

APPENDIX A. THE MERIDEN, KANSAS ZONING ORDINANCE.

SECTION I

An ordinance regulating and restricting the location, construction and use of buildings, structures and the use of land within the City of Meriden, Kansas, and for said purposes dividing the City into districts in accordance with a Master Plan pursuant to Chapter 12-701 to and including 12-721 of the General Statutes of Kansas, 1949, and amendments thereto.

SECTION II

This ordinance shall be known and may be cited as "The Meriden, Kansas Zoning Ordinance."

For the purposes of promoting the health, safety, morals and general welfare of the people of Meriden, Kansas, and for conserving property values or lessening or avoiding congestion on the public streets or highways of said city.

BE IT ORDAINED by the governing body of the City of Meriden, Kansas.

THAT THE FOLLOWING ZONES AND REGULATIONS BE IMPOSED WITHIN
THE INCORPORATED LIMITS OF SAID CITY.

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|-----------------------------|----------------------------------|
| 1. A-1 District | Agricultural District |
| 2. R-1 District | One-family Residential District |
| 3. R-2 District | General Residential District |
| 4. R-3 District | Mobile Home Community District |
| 5. B -1 District | Central Business District |
| 6. B -2 District | General Business District |
| 7. I-1 District | Planned Industrial Park District |
| 8. I-2 District | General industrial District |

Said districts are bounded and defined as shown on a map entitled "Zoning Map of Meriden, Kansas", adopted June 20, 1960, and certified by the City Clerk, which accompanied and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

The zoning map shall be kept and maintained by the City Clerk and shall be available for inspection and examination by members of the public at all reasonable times as any other public record.

RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:

Where district boundaries on the zoning map are indicated as approximately following the center lines of streets, highways, or railroads, such boundaries shall be deemed to be located at such mid-points.

Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries.

Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Meriden unless otherwise indicated.

Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the entire parcel in question unless otherwise determined by the Zoning Board of Appeals.

SECTION V

DEFINITIONS

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot", the word "building" includes the word "structures", the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended arranged or designed to be used or occupied."

ACCESSORY USE: A use customarily incidental and subordinate to the principal use of building or land and located on the same parcel with such principal use of building or land.

AGRICULTURAL USES: The growing of crops in the open and the raising of such stock and poultry as are incidental to the acreage farmed, provided however, that such land shall consist of at least ten (10) acres in one parcel or in contiguous parcels under common ownership or operation. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall the raising of fur-bearing animals, riding academies, livery or boarding stables or dog kennels be so considered.

AGRICULTURAL USES, ACCESSORY: Those structures or equipment which are normally required in the operation of agricultural uses. A residence and its water supply and sewage disposal facilities shall not be deemed an agricultural use unless specifically designated as such by the Zoning Board of Appeals.

ALTERATIONS: As applied to building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another.

AREA, BUILDING: The total of areas taken on a horizontal plan at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

AREA, NET SITE: The total area within the property lines excluding external streets.

BUILDING, ACCESSORY: A supplemental building, the use of which is incidental to that of a main or principal building and located on the same lot therewith.

BUILDING FROM LINE OF: The line of the face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, to the main height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

COMPREHENSIVE PLAN: A long-range master plan for area development, including studies of land use, traffic volume and flow, schools, parks, public buildings and other public facilities.

COVERAGE: The percentage of the plot or lot area covered by the building area.

DOG KENNEL: the keeping of more than three (3) dogs that are more than six (6) months old. **DWELLING:** A building designed or used as the living quarters for one or more families.

DWELLING, ONE-FAMILY: A detached building containing one dwelling unit only.

DWELLING, MULTI-FAMILY: A dwelling or group of dwellings on one plot containing separate living units for two or more families, but which may have joint service or facilities or both.

FILLING STATION, PUBLIC GASOLINE: Any area of land, including any structure thereon that is or are used or designated to be used for the supply of gasoline or oil or other fuel not including liquid petroleum gases for the propulsion of vehicles. For the purpose of this ordinance there shall also be deemed to be included within this term any area or structure used or designed for polishing, greasing, washing, spraying, dry cleaning or other wise cleaning or servicing such motor vehicles.

GARAGE, PRIVATE: An enclosed space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted for profit therein nor space therein for more than one car is leased to a non-resident of the premises.

GARAGE, PUBLIC: Any garage not a private garage, and which is used for storage, repair, rental, servicing or supply of gasoline or oil to motor vehicles.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a Home Occupation.

HOUSE TRAILER: Any portable or mobile vehicle used or designed to be used for living purposes . (See Mobile Home.)

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

LOT: Parcel of land occupied, or designed to be occupied, by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are arranged and designed to be used in connection with such building. A lot may or may not be the land shown as a lot on a duly recorded plat.

