Article XXX. Additional Height, Area, and Use Regulations

SECTION 1. QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

1. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one (1) foot of additional height will be permitted for each one (1) foot of additional building setback provided up to a maximum of fifteen (15) feet of additional height.
2. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers, or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed one hundred fifty (150) feet.
3. Accessory buildings may be built in a side or rear yard but such accessory buildings shall not be nearer than the main building to any side lot line. When any accessory building is constructed in a rear yard, it shall not encroach on any required utility easements and shall not be located any closer to the rear line of the property than three (3) feet or closer than three (3) feet to the side lot line, except that where vehicular access to a garage is perpendicular to the alley line, a setback of at least ten (10) feet from the alley line shall be required.
1. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
2. Portable storage units as Accessory Structures. No portable storage unit, semi-trailer freight box, shipping crate, boxcar or similar container may be utilized as an accessory structure in any residential zoning district. Such units maybe permitted by the Building/Zoning official or his/her designated personnel, not to exceed 60 (sixty)

days, unless otherwise granted permission by the Building/Zoning official. Such units are permitted by right in the “I-1” and “I-2” Districts, and by special use permit in the “C-1” and “C-2” Districts. Where permitted, all such units shall comply will all yard and setback regulations and all other applicable regulations. Such units shall be anchored to the ground as necessary to assure stability.

6. The setback line for yard requirements shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the building.

7. On block faces where fifty (50) percent of the existing principal structures are closer to the street than the required front yard setback, new principal structures, except on corner lots, may be located out to the average setback of the existing structures along the block face.

8. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the City Building Inspector for a distance of not more than three-and-one-half (3-1/2) feet provided the same are so placed as not to obstruct light and ventilation.

9. For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.

10. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.

11. No side yards are required where dwelling units are erected above commercial structures, and front, side, and rear yard requirements shall not apply to the interior walls of dwelling units established under the Kansas Apartment Ownership Act or under the Kansas Townhouse Ownership Act.

12. Whenever the number of employees is restricted in connection with any use in the commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or off-site similar activities.

13. Electronic communications towers shall be permitted in any commercial, industrial, or agricultural district providing the height of said towers do not conflict with any airport

approach or landing zone or with any other ordinance, and providing that towers within one hundred fifty (150) feet of a residential district shall not exceed eighty (80) feet in height. (Also see Section 13, Wireless Communications Towers.)

14. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two-and-one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines sixty (60) feet from the point of the centerline intersection.

15. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

16. Privately owned swimming pools shall be enclosed as appropriate to assure privacy and safety.

17. Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping buses or converted trucks, and tent trailers shall not be stored in a residential district except within an enclosed building, or behind the front yard setback line.

a. On a corner lot such equipment shall be kept back of the front yard setback lines on both street sides.

a. No such recreational equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.

b. Relatives allowed a maximum of no more than 2 (two) weeks with permit, obtained at City Hall. Permit maybe renewed for another 2 (two) weeks. After that, a permit shall not be issued until a 6 (six) month period has passed.

18. Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the requirements of the Subdivision Regulations, and to the following:

a. An application for such unit conversion shall be filed for review and comment by City staff and the Planning Commission and approval by the Governing Body.

Such application shall be accompanied by the following information as a minimum:

1. A plot plan showing site and structure arrangements and proposed re-platting.
2. A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
3. A description of proposed structural and utility alterations to provide for individual services and maintenance.
4. A description of proposed public access patterns, both vehicular and pedestrian.
5. A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development.
6. Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.

b. The applicant for unit conversion shall submit with his application a consent agreement signed by seventy-five (75) percent of all owners of property within two hundred (200) feet of the premises whereon the unit conversion is proposed
c. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.
d. The Planning Commission and Governing Body shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed

utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utilities would require entry into an individually-owned dwelling unit.

e. All conversions of two-family or multiple-family structures to individually-owned, single-family dwelling units are subject to all applicable City codes, including building permit application and inspection procedures.
f. The above procedures and regulations are applicable even where the conversion does not require new construction.
g. After reviewing a conversion application for compliance with all applicable City codes, the Building Official/Code Enforcement Officer shall report to the Planning Commission and Governing Body all details of non-compliance with City codes.

SECTION 2. FENCES

Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations, the following restrictions shall apply to the construction of all fences.

