

## ARTICLE 1

### GENERAL PROVISIONS

#### 1.1 TITLE

This Ordinance shall be effective throughout the City of Rossville, Kansas and shall be known, referred to and recited to as the "OFFICIAL ZONING ORDINANCE OF THE CITY OF ROSSVILLE, KANSAS, 1989".

#### 1.2 ENACTMENT

This Ordinance incorporated by reference under the provisions of K.S.A. 12-3009 through 12-3012, including any amendments thereto, and K.S.A. 1974 Supp. 12-3301 and 12-3302, by Ordinance No. \_\_\_\_\_, City of Rossville, Kansas.

#### 1.3 AUTHORITY AND JURISDICTION

This Ordinance is in pursuance of the authority and jurisdiction granted under the provisions of K.S.A. 12-707 to 12-715, inclusive as amended, and shall be known as the Zoning Ordinance of the City of Rossville, Kansas.

#### 1.4 PURPOSE

The Zoning Ordinance of the City of Rossville, Kansas is intended to aid in the proper and harmonious development of the City of Rossville. The regulations included in the text of this Ordinance have been duly adopted by the Governing Body of Rossville, Kansas, for the following purposes:

1. To encourage and facilitate the orderly growth and development of the City.
2. To provide adequate open space for light and air, to prevent overcrowding of the land, and to lessen congestion on the streets.
3. To secure economy in municipal expenditures, to facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public facilities and services in accordance with promoting the health, safety and general welfare of the community.

4. To increase the security of home life and preserve and create a more favorable environment for citizens and visitors of Rossville.
5. To secure safety from fire, panic, and other dangers.
6. To minimize public and private losses due to periodic flood inundation in the flood hazard areas (floodplains) of Rossville.
7. To stabilize and improve property values.
8. To enhance the economic and cultural well being of the inhabitants of Rossville.
9. To promote the development of a more wholesome, serviceable and attractive city resulting from an orderly, planned use of resources.

#### 1.5 INTERPRETATION

1. Greater Restriction. The provisions established with this Ordinance shall be held to be the minimum requirements necessary for the promotion of the safety, health, and general welfare of the public. Where this Ordinance imposes a greater restriction on structures, buildings, or premises than are imposed or required by other Ordinances, the provisions of this Ordinance shall govern.
2. Permit or License in Violation. Regardless of the provisions, rules, or other regulations of the City of Rossville, Kansas, if any permit or license is issued in violation of the provisions of this Ordinance or attempts to authorize the legitimacy of an act not provisioned for within these regulations, said permit or license shall be interpreted as void.
3. Unlawful Uses. No structure, building or use which was not legally and lawfully existing at the time of the adoption of this Ordinance shall become lawful by reason of the adoption of this Ordinance; and to the extent that said structure, building, or use is in conflict with the requirements of this Ordinance, the structure or use remains unlawful.
4. Not a Licensing Ordinance. The provisions of this Ordinance shall not be interpreted to allow, license, or permit the use of any property; nor to permit to locate, to construct or to maintain any structure or use or facility; nor permit to carry on any trade, occupation, industry, or other activity.

1.6 RULES OF CONSTRUCTION

In the construction of this ordinance, the provisions of the following shall govern:

1. All words used in the present tense shall include the future.
2. Words in the singular shall include the plural and in the plural shall include the singular.
3. The word "shall" is mandatory and the word "may" is permissive.
4. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be occupied or used."

1.7 DEFINITIONS

1. For the purpose of this Zoning Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the contents clearly indicate otherwise:

Accessory Building or Use - A subordinate building located on the same lot or group of lots with the main building, or a subordinate use of land. (See Article 14.)

Agricultural Uses - Farming operations including, dairying, pasturage, agriculture, floriculture, horticulture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; this shall include the structures necessary for carrying out such farming operations. The term agriculture as used in this Zoning Ordinance shall not include commercial feed lots as defined by K.S.A. 47-1501.

Alley - An existing public right-of-way primarily serving as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Alteration - Alteration, as applied to a building or structure, is a change or rearrangement of the structural parts of an existing building or structure, or the enlargement of an existing building or structure by extending said building or structure to cover more of the lot area, by increasing the height or by moving said structure from one location or position to another.

Animal Hospital or Animal Clinic - Any building or structure designed for examination, observation, treatment, board, or care of domestic animals by a doctor of veterinary medicine.

Apartment - A portion of a building consisting of a room or suite of rooms intended, designed or used as a permanent residence by an individual or one (1) family.