LOT, WIDTH OF: The mean width measured at right angles to its depth.

MASTER PLAN: A general plan for the long-range development of an area.

MOBILE HOME COMMUNITY: Any area, tract or site or plot of land whereupon a minimum of ten (10) mobile homes as herein defined are placed, located or maintained or intended to be placed, located, or maintained, for dwelling purposes only and upon a permanent or semi- basis.

MOBILE HOME SPACE: A plot of ground within a mobile home community which is designed for and designated as the location for only one automobile and one mobile home and not used for any other purposes whatsoever other than the customary accessory uses thereof.

MOBILE HOME, DEPENDENT: A mobile home which does not have a flush toilet and a bath or shower.

MOBILE HOME INDEPENDENT: A mobile home having a flush toilet and a bath or shower.

MOTOR VEHICLE REPAIR SHOP: A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

NONCONFORMING USES: A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulation of the district or zone in which it is situated.

PARKING SPACE: An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a street or alley.

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

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

SIGN, ADVERTISING: A "sign" which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises, any only incidentally on the premises if at all.

SIGN, BUSINESS: A "sign" which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign relating to the property on which it is displayed shall be deemed a "business sign."

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE: The legal line between the street right of way and abutting property.

STRUCTURE: Structure means a combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences and display signs.

TOURIST HOME: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

USE: The specific purpose for which land or 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 nonconforming use.

YARD: An unoccupied space open to the sky, on the same lot with a building.

YARD, FRONT: An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building project to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the street line. Covered porches, whether enclosed or unenclosed, shall be considered a part of the main building and shall not project into a required front yard.

YARD, REAR: An open (other than for permitted accessory structures) space on the same lot with the principal building between the area line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: An open unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not area line or a front line shall be deemed a side line.

APPLICATIONS OF REGULATIONS

Except as hereinafter provided:

1. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall hereafter be erected or altered
 - a. To exceed the height; b. To accommodate or house a greater number of families; c. To occupy a greater percentage of lot area, or d. To have narrower or smaller rear yards, front yards, side yards than is specified herein for the district in which such building is located.
3. No part of yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

AGRICULTURAL DISTRICT

The following uses shall apply in all A-1 Agricultural Districts:

1. USES PERMITTED
 - a. Agricultural uses and their accessory structures, as defined in Section V.
2. CONDITIONAL USES:

The following uses may be approved by the Zoning Board of Appeals, subject to such conditions and safeguards as they may deem appropriate.

- a. Farmhouse, to the extent they are an essential agricultural use accessory.
- b. Churches or similar places of worship, with accessory structures.
- c. Public schools and institutions of higher learning.
- d. Public parks, public playgrounds, and recreational areas operated by membership organizations for the benefit of their members and not for gain.
- e. A cemetery, airport, camp, hospital, sanitarium, correctional institution or institution for the insane.
- f. Dog kennels.
- g. Rodeo or fairgrounds.
- h. Athletic fields.

RESIDENTIAL DISTRICTS:

The following uses shall apply in all R-1 Districts.

One-family Residential Districts:

1. USES PERMITTED:

- a. All permitted uses in A-1 Agricultural Districts, except that no storage or manure or odor or dust producing substance or use shall be permitted within one hundred (100) feet of any property line.
- b. One-family dwellings, but not including trailer houses or mobile homes
- c. Public schools and institutions of higher education, public libraries, municipal buildings.
- d. Public parks.
- e. Philanthropic or eleemosynary institutions other than camp, hospital, sanitarium, correctional institution or institutions for the insane.
- f. Customary home occupations, provided that there shall be no external evidence of such occupations except a small announcement or professional sign not over two (2) square feet in area.
- g. Church or public building bulletin boards not exceeding ten (10) square feet in area, and temporary signs not exceeding six (6) square feet in area pertaining to the lease, hire or sale of the building or premises where the sign is located.
- h. Temporary building for uses incidental to construction work, which buildings shall be Immediately adjacent to said construction work and which buildings shall be removed upon completion or abandonment of the construction work.
- i. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as a business. Any accessory building shall be located on the same lot with the principal building.

2. REQUIRED LOT ARM

Every lot shall have a width of not less than sixty-five (65) feet and an area of not less than the following:

Single Emily dwelling, not served by sanitary sewer system. One (1) acre, unless the County Health Officer approves less area. Single family dwelling, served by sanitary sewer system or with approval of the County Health Officer. Six thousand seven hundred and fifty (6,750) square feet. All other uses: Area and system as approved by the County Health Officer and Zoning Board of Appeals.