1. Location and Heights of Fences
    a. Front Yard. Fences may be erected adjacent to or within a required front yard providing such fence shall be no more than three (3) feet in height following the natural contour of the land.
    b. Side Yard or Rear Yard. Fences may be erected adjacent to or within a side or rear yard provided such fence shall be no more than six feet (6’) in height following the natural grade of the ground.
    c. Buildable Areas. Fences located in any area of the lot on which a main building may be built to a height of eight (8’) feet.
    d. Exception to Heights. The Zoning Administrator may authorize a higher fence at Public or Private Schools, Parks, Playgrounds, or Commercial or Industrial Areas where needed for security and when such fence will promote the safety, health or general welfare of the public.
2. Prohibited Fences. No barbed wire or other sharp fence and no electrically charged fence of any type shall be erected or maintained. Any barbed fence existing at the time of adoption of these regulations shall be removed within thirty (30) days of the

effective date thereof. Any electrically charged fence existing at the time of adoption of these regulations shall be removed immediately. PROVIDED, the Zoning Administrator may, when he deems necessary for security around commercial, industrial or public properties, authorize the placing of barbed wire on top of a fence no less than six (6) feet in height. The Zoning Administrator shall determine the direction that such barbed wire must be installed.

3. Retaining Walls. Retaining walls may be erected at locations and heights of fences, providing the maximum height of such retaining wall shall be measured from the low side of the wall.
4. Adverse Effect. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight or hindering ventilation or which fence shall adversely affect the public health, safety and welfare.
5. Removal. Any fence or wall maintained in violation of these regulations is hereby declared a nuisance and shall be removed within five (5) days after receipt of notice of the Zoning Administrator.
6. Permit - Fees. No person shall erect any fence without first having obtained a written permit to do so from the Zoning Administrator. Fees for a fence permit shall be in accordance with a schedule of fees adopted by the Governing Body.

SECTION 3. BUILDING SETBACK LINES

Building setback lines are hereby established for all arterial and collector streets, as shown on the adopted Major Street Plan in the Ulysses Comprehensive Plan. The setback lines, as established in this section, shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience and economy in the process of development and shall conform with the following requirements:

1. *Arterial Streets:* No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus fifty (50) feet, except as provided in SECTION 2 of this article.

2. *Collector Streets:* No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus forty (40) feet, except as provided in SECTION 2 of this article.

SECTION 4. LOTS OF RECORD

A lot or group of lots, which were platted and recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure that does not conform with the minimum yard and height requirements unless specifically authorized by the Board of Zoning Appeals.

SECTION 5. CANOPY AND MARQUEE

A canopy, marquee, or balcony may be permitted to “overhang a public way” in Districts “C – 1” and “C – 2” providing:

1. The canopy, marquee, or balcony is constructed and maintained in accordance with the City Building Code and other applicable codes, ordinances, and resolutions.
2. No portion of the canopy, marquee, or balcony, including supports, shall be less than eight (8) feet above the level of the sidewalk or other public way except as required by SECTION 1, Item 12 above.
3. The canopy, marquee, or balcony shall not extend beyond a point two (2) feet inside the curb line of a public street.

SECTION 6. TEMPORARY USES PERMITTED

1. Christmas Tree Sales: Christmas tree sales in any business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations provided that no trees shall be displayed which would obstruct intersection sight distance requirements.

2. Contractor’s Office: Contractor’s office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
3. Real Estate Offices: Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
3. Carnivals and Circuses: A carnival or circus, but only in a C-1, C-2, I-1 or I-2 District, and then only for a period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements for the street intersection sight distance as defined by these regulations.
5. Seasonal sales events and festivals: Seasonal sales events and festivals in any district subject to any special requirements of the Governing Body.
6. Other special temporary uses as may be permitted by the Governing Body and under such conditions as they may require.

SECTION 7. WIND ENERGY CONVERSION SYSTEMS (WECS)

Wind energy conversion systems (WECS) may be permitted subject to the following requirements:

a. The minimum distance from any lot line to any tower, pole or other support structure of the wind energy conversion system shall be established by the following minimum standards:

WECS minimum setback distance by rotor diameter

Rotor Diameter (Feet)	Setback Distance (Feet)
5	100
10	165
15	220

Rotor Diameter (Feet)	Setback Distance (Feet)
20	270
25	310
30	340
35	365
40	385

Intermediate rotor size distances shall be interpolated from the above values.