Apartment House - See Dwelling, Multiple-Family.

Automobile and Trailer Sales Area - An open area, other than a street, alley, or other public way or open space, used for the display and/or sales of new or used automobiles or trailers, and where no repair work is done except for minor repair of automobiles or trailers to be displayed and/or sold on the premises.

Automobile Wash - A building or portion thereof, containing facilities for washing automobiles. For the purpose of this Zoning Ordinance, coin operated devices, and self-service operations shall be construed to be the same.

Automobile Wrecking and Salvage Yards - A lot, plot, or parcel of land where three or more motor vehicles, not in operating condition, are collected and/or stored for the purpose of processing parts for sale.

Awning - A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Basement - A story partly or wholly underground.

Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, boundary lines, of municipalities, etc., or a combination thereof.

Board - Board of Zoning Appeals, City of Rossville, Kansas.

Boarding House - A building other than a hotel, where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.

Bond - Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Governing Body.

Buffer Area - Areas so planned and/or zoned which act as a buffering or separation area between two (2) or more uses or structures not compatible, due to design, function, use or operation.

Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure. When a structure is divided into separate parts by unpierced walls, from the ground up, each part is deemed a separate building.

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.

Building Alteration - Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building or any addition to a building, or movement of a building from one location to another.

Building, Detached - A building or structure surrounded by open spaces, on all sides, on the same lot or tract of land.

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

Building Setback Line - A line established, in general, by plat or elsewhere in this ordinance parallel to the front street line between which no building or portion thereof shall project except as otherwise provided in this Zoning Ordinance.

Building, Principal - A building or structure in which is conducted the principal use of the lot or group of lots on which it is located.

Canopy - A roof-like structure, which may project or be separate from a building for the purpose of protection to pedestrians from the weather and in which no retail sales or business operation is performed, without special permit from the Governing Body.

Carport - See Garage, Private

Channel - Shall mean the geographical area within the natural or artificial banks of a watercourse required to convey continuously or intermittently flowing water.

Child Day Care Home - A home which on a regular basis receives six (6) or less children, under sixteen (16) years of age and not of common parentage, for care apart from their parents, legal guardians or custodians, when received in a residential structure operating as a home occupation. The child day care home shall be licensed and regulated by either the Shawnee County Health Department or the Kansas Department of Social and Rehabilitation Services.

Child Day Care Center - A day care school, nursery school or day care center which on a regular basis receives seven (7) or more children, under sixteen (16) years of age, for care apart from their parents, legal guardians or custodians, and for which compensation is received. Child day care centers shall be licensed and regulated by either the Shawnee County Health Department or the Kansas Department of Social and Rehabilitation Services.

City Engineer - The person designated by the Governing Body to review, recommend, and/or approve all items related to technical design issues, as set out in the Zoning Ordinance and Subdivision Regulations of the City. Said person shall be a licensed Professional Engineer as defined by the Kansas State Board of Technical Professions, under the Laws of Kansas. "Person" shall mean a natural person, firm, corporation or partnership.

City Planner - The person designated by the Governing Body to review, recommend, and/or approve all items as they relate to the principles of good city planning, as set out in the Zoning Ordinance and Subdivision Regulations of the City. Said person shall be either a Licensed Professional Engineer, a Licensed Architect or a Licensed Landscape Architect as defined by the Kansas State Board of Technical Professions, under the laws of Kansas. If said person is not a Licensed Professional Engineer, Licensed Architect, or Licensed Landscape Architect, then said person must be a Certified City Planner who is a member in good standing of the American Institute of Certified Planners (AICP). "Person" shall mean a natural person, firm, corporation or partnership.

Clinic, Animal - See Animal Hospital or Animal Clinic.

Clinic, Dental or Medical - A building in which a group of physicians, dentists, or allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.

Code Enforcement Administrator - The person designated by the Governing Body to enforce the Zoning Ordinance and Subdivision Regulations of the City and to administratively assist other City Boards or Commissions.

Comprehensive Plan - See Master Plan.

Conforming Use - Any lawful use of a building structure, lot, or fence which complies with the provisions of this Ordinance.

Condominium - A building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the State Apartment Ownership Act. See K.S.A. 58-3102 for complete definition.

Court - An area enclosed or partially enclosed on not more than three sides by exterior walls, building, or group of buildings and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley, or yard.

Day Care Home - See Child Day Care Home.

