

ARTICLE 17

SUPPLEMENTAL DEVELOPMENT STANDARDS

17.1 PURPOSE AND INTENT

The purpose of this Article is to provide for the several miscellaneous development standards which will qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Zoning Regulation. The requirements of this Article shall be in addition to the development standards contained within the provisions of the district regulations. The provisions of this Article shall prevail over conflicting provisions of any other Articles.

17.2 ESTABLISHMENT OF USES NOT SPECIFIED

When a use is not specifically contained in the list of permitted or conditional uses in any commercial or industrial district, but is of the same character as other uses listed in these districts, the Planning Commission may allow the establishment of that use, upon request, if said Planning Commission makes the following findings:

1. That the establishment of the use will be in accordance with the purposes of the district in which that use is proposed.
2. That the use will be an appropriate addition to the zone because it has the same basic characteristics as the other uses permitted in the district.
3. That the use will not be detrimental to the public health, safety, or welfare.
4. That the use shall not adversely effect the character of that district in which it is proposed to be established.
5. That the use will not create more traffic, odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectional influence that the amount normally created by any of the uses listed as permitted uses in that district.
6. That the use will not create any greater hazard of fire or explosion than the hazard normally created by any of the uses listed as permitted uses in that district.

The Planning Commission shall, at the same regular meeting in which they have allowed the establishment of a use in accordance with the above provisions, set a public hearing at which the Planning Commission shall determine whether the use should be recommended to the Governing Body as an amendment to this Zoning Ordinance which is

to be added to the list of permitted or conditional uses in the respective district said use was allowed.

17.3 CLARIFICATION OF AMBIGUITY

If ambiguity or uncertainty arises concerning the appropriate classification of a particular use within the meaning and intent of this Zoning Regulation, or with respect to matters of height, yard requirements, area requirements, or district boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes and processing of materials, it shall be the duty of the Planning Commission to ascertain all pertinent facts and set forth its findings and its interpretations, and thereafter such findings and interpretations shall govern.

17.4 PARKING OR STORAGE OF PLEASURE VEHICLES, RECREATIONAL VEHICLES, TRAVEL TRAILERS, CAMPER, BOATS, BOAT TRAILERS, ETC.

1. Definitions: A recreational vehicle or pleasure vehicle shall mean any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, truck camper, boat, boat trailer, snowmobile, snowmobile trailer, camping trailer or any other motor vehicle or trailer designed and used for living or sleeping while on vacation or other trips of short duration; provided the term trailer shall not include hauling trailers designed and normally used for over the road transporting of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.
2. Any recreational vehicle or pleasure vehicle, as defined in this Section, may be parked, stored or maintained anywhere on a lot except that when parked, stored or maintained in any residential zone shall be parked, maintained or stored on a driveway when so parked in the front or exterior side yard areas; provided no more than two (2) such vehicles shall be parked, maintained or stored in the required front and side yard areas; provided further, no pleasure vehicles or recreational vehicles parked or stored in the front or side yard areas shall be parked or stored within (10) feet of any City right-of-way, sidewalk or other area of the street at the entrance of the driveway; however, the ten (10) feet limitation shall not apply to alleys. Provided further, no pleasure vehicle or recreational vehicle shall be parked or stored on any corner lot within the vision clearance area as defined in Article 17.14.
3. No pleasure vehicle or recreational vehicle as defined herein shall be parked, stored or maintained within ten (10) feet of any residential structure on adjoining property except when such vehicle is stored inside of a garage or other storage structure or

upon obtaining the written consent of the adjoining property owner.

4. No pleasure or recreational vehicle as defined herein may be parked, stored or maintained on any public street, thoroughfare, right-of-way or other public area; provided said vehicles may be parked in exception to this section for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes or for temporary storage or parking not to exceed fourteen (14) days if such vehicle is owned by a bona-fide guest of the occupants of the premises, provided that when stored, parked or maintained on any public street, thoroughfare, right-of-way or other public area no person shall sleep, live or otherwise inhabit any recreational or pleasure vehicle. Any person or persons may live or sleep in a recreational or pleasure vehicle for a period not to exceed fourteen (14) days when said vehicle is parked or stored on a lot and said persons are bona-fide guests of the occupants of the premises.

No nonmotorized travel trailer or boat, when on a trailer, shall be left unattached when parked or stored on any public street.