b. The WECS shall not be located in any required yard.
c. The WECS shall not cause interference to microwave communications or radio and television reception in the area. Noise levels measured at the lot line shall not exceed sixty (60) DBA in a residential zone.
d. To limit climbing access to WECS tower, or other support structure, a six (6) foot high fence with locking portal shall be place around the WECS support or if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the WECS support may be mounted on a rooftop.
e. All blades of a WECS shall be constructed of non-metallic substances. If the applicant can prove, in writing form, that no electromagnetic interference will result, a metal content of up to twenty-five (25) percent will be acceptable.
f. The WECS shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR stations.
g. Height of the WECS shall not exceed the maximum height restriction in the zone where it is located by more than twenty (20) feet. The height of the WECS shall be measured at the center of the blade diameter.
h. Data pertaining to the WECS' safety and structural integrity shall be certified by a licensed engineer and filed with the building permit application. The tower or support and top adapter shall meet the restrictions specified in the City's building code.
i. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service

regulations applicable to WECS.

j. A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior lot lines.
k. The owner/operator shall provide covenants, easements or similar documentation to assure sufficient wind to operate the WECS unless adequate accessibility to the wind is provided by the site.
l. The owner/operator shall certify that the WECS does not violate any covenants of record.
m. The applicant shall provide a certificate of liability insurance. Annually the owner/operator shall present evidence to the zoning administrator that the liability insurance is still in effect.

SECTION 8. JOINT DRIVEWAYS AND GARAGES

Where joint driveways and joint garages were in existence prior to the passage of this ordinance, it shall be permissible to repair, reconstruct or enlarge joint garages and it is not necessary to conform to the provisions governing internal lot lines.

SECTION 9. PROTECTION OF SEWER AND OTHER UTILITY LINES

No building or addition thereto shall be erected over or across any public sewer or utility line, nor upon any platted or recorded easement, unless permission is granted in writing by the respective party whose lines are involved.

SECTION 10. MINING AND EXTRACTION OF MINERALS

In districts where mineral extraction is a permitted use, the following shall apply:

1. In the case of open excavation, there will be required a substantial fence with suitable gates completely enclosing the portion of the property in which the excavation is located, and such fence shall be located forty (40) feet or more distance from the edge of such excavation.

2. The slope of the material in such sand, gravel or other pit shall not exceed the normal angle of repose of such materials, and the plane of such angle of repose shall not come nearer than forty (40) feet to any property lines.
3. In the case of a quarry or other excavation in rock, there will be required a substantial fence, with suitable gates at all points a distance of forty (40) feet or more from the face of any quarry walls.
4. Rock crushers, cement plants or other crushing, grinding, polishing, or cutting machinery or other physical or chemical process for treating the product of such quarry may be prohibited.
5. No such quarry shall be nearer than forty (40) feet to any property boundary line, street or highway right-of-way line.

SECTION 11 VACATED STREETS AND ALLEYS

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

SECTION 12 SANITARY SEWERAGE REQUIREMENTS

All new construction of residential units, relocation of residential units, manufactured housing and all other buildings which would generate sewage, shall be connected to a public sewer system where available, or provided with a private system meeting the following requirements.

1. All percolation rates shall be based on the standard test procedures and shall be the responsibility of the person applying for a permit.
2. Septic Tanks constructed of concrete, metal, concrete blocks or other material of similar nature, size of which shall be:
   Two bedroom home
   1000 gallons minimum

Three bedroom home

1250 gallons minimum

Four bedroom home

1500 gallons minimum

3. All waste water must run through septic tanks including laundry, kitchen, lavatory, etc.
4. Individual laterals shall not be less than 90 feet or more than 100 feet in length. There shall be a separation of six (6) feet between laterals.
5. Trench bottom and tile lines shall have a fall of 2 to 4 inches per 100 feet and shall be 10 inches in depth.
6. Lateral lines shall be constructed for continual flow, or if desired, use of absorption fields will be accepted.
7. Absorption field not less than 6 feet long, 4 feet wide, and not more than 6 feet deep, shall be available at the end of each lateral line. The last tile must lie in the absorption field with high rock below and above the tile with building or tar paper over the grade, and back fill of earth over paper, with an overfill of four to six inches for settlement.
8. Owner is required to provide a sketch with percolation times to the County Health Department for evaluation and recommendations, prior to receiving a permit for construction of an individual sewage system.

