulated by the requirements governing signs permitted in a commercial district.

12.3 Illuminated signs using colors that might conflict with safety signs may not be erected closer than one hundred (100) feet to an intersection.

12.4 All projecting signs in business districts shall be a minimum of ten (10) feet above the street elevation

12.5 Permits are required for every sign erected or constructed in the City except for "Name Plates", Political Signs, "For Sale", and "For Rent" signs. Application for such signs shall be made on forms provided along with proof of agreement of owner of land (if not owed by the applicant) to erect the sign.

12.6 The following Inspection Fees are required prior to receiving a sign permit:

(a) All signs - \$1.00

(b) The receipt of a sign permit for any sign does not relieve the

applicant from the requirements of keeping a safe, orderly, painted and clean base area (free from weeds and debris) and of all signs. The Zoning Official of the City is hereby authorized to inspect and reinspect any and all signs, and should any sign be maintained in improper order, the Zoning Official may cause the removal of such sign at the expense of the owner or applicant.

12.7 Allowable Size. The following regulations apply to the total square foot area allowed for signs in all zoning districts

Home Occupations and For Sale

Signs 6 Square Feet

Subdivision-division development sign not to exceed 48 feet as set forth in Section 13 (c).

Attached and detached signs shall not exceed four (4) square feet for each ten (10) feet of street frontage or forty (40) square feet for each acre or fraction of the premises which use occupies.

Section 13. VISION CLEARANCE.

Vision clearance areas shall be provided with the following distance establishing the size of the vision clearance area.

13.1 All business, service, repair, processing, storage, or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential zone by a slight obscuring fence permanently maintained at least six (6) feet in height.

13.2 Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise, or other adverse affects on residential properties.

13.3 Motor vehicle, boat or trailer rent, sales or storage lots shall be drained and surfaced with crushed or pavement except in those portions of the lot maintained as landscape areas.

13.4 Yards abutting or across a street from a residential district shall be continuously maintained in lawn or other landscaping unless screened from the residential district as provided in Section 14.1, Article V.

13.5 Access points from a public road to properties in all districts shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

13.6 All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

13.7 The emission of odorous gasses or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.

Section 14. USES NOT LISTED - DETERMINATION.

Whenever there is doubt as to the classification of a use not specifically listed or mentioned in this Ordinance, the determination shall be made by the Commission.

14.1 The determination of the Commission shall be rendered within a reasonable time, but not to exceed thirty days and shall state the class

or classes of districts in which the proposed use will be added and whether it is a permitted use. A "Conditional Use," or an "exception"

14.2 The determination of the use shall be effective immediately, and the use specifically described shall thereafter be considered as permitted use. A "Conditional Use" or and "exception", in the districts indicated and shall have the same status as other uses listed and are regulated therein.

14.3 Application for determination shall be made in writing. No specific form is required.

Section 15. USES PROHIBITED.

The following use or uses, shall be prohibited in residential districts.

15.1 A vehicle shall not be parked in a residential area either on the public streets or in private property for a period in excess of thirty (30) days if unlicensed for the current year, or if licensed, incapable of moving under its own power. The thirty (30) day period is cumulative and need not be in succession.

15.2 No farm machinery of any type shall be parked in a residential area (unless in an enclosed building on private property) or the public streets therein for a period in excess of seventy-two (72) hours. The seventy-two (72) hour period is cumulative and need not be in succession.

15.3 No livestock, including cattle, cows, horses, sheep, pigs, goats, nor poultry may be kept, fed, housed, stored or bred in any R-1, R-2, or R-3 Districts.

15.4 Livestock may be permitted in "A" districts within the City limits provided that there must be a minimum of 2,000 square feet of lot area for each head kept on the property.

15.5 No pen or other enclosure for dogs or other domestic pets shall be located within fifteen (15) feet of an abutting property. Nor may such pen or enclosure be located in the front yard or enclosure be located in the required side yard.

Section 16. VACATED STREETS AND ALLEYS.

Whenever any street, alley or other public way is vacated by official action of the governing body, the zoning districts adjoining each side of such a street, alley or public way shall be automatically extended to the center of such vacated street or alley and all areas included in such adjacent district shall then and thenceforth be subject to all regulations of the extended districts.