3. ENTAGE OF LOT COVERAGE:

All buildings, including accessory buildings, shall not cover more than thirty (30) per cent of the area of the lot. Detached accessory buildings, not used as dwellings, can be located in a rear yard and shall have clearance of at least two (2) feet from side to rear lot lines. An accessory building attached in any structural manner to the principal structure must conform to the side and rear yard requirements for principal structures.

4. YARD REQUIRED:

Each lot shall front, side and rear yards not less than the depth of width following:

- a. Front yard depth twenty-five (25) feet.
- b. Each side yard width eight (8) feet.
- c. Rear yard depth twenty-five (25) feet.

5. FARMING REGULATIONS:

Whenever a structure is created or converted or the use changed to any one of the following uses, there shall be provided off street storage in accordance with the following minimum:

Off Street Spaces Required

Dwelling	One space per Emily
Elementary Schools area	One space per teacher, plus a satisfactory off-street loading area
High Schools	Ten spaces per teacher
Churches capacity is provided	One space for each five persons for which seating

R-2 DISTRICTS: Two family residential districts:

1. USES PERMITTED:

- a. All uses permitted in R-1 Districts
- b. Multiple-family dwellings
- c. Tourist Homes
- d. Rooming houses
- e. Clubs and lodges, excepting such clubs or lodges the chief activity of which is a service customarily carried on as a business or primarily for gain. In conjunction with such club or lodge a dining room may be operated, provided it is incidental to the activities of said club or lodge and is conducted for the benefit of the members thereof only, and further provided no sign is displayed advertising such activity.

No building shall be erected to a height in excess of forty-five (45) feet.

2. REQUIRED LOT AREA:

- a. Each one-family dwelling shall be located on a lot of the same area and width as required in R-1 Districts.
- b. Each two-family dwelling shall be located in a lot having an area of at least seven thousand five hundred (7,500) square feet and an average width of at least sixty-five (65) feet.
- c. Each multi-family dwelling for three or more families shall be located on a lot having an area of not less than nine thousand (9,000) square feet or one thousand (1,000) square feet for each family housed therein, whichever is greater. All sanitary system other than connection to the city sanitary sewer, require approval in writing from the County Health Officer, which approval shall be filed with the City Clerk before a building permit shall be issued.

3. WAGE OF LOT COVERATE:

All buildings including accessory buildings shall not cover more than forty (40) per cent of the area of the lot.

4. YARDS REQUIRED:

Yards of the following minimum depths shall be provided:

- a. Front yards Twenty-five (25) feet
- b. Side yards each one third (1/3) the height of the building
- c. Rear yard depth equal to the height of the building

5. DISTANCE BETWEEN BUILDINGS ON SAME MM:

No original building shall be closer to any other principal building than the average of the heights of said buildings.

6. AUTOMOBILE STORAGE OR PARKING SPACE:

In connection with every multiple-family dwelling, tourist how or rooming house, there shall be provided automobile storage or parking space equal to not less than two hundred (200) square feet for each family unit in such dwellings or rental unit; provided however, that no front yard shall be used for the open air parking or storage of any motor vehicle.

Hospitals, rest homes and other authorized facilities must have off-street parking amounting to at least one space for each five (5) patients or members at capacity, and shall provide satisfactory off-street loading facilities.

R-3 DISTRICTS Mobile Home Community District

1. USES PERMITTED:

- a. All uses permitted In R-1 Districts.
- b. Mobile Home Communities.

2. REGULATIONS FOR MOBILE HOME COMMUNITIES:

The mobile home community shall conform to the following requirements:

- a. The mobile home community shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- b. Mobile home spaces shall be provided consisting of a minimum of three thousand (3,000) square feet for each space and which shall be clearly defined and marked.
- c. Each mobile-home space shall be provided with a paved patio of at least one hundred eighty (180) square feet and having a storage locker of at least one hundred (100) cubic feet.
- d. Mobile homes shall be so harbored on each space so that there shall be at least twenty (20) feet of clearance between mobile homes: Provided, however, That with respect to mobile homes parked end to end, the end-to-end clearance may be less than twenty (20) feet but no less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile-home community or from any property line bounding the mobile home community.
- e. All mobile home spacers shall abut upon a roadway of not less than thirty-two (32) feet where vehicles are permitted to park on the roadway adjacent to mobile homes; otherwise off-street parking lots shall be maintained at a minimum ratio of one and one-half car spaces for each mobile-home space, and the roadway may then have a minimum of twenty (20) feet in width. All such roadways shall have unobstructed access to a public street or highway: Provided further, that all dead-end roadways shall include adequate vehicular turning space or cul-de-sac. All electrical distribution systems, and telephone service systems to each mobile home space, except outlets and risers, shall be underground. Each mobile home space be provided with a 110-Volt and 220-Volt service, with a minimum 100-amphre individual service outlet.
- g. Whenever master television antenna systems are to be installed, the complete plans and specifications for the "Stems must be approved by the Zoning Board of Appeals. Distribution to individual mobile-home spaces shall be underground and shall terminate adjacent to the electrical outlet.