Day Care Center - See Child Day Care Center.

Developer - The legal or beneficial owner(s) of all of the land proposed to be included in a planned development or subdivision, or the duly authorized agent(s) thereof.

District - Any section or sections of the City of Rossville, or its environs as defined by law, for which regulations governing the use of buildings and premises or the height and area of buildings are uniform.

Dock, Loading - A structure of which its height and primary purpose is to facilitate the loading and unloading of cargo and transportation vehicles. (See Article 15.6)

Drainage Course - Any natural depression, draw, or ravine which directs and facilitates the flow of water.

Drive - A private right-of-way which affords principle means of vehicular access to or through a private development, and which is owned and maintained by the owner or operator of the private development.

Dwelling - A building designed or used as the living quarters of one (1) or more families.

Dwelling, Attached - A residential building which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, Detached - A residential building which is entirely surrounded by open space on the same lot.

Dwelling, Multiple-Family - A residential building or group of buildings on one (1) lot containing separate living units for three (3) or more families but which may have joint services or facilities or both.

Dwelling, Single-Family - A residential building containing one (1) dwelling unit only.

Dwelling, Two-Family - A residential building containing two (2) dwelling units.

Dwelling Unit - One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Exception - An exception shall always mean the allowance of an otherwise prohibited use within a given district, such use and conditions by which it may be permitted being clearly and specifically stated within this Zoning Ordinance, and the allowance being granted by conditional use permit from the Board of Zoning Appeals.

Fabrication - That part of manufacturing which relates to stamping, cutting, or otherwise shaping processed materials into objects and may include the assembly of standard component parts, but does not include extracting, refining, or other initial processing of basic new materials.

Family - The word "family" shall be two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit. For the purpose of this Ordinance, paying tenants in excess of two (2) shall be considered as boarders or roomers, and the building in which they abide shall be considered as a boarding or rooming house.



Feed Lot - The use of land for commercial dry lot livestock feeding operations where any number of livestock or poultry are confined in a concentrated area for the distinct purpose of meat, milk, or egg production, where the livestock or poultry are fed at the place of confinement and crop or foliage is not sustained in the area of confinement. Also included are any feeding endeavors which are operated on a contract basis. Not included in this definition are farm feeding operations which are an agricultural endeavor used for personal need, income supplement, and are a seasonal operation. Also not included are pasturing and grazing operations.

Fence - A free-standing structure of metal, masonry, glass, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, or partition purposes.

Filling Station - See Service Station.

Flood - Shall mean an overflow of water onto lands not normally covered by water. Floods have two (2) essential characteristics: The inundation of land is temporary; and the land is adjacent to and inundated by overflow from a watercourse, or lake, or other body of standing water.

Floodplain - Shall mean the land adjacent to a watercourse subject to inundation from a flood having a chance occurrence in any one year of one percent (1%).

Floodway - Shall mean the channel of a watercourse and that portion of the adjoining floodplain required to provide passage of a 100-year flood with an insignificant increase in flood stage above that of natural conditions. The limits of the floodway, as designated by order of the Planning Commission are delineated on the official zoning map and the attachments to it.

Floodway Fringe Area - Shall mean the area between the limits of the floodway and the floodplain of the 100-year flood.

Floor Area - For computing off-street parking requirements, the floor area shall mean the gross floor area used or intended to be used by the owner or tenant for service to the public as customers, patrons, or clients, including areas occupied by fixtures and equipment used for display. It shall not include areas used principally for maintenance of the building, rest rooms, or utility rooms.

Frontage - All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.

Garage, Private - An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupant of the building to which it is an accessory.

Garage, Public - A building or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling, or storing motor-driven vehicles.

Garage, Storage - A building or portion thereof designed or used exclusively for housing four (4) or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous arrangements and not to transients, and at which no auto fuels are sold and no motor vehicles are equipped, repaired, hired, or sold.

#### Grade

- (a) For buildings having walls adjoining one street only, the elevation of the curb at the center of the wall adjoining the street.
- (b) For buildings having walls adjoining more than one street, the average of the elevation of the curb at the center of all walls adjoining the streets.
- (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than fifty (50) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.

Home Occupation - The term "Home Occupation" shall mean any occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof, and in connection with which there is not display nor stock in trade or commodities sold except those which are produced on the premises.

Hospital - Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged and any other place for the diagnosis, treatment or other care of human ailments.