Section 17. VISABILITY AT INTERSECTIONS.

On a corner lot in any residential district no fence, wall, hedge, or other structure or planting more than three and one-half (3½) feet in height measured from the crown of the street shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty (30) feet distant from the point of intersection, measured along said street lines

Section 18. YARD REQUIREMENTS - EXCEPTIONS.

18.1 Where the building wall is not parallel to a side or rear lot line, the required least dimension of the side yard or the rear yard along such line may be considered to be the average distance of said wall from lot line, provided that no such side yard shall be less than four (4) feet in depth at any point.

18.2 The following exception shall apply only where forty (40) percent or more of the existing structures, which face the same side of a street between the same two intersecting streets have observed a front set-back greater or less than the the required front yard in that district. The front yard for a dwelling hereafter erected in the same block frontage shall be the average set-back of the existing structures, but in no case shall the front yard be reduced to less than fifteen (15) feet.

18.3 On a corner or External lot, a structure may face either street, except that if a structure, including an attached garage, faces the street side yard (as defined in Section 3.34 of Article II) the side yard set-back shall be the same as the required front yard set-back in the district. This does not relieve the normal front yard requirements of the lot as defined in this Ordinance.

18.4 Provided no other access to the back yard is available (such as an alley or street), at least one side yard shall be a minimum of twelve (12) feet wide.

Section 19. MOBILE HOMES.

No person shall park or occupy any mobile home outside a duly authorized mobile home park, unless the mobile home complies with all regulations that apply unto a permanent dwelling in that district, be permanently attached to the realty and placed upon a permanent foundation. Such mobile home structure to be located outside an approved mobile home park shall first be submitted to the Planning Commission for review as to architectural conformity with the surrounding neighborhood, based upon the following:

(a) The physical condition of the structure is not in a neighborhood which contains home of size and value sufficiently higher than will result from the establishment of the mobile home that the contrast in appearance will depress property values in the neighborhood.

19.1 A mobile home may also be permitted by the City Commission, after public hearing, for the purposes of temporary relief from a local disaster, such as fire, wind or flood damage provided such mobile home shall be removed from the premises within six (6) months of its original placement.

19.2 A Mobile home shall not be temporarily or permanently parked or located on any public street or alley nor on any lot containing a residential or business structure, except when in complete conformity with the zoning and other ordinance of the City of Sterling.

Section 20. TRAILERS, TRAVEL TRAILERS AND CAMPERS.

Camping trailers may be parked in a campground or trailer park, provided such camp area is in conformance with the zoning and other ordinances of the City of Sterling. No such camping trailers shall be used for permanent or semi-permanent residential purposes. Nothing in this Ordinance shall prohibit the use of tents, pick up campers and other such equipment from also utilizing an approved campground or camper park. Camping trailers may also be stored, on the basis of one per family in private garages, or in the side or rear yards of private home business or industrial areas, provided no such trailer shall be used for residential purposes.

ARTICLE VI NONCONFORMING USES

Section 1. NONCONFORMING USE.

Any use lawfully occupying a building or land at the effective date of this Ordinance, of a subsequent amendment hereto, that does not conform to the regulations for the district in which it is located, shall be deemed to be a nonconforming use and may be continued. This does forego the existing powers of the governing body in the gradual elimination of nonconforming uses and buildings, provided that reasonable periods for amortization of particular uses and buildings shall be required as determined by the governing body.

Section 2. NONCONFORMING BUILDING-MAINTENANCE, ALTERATIONS, ENLARGEMENTS AND RESTORATION.

3.1 Maintenance and minor repairs to keep a nonconforming building in sound condition as may be required by law shall be permitted.

3.2 In no case shall a nonconforming building be structurally altered unless the same will have the effect of or actually result in eliminating the nonconforming use.

3.3 A nonconforming building may be enlarged or extended only if the entire building is thereafter devoted to a conforming use. No building partially occupied by a nonconforming use shall be altered in such a way as to permit the enlargement or expansion of the space occupied by such nonconforming use.

3.4 When a nonconforming building is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than fifty (50) percent of its structural value, it shall not be restored except in conformity with the district in which it is located.

Section 4. NONCONFORMING USE - USE CHANGES.