5. The Board of Zoning Appeals may permit an exception on appeal, to the foregoing requirements if it should find that in the particular case appealed the location of existing structures, the exceptional shape and size of the property, or other exceptional situation or condition not generally applicable to other properties justifies such action.

17.5 ABANDONED, WRECKED, OR JUNKED VEHICLES

It shall be unlawful, without prior authorization of the Governing body, to park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind which is inoperable, upon any private property within the incorporated city limits of the City of Rossville unless the same is completely enclosed within a building, or behind screening of sufficient size, strength, and density to screen such vehicles from the view of the public using the streets and sidewalks and to prohibit ready access to such vehicles by children; or unless it is in connection with a business enterprise properly operated in the appropriate business zone.

17.6 STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL DISTRICTS

No trucks, motor vehicles, or commercial trailers which exceed the rated capacity of two (2) tons shall be stored or parked on any lot or parcel within any residential zone; nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in a residential zone.

17.7 SWIMMING POOLS

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all property lines and shall be completely surrounded by a fence or wall having a height of at least six (6) feet. There shall be no opening larger than thirty-six (36) square inches except for gates which shall be equipped with self-closing and self-latching devices.

17.8 ADDITIONAL HEIGHT REQUIREMENTS

1. Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet.
2. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, church steeples, wireless towers, or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted regulations by the Governing Body.

17.9 ADDITIONAL LOT REQUIREMENTS

1. The width of the required side yard shall be measured horizontally, at ninety degrees with the side lot line from the nearest point of the side lot line toward the nearest part of the main building.
2. For the purpose of the side yard regulations, a two-family dwelling, row housing, or a multiple dwelling, shall be considered as one building occupying one lot or a group of lots.
3. Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a side or rear yard and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed four (4) feet (except as authorized by the Governing Body). In no instance shall any portion project into the right-of-way of a street or alley.
4. When the common boundary separating two or more contiguous lots is covered by a building or a permitted group of buildings, such lots shall constitute a single building site and the side yard as required by this Title shall not apply to such common boundary line. The side yard requirements of this Title shall apply only to the exterior boundaries of the contiguous lots so joined.
5. Any lot recorded hereafter shall comply in all respects with the lot size, area and bulk requirements of these regulations.

6. If a setback on a recorded plat is greater than that required by these regulations, then plat setback shall govern.
7. Only those lots recorded as lots of record on a plat or as a lot of record in the Office of the Register of Deeds shall be granted, as a matter of right, a permit to build in accordance with the proper zoning requirements, except as otherwise specified for structures constructed within the "A-1" Agricultural District (See Article 3).

17.10 MOVING OF STRUCTURES

1. Hereafter no structure shall be moved from one location to another within the jurisdiction of these regulations without first obtaining a valid building permit. The structure to be moved shall comply in all respects with the district requirements in the district to which it is to be moved.

17.11 FENCE REGULATIONS

1. No fence, except fences constructed upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six and one-half (6 1/2) feet unless otherwise approved by the Board of Zoning Appeals.

17.12 SANITATION REQUIREMENTS

1. Hereafter all structures used for habitation, employment or otherwise providing indoor plumbing facilities shall be connected to a municipal type, public benefit, or approved private sewerage disposal system. It shall be unlawful to occupy any structure without providing for said system. It shall be unlawful to discharge sewage either beneath or on top of the ground without an approved system. It shall be unlawful to operate a malfunctioning sewerage system that discharges effluent to the surface of the ground.

17.13 CHEMICAL OR FUEL STORAGE RESTRICTIONS

1. Petroleum (gasoline and diesel fuels) and propane used for cars, trucks, machinery and home uses shall not be stored in underground, on-the-ground or above-ground tanks in any "R" Residential District or in the "C-1" Central Business District unless in conjunction with an already existing auto service station. Residential and Central Business District storage of petroleum is limited to containers manufactured and clearly marked for such storage.

2. No Agricultural, Commercial (except the "C-1" District), nor Industrial Districts shall be restricted on petroleum storage by the above requirements except that all such storage facilities shall comply with the Occupational Safety and Health Administration (OSHA) and State of Kansas requirements.

17.14 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 property lines. The vision clearance area shall contain no temporary or permanent obstructions in the excess of thirty (30) inches 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. Due consideration shall be given for vision clearance areas at the intersection of alleys and streets.