3. MOBILE HOME SERVICE BUILDINGS:

If independent mobile-home spaces only are provided, no service building shall be required. Any mobile-home community providing for dependant mobile homes shall have one or more service buildings; such service building shall:

- a. Be located twenty (20) feet or more from any mobile home space.
- b. Be adequately lighted.
- c. Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.
- d. Provide at least one lavatory, water closet and shower for each sex, one laundry tray, one slop-water drain and hot and cold water for each 10 spaces.
- e. Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.
- f. Have all rooms well ventilated, with all openings effectively screened.

BUSINESS DISTRICTS

1. USES PERMITTED

- a. Grocery and/or meat shop
- b. Hardware, florist shop, drug store
- c. Bakery
- d. Painting or decorating shop
- e. Personal service shop, professional office, clinic
- f. Restaurants, lunchrooms or taverns
- g. Automobile sales room
- h. Clothing, general merchandise, variety stores
- i. Furniture stores, appliance stores
- j. Sporting goods stores
- k. Liquor stores
- l. Financial institutions, business services

2. BUILDING HEIGHT LIMIT

No building shall be erected to a height in excess of thirty-five (35) feet.

3. PARKING REGULATIONS

- a. Retail business: One off-street parking space for each 150 square feet of commercial space unless Board of Appeals approves a solution.
- b. Professional offices: One off-street parking space for each five (5) seats of capacity.

B-2 DISTRICTS General Business Districts

1. USES PERMITTED

- a. All uses permitted in any B-1 Central Business District
- b. Freezer locker, Drive-in theater and/or restaurant
- d. Amusement places
- e. Used car lot, trailer sales
- f. Plumbing, heating, tinsmith, or wood working shop
- g. Farm and heavy equipment sales

- h. Garages
- i. Cream and milk stations
- j. Printing plant
- k. Mortuary
- l. Wholesale business
- m. Lodging house
- n. Electric substation
- o. Lumber yard
- p. Other uses similar in character to those enumerated above, and which in the opinion of the Board of Appeals will not be injurious to the district.

2. REQUIRED LOT AREA

Served by sanitary system 7,500 square feet

Not served by sanitary system area must be approved in writing by County Health Officer, which approval shall be filed with the City Clerk before a building permit shall be issued.

3. ENTAGE LOT COVERAGE

All buildings including accessory buildings shall not cover more than forty (40) per cent of the lot.

4. YARDS REQUIRED

Each lot shall have side and rear yards not less than the following depths:

- a. Side yards not required, except that on the side of a lot abutting a residential district there shall be a side yard at least of 15 feet.
- b. Rear yards - thirty (30) feet

5. PARKING REGULATIONS

Same as B-1 Districts, except that wholesale businesses require one off-street parking space for each 200 square feet of commercial space.

6. LOADING ZONE

Adequate off-street space for loading, unloading and servicing of the use shall be provided on the lot.

INDUSTRIAL DISTRICTS

The following shall apply in all I-1 Planned Industrial Park Districts:

1. USE PROHIBITED

Those uses are prohibited which may be obnoxious or offensive by reason of omission of odor, dust; smoke, gas, or noise.

2. USES

Within the industrial park district, no building, structure, or premises shall be used and no building or structure shall be erected or altered until and unless the following conditions have been complied with.

- a. There shall have been filed with the City Planning Commission a written application for approval of a contemplated use within said district, which application shall be accompanied with the following information:
 - i. A plot plan indicating the location of present and proposed buildings, driveways, parking lots and other necessary uses.
 - ii. Preliminary architectural plans for the proposed buildings or building.
 - iii. An estimate of the maximum number of employees contemplated for the proposed development and the number of shifts during which they shall work. Also, a description of the industrial operations proposed in sufficient detail to indicate the effects of those operations of noise, glare, odor, sewage, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety, and welfare of the area.
 - iv. Engineering and architectural plans for the handling of any problems of the type outlined in Item iii. above, including a designation of sewers to be used and necessary plans for controlling of smoke or other nuisances such as those enumerated under Item iii. above.
 - v. Any other information the City Planning Commission may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing municipal services to the area. All sewage disposal systems and land requirements for such systems must be approved by the County Health Officer before a building permit is issued.

3. AMA REQUIREMENTS

Industrial Park Districts shall have a minimum area of at least ten (10) acres, individual building sites shall be of such size that the development will ham architectural unity and flexibility and arrangements can be of such size that all space requirements provided in this ordinance are satisfied.