A nonconforming use may not be enlarged or extended in such a way as to occupy any required open space, on any land beyond the boundaries of the lot or parcel of land as it existed at the effective date of this ordinance, or to displace any conforming use in the same building or on the same parcel. Within the limitations of this section, a nonconforming use may be changed to a use of the same or of a more restricted character, but if changed to a use of a higher character, the use may not thereafter be changed to any less restricted use.

Section 5. NONCONFORMING USE - ABANDONMENT.

In the event that a nonconforming use of any building or premises is discontinued or its normal operations stopped, for a continuous period of six (6) months, use of such building or premises shall thereafter conform to the use regulations in district in which the same is located.

ARTICLE VII
AMENDMENTS AND CONDITIONAL
USE APPLICATIONS

Section 1. AMENDMENTS, SUPPLEMENT OR CHANGE OF BOUNDARIES OR REGULATIONS AND FEES.

The procedure to amend, supplement, change, modify or repeal regulations, restrictions, boundaries and other provisions contained on the Zoning Ordinance of the City of Sterling, Kansas, shall be as provided by Kansas Statutes Annotated, Chapter 12, Article 7, Section 708 through 713 (K.S. 12-708 through 713), and all amendments thereto, which statute and all amendments thereto is hereby included herein by reference and made a part hereby as though fully set forth herein. Any proposal for a change of zoning district must be filed with the Secretary of the Commission together with a filing fee of fifty (50) dollars to secure costs of said proposal.

Section 2. CONDITIONAL USE - APPLICATION.

An application for conditional use as provided here shall follow the procedures provided in Section 1. of Article VII herein except the fee shall be twenty-five (25) dollars.

ARTICLE VIII
"P-D" PLANNED UNIT DEVELOPMENT DISTRICT

Section 1. INTENT AND PURPOSE:

To further the public health, safety and general welfare in an urbanizing area, developing housing of all types and designs, plus the necessary commercial, industrial and recreational facilities ancillary to the principal residential development.

Section 2. DISTRICT REGULATIONS:

In District P-D, no building shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the uses listed in Section 4 of this regulation.

Section 3. DEFINITIONS:

For the purpose of this Ordinance, certain words and terms used shall be defined as follows:

3.1 Common open Space- A parcel or parcels of land or an area of water within the site designated for a planned unit, designed and intended for the use of residents and owners of the planned unit, development.

3.2 Development Plan-A development plan is the total site plan of a Planned Unit Development drawn in conformity with the requirements of this Ordinance.

(a) Preliminary Development Plan: A plan prepared at a scale not smaller than one inch (1") to one hundred feet (100') showing areas of different residential density, the internal relationships between land uses and open space, the relationship of the proposed development to adjacent land, the street system, off street parking, and the proposed development phases.

(b) Final Development Plan: A plan, prepared at a scale not smaller than one inch (1") to one hundred feet (100'). The Final Development Plan shall contain all the requirements of the Preliminary Development Plan, plus additional information that is outlined in this article. The Final Development Plan shall meet Planning Commission and City Commission approval before development may commence.

3.3 Development Schedule- A Development Schedule is a comprehensive statement showing the type and extent of development to be completed with various practicable time limits and the order in which development is to be undertaken. A development schedule shall contain an exact description of the improvements to be developed at the end of each specified time period.

3.4 Planned Unit Development-Planned Unit development is an area of land developed as a single entity, or in approved stages in conformity with a Final Development Plan by a Developer or group of developers acting jointly, which is totally planned to provide for a variety of residential and compatible uses and common open space.

Section 4. USE REGULATIONS:

Uses permitted in the Planned Unit Development may include and shall be limited to the following:

4.1 Primary Residential Uses - Single family, two family and multiple family dwelling units as defined in the Zoning Ordinance of the City of Sterling.

4.2 Secondary Non-residential Uses-Non-residential uses of a religious public or semi-public, cultural, recreational or commercial character. Non residential uses shall be compatible with and a secondary to a primary residential use. No building devoted primarily to a commercial use shall be built or established prior to the primary residential buildings or uses it is designed or intended to serve.