Hotel - A building used as an abiding place on a daily or weekly basis for transient persons who, for compensation, are lodged with or without meals, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist unit, or otherwise.

Institutional Home - A place where the specialized care of babies, children, pensioners, or older people, and those under care for drug or alcohol abuse, is provided, except those for correctional or mental cases. An Institutional Home shall in no way be interpreted to mean a Day Care Center.

Junk Yard or Salvage Yard - A parcel of land used for the storage, keeping for sale, or abandonment of junk including used metal, wood, building materials, household appliances, vehicles, machinery, or parts thereof.

Kennel - Any building, structure or open space devoted in its entirety or in part to the raising, boarding or harboring of four (4) or more dogs which are at least four months of age.

Landscaping - The improvement of a lot, parcel, or tract of land with grass, shrubs, and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountain, statuary, and other similar, natural, and artificial objects, designed and arranged to produce an aesthetically pleasing effect.

Lodging House - A building or place where lodging is provided or which is equipped regularly to provide lodging, by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

Lot - A parcel of platted land occupied or intended for occupancy by one main building, together with its accessory buildings, including the open spaces required by this Zoning Ordinance.

Lot, Corner - A lot abutting upon two or more streets at their intersection.

Lot, Depth of - The mean horizontal distance between the front and rear lot lines.

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

Lot Line - Any line bounding a lot or separating one lot from another.

Lot of Record - A lot which is a part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds of Shawnee County, Kansas.

Manufacture - Any method of processing, developing, fabricating, or assembling; either raw materials, semi-finished materials, or parts into a semi-finished or finished product.

Manufactured Home - Shall mean a factory-built structure or structures more than eight (8) feet in width or more than thirty-six (36) feet in length, equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner.

Master Plan - A comprehensive plan for development of the City prepared and adopted by the Planning Commission.

Minimum Building Elevation - Shall mean the elevation to which uses regulated by this regulation are required to be elevated or floodproofed. This elevation would be equal to the elevation that could be reached by the 100-year flood if it occurred under the conditions existing at the time this ordinance was passed, plus one foot to allow for encroachments permitted by the establishment of a floodway.

Mobile Home - See Manufactured Home.

Mobile Home Park - A tract of land containing suitable drives, utilities, and other supporting elements, and devoted to the sole purpose of accommodating, on a lease or rental basis, mobile or manufactured homes located therein permanently or semi-permanently.

Mobile Home Space - That area of land within a mobile home park set aside for use as a site for one mobile or manufactured home, including the open spaces around said mobile or manufactured home, as are required in this Zoning Ordinance.

Mobile Home, Double Wide - A mobile or manufactured home which when assembled on the site has a width of not less than twenty-four (24) feet.

Mobile Home, Single Wide - Any residential structure, assembled in total or in sections other than at the site of intended locations and transported to such site.

Natural Obstruction - Shall mean any rock, tree, gravel, or related natural matter that is an obstruction and has been located within the floodway by a non-human cause.

Non-Conforming Use - Any building or land lawfully occupied by a use, at the time of the passage of this Zoning Ordinance or amendments hereto, which does not conform with the regulations of the district in which it is situated. (See Article 14)

Nursery - A building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings, but does not include the wholesale or retail sale of any items other than those incidental to the items raised or grown on said premises.

Nursery School - Any building used for the daytime care or education of preschool age children and including all accessory buildings and play areas, and shall for the purpose of this Ordinance, be considered group activity.

Nursing or Convalescent Home - A health establishment which provides nursing care to patients who for reasons of illness or physical infirmities are unable to care for themselves properly, and which is properly licensed by the Kansas Department of Health and Environment.

Official Master Plan - See Master Plan.

Outdoor Storage - The storage of goods and materials outside of any building or structure, but not including storage of a temporary or emergency nature.

Obstruction - Shall mean artificial obstructions, such as any dam, wall, wharf, embankment, levee, dike, pile, abutment, excavation, channel rectification, bridge, conduit, culvert, building, structure, wire, fence, rock, gravel, refuse, fill, or other related structures or matter in, along, across, or projecting into any floodway which may impede, retard, or change the direction of the flow of water, or increase the flood height, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

Parking Space - An area surfaced with concrete, bituminous, or similar permanent surface, for the purpose of storing one parked automobile. For the purpose of this Zoning Ordinance, one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off-street parking, additional space shall be required, off-street, for access drives to each parking space.