4. FRONT YARDS

Front yards shall be provided in every lot. The least depth of any front yard shall be fifty (50) feet. Required front yard areas shall be planned and maintained in such a manner as to provide a park-like setting for the building.

5. SIDE YARDS

There shall be a side yard along each side lot line of every lot. Where such side yards adjoin properties zoned for residential uses, the least width of such side yards shall be forty (40) feet, and side yards shall be planted and maintained in such a manner as to provide a park-like setting for the proposed building. Where side yards adjoin sites zoned for other than residential uses, the minimum width of such side yards shall be twenty (20) feet.

6. REAR YARDS

There shall be a rear yard on every lot. The least depth of such rear yards shall be twenty (20) feet. Where rear yards adjoin sites zoned for residential uses, the minimum depth of said rear yards shall be forty (40) feet and said yards shall be planted and maintained in such a manner as to provide a park-like setting for the proposed building.

7. HEIGHTS

No building shall exceed forty (40) feet in height.

8. COVERAGE

Building coverage shall not exceed thirty (30) per cent of the area of the lot.

9. OFF STREET PARKING AND LOADING FACILITIES

Dust-proofed and properly drained off-street parking and loading facilities shall be provided in amounts sufficient to meet the needs of all persons associated with the development, either as employee, customers, suppliers or visitors

10. STORAGE OF MATERILAS AND EQUIPMENT

All materials and equipment used in connection with a development in an Industrial Park Zone shall be enclosed within buildings.

I-2 DISTRICTS General Industrial District

1. USES

A building or premises may be used for any purpose not otherwise prohibited by law except that no residences, motels, or other places of habitation involving permanent structure are permitted nor shall any schools, churches or hospitals be permitted; Provided, however, That no building or occupancy permits will be issued for any uses which have or may have characteristics which may be injurious to adjacent property or to the community, and unless the location of such use shall have been approved by the Board of the Zoning Appeals.

2. YARDS REQUIRED.

None required

3. PARKING AND WADING REGULATIONS

Same as I-1 Districts

SUPPLEMENTARY REGULATIONS

The provisions of this ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations.

1. USES

- a. Billboards or advertising signboards. No billboards or advertising signboards shall be permitted in any residential districts, nor shall they be permitted in any agricultural district except by special approval of the Board of Appeals.
 - i. Size: No sign or signboard surface shall exceed twenty (20) feet in height and sixty (60) feet in length.
 - ii. Set Back: Signs or signboards shall not be located as to constitute a hazard to traffic. All questions of fact relating to set-back of or locations of sign or signboards shall be determined by the Zoning Board of Appeals.
 - iii. Spacing of signs in Agricultural District: Such signs or signboards in order to avoid diverting attention of traffic and in the interest of safety, shall not be placed within three hundred (300) feet of another sign or signboards on the same side of the road.

- iv. No signs or signboards shall be located in any area designated by the Planning Board as one of scenic beauty or historic interest.
- v. A sign or signboard placed or painted on the side of buildings shall come within the open drive-in area of a filling station or other structure shall be considered erected outside of the building. Advertising painted on a structure shall be deemed subject to these regulations. No charge for the permit shall be made when the applicant desires to advertise his own business and the sign is located entirely on his own premises.
- vi. Farm signs or signboards relating to farm produce grown or produced on the premises, or in connection with the sale or rental of the premises, shall not be affected or governed by this ordinance, provided such signs or signboards are located on the premises of the owner of the farm or of the farm produce.
- vii. All signs or signboards must be kept neatly painted, properly braced and supported, and the foundation or the area beneath the sign or signboard shall be kept clear of weeds. The Zoning Board is authorized to direct the removal of any signs or signboards which do not show such care, after five (5) days notice in writing is mailed to the address of the owner given in the application. Any sign or signboard that is a nonconforming use and which has been damaged by fire, storm or other cause to the extent of fifty (50%) per cent or more of its value, as appraised by the Zoning Board of Appeals, shall be removable in the discretion of and at the order of the Zoning Board of Appeals. A sign or signboard that has been blown over shall be considered damaged more than fifty (50%) per cent of its value, if it be not restored within fourteen (14) days of the occurrence, with the further exception that the Zoning Board of Appeals shall have the right to extend the time in which such sign or signboards may be restored in case of damage by windstorm or fire.
- viii. The Zoning Board of Appeals may grant permits for temporary signs or signboards at any time for special purposes in the interest of the public welfare.
- ix. If a sign or signboard for which a permit is granted is not erected within sixty (60) days from the date of the permit, the permit shall thereupon become void unless further time is extended by the Board, which extensions may be granted at the time of obtaining the permit.
- x. Permits: Permits for signs or signboards will be required from the Zoning Board of Appeals for the placing of signs or signboards of every kind. Applications for permits shall be accompanied, in each instance either by a letter authorizing the placing of a sign on the land or building, signed by the owner or such duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided and no sign or signboard shall be erected or painted on any area until the application is acted upon and granted by the Zoning Board. In cases of rental or sale of the premises itself, the regulations as set out in the zone classes or the Zoning Ordinance must be complied with. A charge of one dollar (\$1.00) per one hundred (100) square feet of signboard area with a minimum charge of one dollar (\$1.00) shall be made by the City Clerk for each permit granted and said permits shall not be granted for longer than a five (5) year period. The application shall be promptly acted upon by the Zoning Board to act upon such application within sixty (60) days shall constitute approval thereof.
- xi. Dwellings on small lots. Notwithstanding the limitations imposed by any other provisions of this ordinance, the Board of Appeals may permit erection of a dwelling on any lot (except a lot in an industrial districts), separately owned or under contract of sale and containing, at the time of the passage of the ordinance, an area or a width smaller than that required for a one-family dwelling.