Section 5. GENERAL REQUIREMENTS:

5.1 The tract for use as a planned unit development shall not be less than five (5) acres in area.

5.2 An applicant for a P-D Zoning district must satisfy the Planning Commission that he has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction. The proposed construction shall begin within a period of eighteen (18) months following approval by the Governing Body of the City of Sterling.

5.3 The applicant for a P-D Zoning district shall submit a preliminary development plan showing:

- (a) the location and size of the site
- (b) the density of the land use to be allocated to parts of the site to be developed.

(c) the location and size of any common open space and the form of agency proposed to own and or maintain the common open space

(d) the proposals for the disposition of sanitary waste and storm water.

(e) the provisions in covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings and structures including proposed easements or grants for public utilities.

(f) Provisions for parking of vehicles and the location width and ownership of proposed streets and public ways

5.4 The preliminary development plan shall meet the requirements for platting contained in the subdivision regulations of the City of Sterling

5.5 The preliminary development plan shall include a development schedule containing the following information.

(a) the order of construction of the proposed stages delineated in the development plan.

(b) the proposed date for the beginning of construction on said stages

(c) the proposed schedule for the construction and improvement of common open space within said stages, including any complementary building

Section 6. PRELIMINARY DEVELOPMENT PLAN SUBMITTED:

6.1 The preliminary development plan shall be submitted to the secretary of the Planning Commission at least thirty (30) days prior to any scheduled meeting of the Planning Commission

6.2 A fee of \$50.00 plus one (1) dollar per lot shall accompany the preliminary development plan for administration purposes.

6.3 Before the Planning Commission shall approve a preliminary development plan, they shall hold a public hearing giving the same notice as is required for an amendment to the zoning ordinance. A public hearing shall not be required for the final development plan if the said plan is in substantial compliance with the plan given preliminary approval.

6.4 The application for preliminary plan approval shall include a written statement by the landowner setting forth a reason or reasons why a planned unit development would be in the public interest and would be in compliance with the recommendations in the Comprehensive Land Use Plan of the City of Sterling.

6.5 After the Planning Commission has granted approval of a preliminary development plan, the land owner shall file with the Register of Deeds a statement that such a plan has been filed with the Planning Commission and has been approved as being in substantial compliance with the requirements of this ordinance.

Section 7. FINAL DEVELOPMENT PLAN SUBMITTED.

7.1 The final application for approval of the Final Development Plan shall be submitted to the secretary of the Planning Commission 15 days prior to a scheduled meeting of the Planning Commission.

7.2 The application shall include such drawings, specifications, covenants, easements, and conditions as set forth in the approval of the preliminary development plan.

7.3 The Final Development Plan may be for all of the land included within the Preliminary Development Plan or to the extent set forth in tentative approval for a section thereof.

7.4 No Final Development Plan of a Planned Unit Development within the jurisdiction of the City of Sterling shall be recorded by the City Clerk unless it shall have the approval of the Sterling City Commission. Two (2) copies of the Final Development Plan shall be filed with City Clerk, the cost of which shall be borne by the developer.

7.5 The Final Development Plan shall contain the specific requirements set forth in the subdivision regulations for final platting.

7.6 A copy of the Final Development Plan shall also be filed with the Register of Deeds after final approval.

Section 8. STANDARDS FOR DEVELOPMENT.

All planned unit development districts shall conform to the following minimum standards.

8.1 Open space such as parks, recreation areas, golf courses, public school sites, at a ratio of not less than four (4) acres of open space for one thousand (1000) persons. Population shall be calculated on the following basis:

Single family: 3.5 persons per unit
Multi-family efficiency: 1.0 persons per unit
One Bedroom: 1.9 persons per unit
Two Bedroom: 2.9 persons per unit
Three bedroom or over: 3.5 persons per unit

8.2 All common open space shall be preserved for its intended purposes as expressed in the Final Development plan. The developer shall choose one or a combination of the following three (3) methods of administering common open space.

(a) Public dedication to the City of Common Open Space. This method is subject to formal acceptance by the City.

(b) Establishment of an association or non profit corporation of all individuals or corporations owning property within the Planned Unit Development to insure the maintenance of all common open space.

(c) Retention of ownership, control and maintenance of all common open space by the developer.

8.3 All common open space as well as public and recreational facilities shall be specifically included in the Development Schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

8.4 If the developer elects to administer common open space through an association or non-profit corporation said organization shall conform to the following requirements.