Parking, Off-Street - An open, surfaced area other than the rights-of-way of a street, road, highway, alley, or place used for temporary parking of self-propelled motor vehicles and available for public use either free, for compensation or as an accommodation for clients or customers.

Pasturage or Pasture - Shall be defined as land or a plot of land used for the grazing, feeding, and confinement of livestock.

Person - A person shall be understood in its broadest legal sense, including person, partnership, firm, company, corporation, or any other organized or unorganized group of persons acting together.

Planning Commission - The City of Rossville Planning Commission.

Plat - A map, plan or layout of city, township, section or subdivision indicating the location and boundaries of individual properties.

Principal Building - See Building, Principal.

Principal Use - The main use of land or structures as distinguished from a subordinate or accessory use.

Professional Office - Any building used by one or more persons engaged in the practice of law, architecture, engineering, medicine, or in the business of real estate broker or insurance agent or broker, or in any occupation for which a governmental license is required.

Public Building - Any building open to the general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a city, county, state, or federal government or by a public utility corporation or municipal district or authority.

Public Improvement - Any drainage ditch, street, sidewalk, pedestrianway, tree, lawn, off-street parking areas, lot improvement or other facility for which the city may ultimately assume the responsibility for maintenance and operation or which may affect an improvement for which City responsibility is established.

Public Open Space - A parcel of land or an area of water, or a combination of land and water dedicated to public use and available for the use and enjoyment of the general public. Public open space does not include streets, alleys or off-street parking or loading areas.

Public Utility - Any business the purpose of which is to furnish to the general public:

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|--------------------------------|------------------------------|
| (a) Telephone Service          | (i) Any other business so    |
| (b) Telegraph Service          | affecting the public         |
| (c) Electricity                | interest as to be            |
| (d) Natural Gas                | subject to the               |
| (e) Water                      | supervision or               |
| (f) Transportation of Persons  | regulation by any agency     |
| and Property                   | of the State                 |
| (g) Solid Waste Disposal       | (j) Community closed circuit |
| (h) Wastewater Treatment Plant | telecast                     |

Remodeling - Any change in a structure, other than incidental repairs and normal maintenance, which may prolong its useful life, or the useful life of its supporting members such as foundations; or the construction of any addition to, or enlargement of, a structure; or the removal of any portion of a structure.

Residential Building - A building, all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses and mobile homes.

Rest Home - See Nursing Home.

Restaurant - A public eating establishment in which the primary function is the preparation and serving of food on the premises.

Retail Sales - The sale of goods, merchandise and commodities for use or consumption.

Riding Academy or Stables - Any establishment where horses are kept for riding, driving, or stabling for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

Right-of-Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use.

Rooming House - Any dwelling in which more than three (3) persons either individually or as families are housed or lodged for hire, with or without meals.

Sanitarium - A duly licensed private hospital, nursing home, rest home or like facility, whether or not such facility is operated for profit.

Sanitary Sewer - A municipal or community sewage disposal system of a type approved by the State Board of Health.

Schools, Parochial - An institution or a place for instruction or education belonging to and maintained by a religious organization.

Schools, Private - An institution or a place for instruction or education belonging to and maintained by a private organization other than those types defined in this Ordinance.

Schools, Public - An institution or place for instruction or education belonging to the public and established and conducted under public authority in the various districts, counties or cities and maintained at the public expense by taxation, and open with or without charge to the public for their attendance.

Screening - Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fencing or evergreen vegetation.

Service Station - Any building or premises used for the purpose of dispensing, sale, or offering for sale at retail of any automobile fuels or oils; when the dispensing, sale, or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

Setback - The minimum horizontal distance between the property line and the building line. The Front Yard, Rear Yard and Side Yard shall be determined from the face of the building, excluding those allowable yard projections as provided in Articles 4.8, 5.8 and 6.8 of this Zoning Ordinance.

Sidewalk - A hard surfaced walk for pedestrians at the side of a street.



Sign - A sign shall include any sign, billboard, or other device which shall display or include any letter, word, mode, banner, flag, pennant, insignia device, or representation used as, or which is in the nature of an advertisement or announcement or which directs attention to an object, project, place, activity, person, institution, organization, or business, but shall not include any display of official notice or flag, pennant, emblem, or insignia of any nation or group of nations of any state, city, or political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

- (a) Sign, Advertising - A sign which directs the attention of the public to any goods, merchandise, property, real or personal, business, service, entertainment, or amusement conducted, produced, bought, sold, furnished, offered, or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
- (b) Sign, Banjo - An advertising or business ground sign which is constructed in such a manner to form an inverted "V" or tentlike shape, hinged or not hinged at the top, and each angular face held at an appropriate distance by a supporting member.
- (c) Sign, Business - A sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" or "For Rent" sign relating to the property on which it is displayed shall be deemed a business sign.
- (d) Sign, Illuminated - Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.
- (e) Sign, Flashing - Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times where such is used. For the purpose of this Zoning Ordinance, any revolving illuminated sign shall be considered a flashing sign.
- (f) Sign, Animated - Any sign, or any portion thereof, which is set in motion by any force.