2. MOD PLANS

Notwithstanding the regulations contained in any part of this ordinance, no use other than an agricultural use or an agricultural accessory use shall be permitted in any zone designated on the zoning map as flood plain area, nor shall a permit for such use be issued unless the Board of Appeals has been satisfied that adequate measures, in the form of artificial land fill or other devices, will be taken to protect the use from damage should earlier known flood conditions recur.

3. AREA

- a. Reduced Lot Area. No lot shall be so reduced in area that any required open space will be smaller than prescribing in the regulation for the district in which said lot is located. Whenever such reduction in lot area occurs, any building located on said lot shall not thereafter be used until such building is altered, reconstructed or relocated so as to comply with the area and yard requirements applicable thereto.
- b. Visibility at Intersections. On a corner lot in any residence district no fence, wall, hedge or other structure or planting more than three and one-half (3 1/2) feet in height 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.

4. YARDS

- a. Unenclosed porches. An unenclosed, one-story porch, erected on piers, even though roofed over, may project into a required front, side or rear yard area a distance not to exceed six (6) feet and shall not be considered in the determination of the size of yards or lot coverage; Provided, however, that such a porch shall not be closer than four (4) feet at any point to any lot line, and that no building shall have such porches projecting into more than one required side yard.
- b. Enclosed porches. Any two-story or any enclosed porch, or one having a solid foundation and capable of being enclosed, shall be considered a part of the building in the determination of the size or yard or lot coverage.
- c. Front yard depth. In any residence district, each dwelling hereafter erected shall have a minimum front yard equal in depth to the average depth of the front yards of the lots immediately adjacent thereto on either side, but no front yard shall be less than twenty-five (25) feet, nor need any front yard have a greater depth than fifty (50) feet.
- d. Reduction in Rear Yards. When a lot is less than one hundred (100) feet deep at the time of the passage of this ordinance such rear yard may be decreased one quarter (1/4) of the distance that the lot depth is less than said one hundred (100) feet; Provided, however, That no rear yard shall be less than twenty (20) feet in depth.

COMMUNITY UNIT PLANNING

1. RESIDENTIAL:

The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Clerk a plan for the use and development of all such tracts of land for residential purposes. Such development plan shall be referred to the City Planning Commission for study, public hearing and report to the City Council, and the City Council may authorize the issuance of building permits and certificates of occupancy therefore, even though the use of the land and the use and location of structures, including the yards and open spaces required by this article, do not conform in all respects to the regulations contained in other sections of this article. The City Planning Commission shall make a report to the City Council setting forth its reasons for approval of the applications and specific evidence and facts showing that the proposed community plan meets the following conditions.

- a. That the values of building and the character of the rty adjoining the area included in such plan property (will not_ be adversely affected.
- b. That such plan is consistent with the intent and purpose of this article to promote public health, safety, morals and general welfare.
- c. That the buildings shall be used only for residential purposes and the usual accessory uses, such as automobile parking areas garages, and community activities, including churches; Provided That, a light commercial district can be established through the regular channels.
- d. That the average lot area per family contained in the site, exclusive of the area occupied by street, shall be not less than the lot area per family required for the district in which the development is located.