(a) Organization shall be established prior to the sale of any lots

(b) If the organization shall at any time fail to maintain the common open space the municipality may serve written notice that the organization has failed to fulfill obligation. This written notice shall include a demand that deficiencies be cured within a specified period of time. If

the deficiencies are not cured the municipality may enter upon the common open space and maintain the same. All costs incurred by the municipality in maintaining this common open space shall be assessed against the properties with the planned unit development and shall become a tax lien on said properties.

8.5 YARD REQUIREMENTS:

(a) A minimum setback of thirty (30) feet shall be provided along streets and highways that are segments of the major street plan.

(b) A minimum setback distance of twenty-five (25) feet shall be provided along any dedicated right of way.

(c) Development located along the boundary lines of a planned unit development district, except when the boundary coincides with a right of way or public park, shall be subject to the same zoning provisions which regulate interior side yards, rear yards, screening planting and such other protective or transitional features as apply to all uses which are normally permitted in the district.

8.6 Density Requirements - The gross dwelling unit density shall not exceed:

Single Family	5.5 units per acre
Multi Family	
Two-Bedroom	8.5 units per acre
Three bedroom	10.0 units per acre

8.7 Spacing of Building - The location of all structures shall be shown on the final development plan. The proposed location and arrangement of structures shall not be detrimental to existing or prospective structures or existing or prospective neighborhood. There shall be no minimum lot size no maximum percentage of lot coverage and no minimum lot width except as may be determined by the Planning Commission during review of the development plans. However, every single family dwelling shall have access to a public street, court walkway or other area dedicated to public use and no single family dwelling (except a semi-detached dwelling) and no addition to any single family dwelling shall be erected within a distance of less than fourteen (14) feet from any other single family dwelling.

8.8 Streets and Utilities - The dimensions and construction for the width and surfacing of streets, highways, roads and alleys for curbs, gutters sidewalks, street lights, parking areas, treeplanting, monuments, system of street names and addresses, street marking signs, easements for public utilities, storm water drainage, water supply and distribution, sanitary sewers and sewer collection and treatment within any planned unit development shall conform with all applicable city ordinances, regulations and specifications of the City of Sterling.

8.9 Parking and Loading - There shall be no on street parking or loading permitted upon any public right of way within any planned unit development. All residential uses shall provide two (2) parking spaces for each dwelling unit. All other uses shall provide parking in the amount of not less than the parking provisions specified in Article V., Section II of this Ordinance

ARTICLE IX BOARD OF ZONING APPEALS

Section 1. CREATION.

A Board of Zoning Appeals is here created which board shall consist of five (5) members. Said board shall be appointed, serve, meet and have the powers and duties provided by law as set forth in Kansas Statutes Annotated 12-714 and 12-715 and all amendments or additions thereto and such other powers and duties as are now or may hereafter be prescribed by law.

Section 2. FEE ON APPEAL.

The Board shall require the payment to the secretary of the Board by the party appealing at the time of filing the notice of appeal, a fee of twenty-five (25) dollars to cover the costs of appeal to said board. In the event the Board determines such sum is inadequate to cover the costs of said appeal, the Board may require a deposit of such additional sum or sums as will cover the costs of said appeal.

Section 3. APPEAL TO DISTRICT COURT.

Any appeal from the decision of the Board to the District Court of Rice County, Kansas, as by law provided, shall be within thirty (30) days after the filing of a copy of the decision of the Board with the City Clerk.

ARTICLE X
ENFORCEMENT, VIOLATION AND PENALTY

Section 1. ENFORCEMENT.

This Zoning Ordinance shall be enforced by the Zoning Administrator in the name of the City of Sterling, Kansas. No building permit shall be issued by the City Clerk until the Zoning Administrator has determined the applicant is in compliance with the zoning laws of the City.

1.1 Subsequent to the effective date of this Zoning Ordinance, no change in the use or occupancy of land nor any change in the use or occupancy of any existing building shall be made nor shall any new building be occupied until a certificate of occupancy shall state that the land and or building complies with the provisions of the Zoning Ordinance.

1.2 No permit for excavation or the erection or alteration of any building shall be issued before an application has been made and approved for a certificate of occupancy and compliance and no building or premises shall be occupied until such certificate is issued.