Story - That portion of a building, other than a basement or cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

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

Street - A right-of-way, dedicated to the public use, which provides principle vehicular and pedestrian access to adjacent properties.

Street Classification:

- (a) Primary Traffic Thoroughfare - A street which provides for primary traffic movement directly in and out of the City, with direct access to abutting property; subject to necessary control by lights, signage and other means of entrances, exits and curb uses.
- (b) Arterial - A street which provides for through traffic movement between and around areas and across the City, with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
- (c) Collector - A street which provides for traffic movement between arterials and local streets, with direct access to abutting property.
- (d) Local - A street which provides for direct access to abutting land, and for local traffic movement whether in business, industrial, or residential areas.

Street Line - A dividing line between a lot, tract, or parcel of land and the contiguous street.

Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, but not including fences.

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

- (a) Attachment of a new front where structural supports are not changed and does not encroach beyond the building setback line.
- (b) Addition of fire escapes where structural supports are not changed.
- (c) New windows where lintels and support walls are not materially changed.
- (d) Minor repair or replacement of non-structural members.

Subdivision - Any land, vacant or improved, which is divided or proposed to be divided into one (1) or more lots, parcels, site units, plots or interests for the purpose of offer, sale, lease, or development, or the dedication of public right-of-way. Subdivision also includes the assembly of several lots or parcels into one lot for the purpose of development.

Tavern - Any establishment in which is performed the public sale and serving of malt beverages.

Townhouse - Means one single-family townhouse residential unit which may be jointed together with at least one additional single-family townhouse residence by a common wall or walls, and/or roof, and/or foundation: Provided, however, that in any event, the term "townhouse" shall not mean a condominium as defined in K.S.A. 58-3102.

Tract - An area or parcel of land other than a lot of record described and recorded in the Office of the Register of Deeds of Shawnee County as a single parcel of land under individual ownership.

Trailer - Any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motor power or other means. The term "Trailer" shall include recreational vehicles.

Trailer Park - Means a tract of land containing sites for the overnight or short term parking of two or more camping trailers. Camping trailers may be parked in a camp-ground or camper park provided such camp area is in conformance with the codes and ordinances of the City of Rossville.

Trailer, Advertising - A trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

Trailer, Camping - 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, and sanitary equipment. Size and furnishing 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 Zoning Ordinance.

Trailer, Hauling - A trailer, as defined above, and designed and normally used for over-the-road transporting of belongings, equipment, merchandise, livestock, and other objects, but not equipped for human habitation.

Trailer Home - See definition for Mobile Home.

Variance - A departure from the terms of this ordinance pertaining to height or width of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size and/or shape of topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

Vision Clearance Area - A triangular area on a corner lot, which is formed by the street property lines and a line connecting them at points, twenty-five (25) feet from the intersection of the street lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of one (1) foot in height. Street trees may be permitted provided such trees are pruned at least eight (8) feet above the surrounding grade. At the intersection of major or arterial streets the vision clearance area is created by points forty (40) feet from the intersection of the property lines.

Wholesale Sales - The sale of goods, merchandise and commodities for resale.

Watercourse - Shall mean any stream or drainway having a channel that serves to give direction to a flow of water.

Yard - A space on the same lot with a main building; open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Zoning Ordinance.

Yard, Front - A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way line and the building setback line. For corner lots, this definition applies to both portions of a lot lying adjacent to the intersecting streets.

Yard, Rear - A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear line of such main building.

Yard, Side - A yard between the main building and the side lot line extending from the front yard lot line to the rear lot line. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest part of the main building. (See Article 17, Supplemental Development Standards.)

Zone - See District.

2. WORDS NOT DEFINED HEREIN. Words or terms not herein defined shall have their ordinary meaning in relation to the context, unless otherwise defined in the Uniform Building Code.

#### 1.8 SEVERABILITY CLAUSE

If any section, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.