2. SHOPPING CENTER

The intent and purposed of this article is to permit diversification of the community plan without in any way jeopardizing or reducing zoning standards which promote the public safety, convenience, health, general welfare, as well as preserve personal and property sights. It is recognized that the community plan is for the purpose of accomplishing harmonious development of the community, as well as promoting economy in the process of development within which major shopping centers have a place.

a. Applications:

In those instances where a proposed light commercial district would exceed four (4) acres, then in addition to the normal information in conjunction with an application, the applicant shall furnish; A site plan, to scale, indicating the location of structures, uses, pedestrian and vehicular circulation, off-street parking and loading traffic solution and the location of proposed curb cuts, as well as perspectives to assure harmony with the surrounding neighborhood, as well as within the development, itself. ii. A time schedule of development of the proposed plan to demonstrate readiness to furnish the proposed service.

b. Legislative Condition in Amendments:

- i. If an application for such a zoning amendment contains representations that a specified area will be developed in accordance with a given plan and time schedule, and if the area is zoned for such use, the City Council, after City Planning Commission study, public hearing and report, shall fix conditions in the amendment go as to require performance of development in conformance with an approved final plan and time schedule. Such conditions, among other things, shall provide that, upon failure to develop the area in accordance with the conditions fixed by the City Council, the City Council shall have the right am power to again rezone the area, after Planning Commission hearing and report. In such instances, no permits for the construction of any structures within the area shall be issued until the area has been examined and zoned or rezoned for its most appropriate use. Any person who applies for a permit to erect a structure in the area shall be deemed conclusively to have assented to all conditions fixed by the City Council.
- ii. All conditions fixed by the City Council in amendments relating to such rezoning shall run with the land in the area involved and shall be binding upon applicants for amendments, their heirs successors and assigns.

NON-CONFORMING BUILDINGS AND USES

1. Non-conforming uses. The lawful use of any buildings or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

- a. Unsafe structures. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- b. Alterations. A non-conforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregated cost fifty (50) per cent of the assessed value of the building and building is changed to conforming state.
- c. Extension. A non-conforming use shall not be extended, but the extension of a lawful use to any portion of a non-conforming building which existed prior to the enactment of this ordinance shall not be deemed the extension of such non-conforming use.
- d. Construction approved prior to ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building the construction of which shall have been diligently prosecuted and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months (or one (1) year) of the date of the ordinance and which entire building shall be completed according to such plans as filed within one (1) year of this ordinance.
- e. Restoration. No building damaged by fire or other causes to the extent of more than fifty (50) per cent of its assessed value shall be repaired or rebuilt except in conformity with the regulations of this ordinance.
- f. Abandonment. Whenever nonconforming use has been discontinued for a period of one (1) year, such use shall not hereafter be reestablished and any future use shall be in conformity with the provisions of this ordinance.
- g. Changes. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.
- h. Displacement. No nonconforming use shall be extended to displace a conforming use.
- i. Cessation. Notwithstanding any other provisions of this ordinance, any automobile wrecking yard or other junk yard in existence in any Residential District at the date of enactment of this ordinance shall at the expiration of five (5) years from such date become a prohibited and unlawful use and shall be discontinued.
- j. District changes. Whenever the boundaries of a district shall be changed as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any nonconforming uses existing therein.

ADMINISTRATION

I. BUILDING PERMITS

- a. No building or structure shall be erected, added to or structurally altered until a permit therefore has been issued by the City Clerk except that no permit shall be required for an agricultural or agricultural accessory use, and no permit shall be required for change or expansion of an approved industrial use within an existing 1 2 General Industrial District provided such use or change of use otherwise satisfied the requirements of this ordinance. Except upon a written order of the Board of Appeals, no such building where said certificate of occupancy shall be issued for any building where said construction, addition or alteration or use thereof would be in violation of any of the provisions of this ordinance.
- b. There shall be submitted with all applications for building permits two copies of a layout or plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the amt size and

location on the lot of the building and accessory buildings to be erected, and such other information as may be necessary to determine and provide for the enforcement of this ordinance.

- c. One copy of such layout or plot plan shall be returned when approved by the City Clerk together with such permit to the applicant.
- d. A fee of one (1) dollar per one thousand (1000) dollars of estimated valuation of the proposed structure shall be charged for the permit, except that the maximum fee for a residential permit shall be five (5) dollars, and the maximum fee for other uses shall be one hundred (100) dollars, and that permits for advertising signs or billboards shall be assessed as shown in Article 13, section 16-1301 of this ordinance.

ENFORCEMENT

This ordinance shall be enforced by a building inspector appointed by the City Council. The City Clerk may be so designated.

BOARD OF APPEALS

1. CREATION, APPOINTMENT AND ORGANIZATION:

- a. A Board of Zoning Appeals consisting of three (3) members shall be appointed by the City Council. Members shall be residents of the city. One member of the Board of Appeals shall be a member of the City Planning Commission.
- b. Members first appointed shall serve respective terms of one (1), two (2) and three (3) years. Thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term.
- c. Members shall serve without compensation.
- d. The Board shall elect from its members a chairperson and a secretary. The Board shall prescribe rules for the conduct of its affairs.

2. POWERS AND DUTIES

The Board of Appeals shall have all power and duties prescribed by law and by this ordinance, which are more particularly specified by as follows:

- a. Interpretation.