1.3 Each application for a building permit shall be accompanied by a platt in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this regulation. A record of applications and platts shall be kept in the office of the Building Inspector.

Section 2. PENALTY.

The owner or general agent of a building or premises where a violation of any provision of these regulations has been committed or shall exist or the leasee or tenant of an entire building or entire premises where such violation has been committed or shall exist or the general agent, architect, builder, contractor or any other person who maintains any building or premises in which any such violation shall be guilty of a misdemeanor punishable by a fine of not to exceed five hundred (500) dollars for each offense and each day's violation shall constitute a separate offense

Section 3. NONDISCRIMINATION.

Nothing contained herein shall be construed as authorizing the governing body to discriminate against any person by reason of race, age, color or sex.

Section 4. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any section sentence, clause or phrase of this Ordinance, is adjudged by a Court of Competent Jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 5.

This Ordinance shall take effect and be in force from and after its publication once in the Sterling Kansas Bulletin. The official newspaper of the City of Sterling, Kansas.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF STERLING, KANSAS AND APPROVED BY THE MAYOR THIS 20TH DAY OF SEPTEMBER, 1982.

HEIGHT AND AREA REGULATIONS

DIST.	HEIGHT	FRONT YARD	SIDE YARD	REAR YARD	MIN. LOT AREA	MAX. COVERAGE
A-1	None	None	None	None	None	None
R-1	Principal Bldg. 35'-Accessory Bldg. 15'	Principal Bldg. 25'	5'	25'	5,000 Sq. ft.	35%
R-2	Principal Bldg. 35'-Accessory Bldg. 15'	Principal Bldg. 25'	5'	5'	1 Family 5,000 sq. ft.-2 Family 7,500 sq. ft.	35%
R-3	Principal Bldg. 60'-Accessory Bldg. 15'	Principal Bldg. 25'	15' or 30% height of structure which ever is greater	25'	1 Family 5,000 Sq. ft., 2 Family 7,500 sq. ft., 3 Family 10,000 sq. ft. over 3, 2,500 sq. ft. per family	50%
B-1	Principal Bldg. 35'-Accessory Bldg. 15'	Conform with existing structures or 25'	15' when adjacent to residential dist. None when adjacent to other B-1 or B-2 districts.	25'	5,000 Sq. Ft.	50%
B-2	None on Principal Bldg. Accessory Bldg. 15'	Conform with existing structures or 25'	15' when adjacent to residential dist. None when adjacent to other B-1 or B-2 dist.	15'	None	None
I-1	None	Principal Bldg. 25' Accessory Bldg. 40'	30' when abutting a residential dist. 15' when adjacent to a commercial dist.	None	None	60%

DISTRICT HEIGHT AREA REGULATIONS REQUIRED

		Front Yard	Side Yard	Rear Yard	Minimum Lot Area
A-1 General Agriculture	None	Farming - None Other uses 130'	Farming - None Other uses 50'	Farming - None Other uses 35'	Farming - None Other Uses 200' in width
R-1 Single Family Residential	Principal Bldg. 35'; Accessory Bldg. 15'	Principal Building, 25'	Internal, 5' (see Art. V § 19.4, External, 20'	25 Feet	5000 sq. feet per single family dwell- ing, Minimum width 50'; External lot
R-2 Multiple Family Residential	Same as R-1	Same as R-1	Same as R-1	Same as R-1	1 Family, 5000 sq. 2 Family, 7500 sq. 3 Family, 9000 sq. Multi-family over 2500 sq. ft. per f
B-1 Service Business	Principal Bldg. 35'; Accessory Bldg., 15'	Conform with Set Back Line of Block in Neigh- borhood	15' when abutting a residential district	25 Feet	5000 sq. feet
B-2 General Business	Accessory Bldg. 15'	None Required	15' when abutting a residential district	12 Feet	None required
I-1 Industrial	None Required	Principal Bldg. 25'; Accessory Bldg. 40'	20' when abutting a Residential District	None Required	None required

ursday, October 7, 1976

THE STERLING KANSAS

THE CITY OF
STERLING
RICE COUNTY, KANSAS
1974

SCALE 1" = 100'