Upon appeal from a decision by the Building Inspector, to decide any question involving the interpretation of any provision of this ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

- b. Special Permits (or Use Permits)

To issue special permits for any of the uses for which this ordinance requires the obtaining of such permits from the Board of Appeals; or for the extension of a building or use as such existed at the time of the passage of this ordinance into a contiguous, more restricted district for a distance not exceeding thirty (30) feet; but not for any other use or purpose. No such special permit shall be granted by the Board of Appeals, unless the board finds that the use for which such permit is sought will not, in the circumstances of the particular case and under any conditions that the Board considers to be necessary or desirable, be injurious to the neighborhood or otherwise detrimental to the public welfare.

- c. Variances:

To vary or adapt the strict applications of any of the requirements of this ordinance in the case of exceptionally irregular, narrow, shallow or steep lots or other exceptional physical conditions, whereby such strict applications would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of land or building involved, but in no other case. No variance in the strict applications of any provisions of this ordinance shall be granted by the Board of Appeals unless it finds:

- i. That there are special circumstances or conditions, fully described in the findings, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict applications of the provisions of this ordinance would deprive the applicant of the reasonable use of such land or building.
- ii. That, for reasons fully set forth in the findings, the grant of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board is the minimum variance that will accomplish this purpose.
- iii. That the granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare or in conflict with the Master Plan. In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

VIOLATIONS AND PENALTIES

1. Any person, firm or corporation who violates, disobeys, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this resolution shall be deemed guilty of a misdemeanor and fined not to exceed five hundred dollars (\$500.00) for each offense, and each day's violation shall constitute a separate offense. The proper City and county officials or any person, the value or use of whose property is or may be affected by such violation, may have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the regulations set forth herein.

AMENDMENTS

The City Council may from time to time on their own motion, or on petition, or on recommendation of the Planning Commission amend, supplement, or repeal the regulations and provisions of this ordinance.

Every such proposed amendment or change, whether initiated by the City Council or by petition shall be referred to the Planning Commission for report thereon before the public hearing hereinafter provided for.

The City Council by resolution adopted at a stated meeting shall fix the time and place of a public hearing on the proposed amendments and cause at least thirty (30) days notice to be given by publishing a notice in the official newspaper. The notice shall state the general nature of the proposed amendment.

Whenever the owner of fifty (50) per cent or more of the street frontage in any district, or any specified part thereof, shall present to the City Commissioners a petition duly signed and acknowledged, requesting an amendment supplement, change, modification or repeal of the regulations prescribed for the zoning maps including said district or specified part thereof, it shall be the duty of the City Commissioners to hold a public hearing thereon and cause notice thereof to be given in the manner prescribed above.

In the event that an amendment is protested by the owners of twenty (20) per cent of the frontage proposed to be altered, or of the frontage immediately to the rear thereof, or of the frontage directly opposite the frontage proposed to be changed, or if the Planning Commission recommends against the change, then such amendment shall not become effective except by the favorable vote of four fifths (4/5) of the members of the City Council.

No new zoning district may be created and not existing zon district may be revised to contain an area of less than three (3) acres.

VALIDITY

Invalidity in Part. Should any section or provision of this act be determined to be unconstitutional or invalid, the same shall not affect the validity of the act as a whole or any part thereof other than the part so determined to be unconstitutional.

EFFECTIVE DATE

This ordinance shall become effective and be in full force and effect after one publication in the official paper of said City.

Read, considered and approved by the City Council of the City of Meriden Kansas, this 20th day of June, 1960.

16-401, APPENDIX A

AN ORDINANCE amending the creation, appointment and organization of the Board of Zoning Appeals of the City of Meriden, Kansas.

BE IT ORDAINED BY THE CITY OF MERIDEN, KANSAS:

SECTION 1. The prior provisions of Meriden Municipal ordinance No. 16-401, Appendix A, p. A-24, entitled "BOARD OF APPEALS, 1. CREATION, APPOINTMENT AND ORGANIZATION" is hereby repealed and replaced by the new provisions of this ordinance as set forth herein.

SECTION 2.

- a. A Board of Zoning Appeals consisting of three (3) members shall be appointed by the City Council. Members shall be residents of the city. One member of the Board of Appeals shall be a member of the City Planning Commission.
- b. Members first appointed shall serve respective terms of one (1), two (2) and three (3) years. Thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term.
- c. Members shall serve without compensation.
- d. The Board shall elect from its members a chairperson and a secretary. The Board shall prescribe rules for the conduct of its affairs.

SECTION 3. This ordinance shall become effective after one (1) publication in the official newspaper of the City of Meriden, Kansas.

PASSED AND APPROVED by the City Council of Meriden, Kansas, this 25th day of July, 1989.