SECTION 13 WIRELESS COMMUNICATIONS TOWERS

Wireless communication and other telecommunications towers may be permitted subject to the following requirements:

1. The minimum distance from any lot or property line to any tower, pole or other support structure shall be the total maximum height of the tower, pole or other support structure plus attached antennas.
2. Anchors, guy wires and other accessory structures may not be located in any required yard.
3. The tower, pole or other support structure shall not exceed the maximum height restriction in the zone where it is located by more than thirty (30) feet, unless

technical data indicating a greater requirement for adequate reception is provided.

4. Unauthorized access to the tower, pole or other support structure, including anchors and guy wires, shall be limited by provision of an immediately surrounding six (6) foot high fence with locking portal. Tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground.
5. Telecommunications towers shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR Stations.
6. The tower or other support structure shall be designed to permit addition of antenna array for at least two additional service providers so as to limit the number of permitted structures in the zoning jurisdiction.
7. Information certifying safety and structural integrity of the tower and other support structures shall be certified by a licensed engineer and filed with the permit application.
8. When located within one thousand (1,000) feet of a residential district, the tract shall be appropriately landscaped to produce a visually pleasing appearance.
9. An application for a permit to site a wireless telecommunications facility shall be accompanied by the following:
    a. A site development plan, including landscape provisions and topographic information.
    b. A technical description of the tower and the reasons for its design and location.
    c. An explanation of need for a separate tower as opposed to an existing facility.
    d. Information establishing structural integrity and capacity for additional antenna array.
    e. Proof of ownership or authorization to use the proposed site.
    f. Copies of any necessary easements.
    g. A Certificate of liability insurance.
    h. An affidavit certifying that the space on the proposed tower will be made available to future users when technically feasible.
10. The applicant shall also provide such other additional support information as may be determined by the City.

SECTION 14. HOME OCCUPATIONS

Home Occupations, where specifically permitted, shall meet all of the following conditions:

1. The residential character of the property shall be maintained.
2. The activity shall be conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
3. No display or storage shall indicate from the exterior of the buildings that they are being used in part for any purpose other than a dwelling or accessory building.
4. Not more than one (1) non-illuminated nameplate shall be used. The nameplate shall be attached to the building and shall not exceed three (3) square feet in area.
5. No equipment or process shall be in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of a person off the lot if the occupation is conducted in a residence, or outside the individual dwelling unit if conducted in other than a residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
6. No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in a residential neighborhood.
7. There shall be on file in the office of the City Clerk a consent agreement to the proposed home occupation signed by seventy-five (75) percent of all Owners of property within two hundred (200) feet of the property whereon such use is to be operated.
8. A letter of consent shall also be required from the Owner of record for a property to be used for home occupation purposes. This shall specifically apply to rental properties. This letter of consent shall be submitted with the consent petition required in paragraph “7”.
9. The Owner shall have received from the Ulysses Board of Zoning Appeals a Special Use Permit to operate such home occupation in accordance with the provisions of this Ordinance and other applicable rules and regulations. Such permit shall be personal to the applicant thereof and shall not be assignable.

10. The Special Use Permit shall be reconsidered by the City of Ulysses Board of Zoning Appeals, with regard to revoking the permit if a review petition stating problems regarding the home occupation has been submitted and signed by fifty (50) percent of all owners of property within two hundred (200) feet of the premises whereon the home occupation is conducted.
11. The following uses shall not in any event be considered home occupations within this definition:
    a. Funeral homes.
    b. Restaurants.
    c. Liquor stores.
    d. Grocery stores.
    e. Stables, animal kennels, or hospitals.
    f. Tourist accommodations including bed and breakfast establishments.
    g. Renting of trailers or equipment.
    h. Auto and other vehicle repair.

SECTION 15. INOPERABLE MOTOR VEHICLES

Inoperable motor vehicles shall be permitted only in the following locations or under the following conditions:

1. Within a completely enclosed building in a residential district when the vehicle is owned by the resident residing on such premises; except that when the resident is engaged as a hobby in the restoration of not more than one (1) inoperable motor vehicle more than thirty-five (35) years old, the vehicle need not be enclosed in a building.
2. Within a salvage yard.
3. Within a motor vehicle storage yard.
4. At a motor vehicle body shop or repair service in accordance with the restrictions of the district in which said use is located.

SECTION 16. ZERO LOT LINE

1. Zero lot line concept is where one (1) or two (2) family dwelling has one (1) exterior wall on or within one (1) foot of a side property line and the remaining side yard is double the normal side yard required by district regulations. Zero Lot Line Developments may be built under the following conditions:
    a. When submitted as part of a new subdivision plat or an amendment to an existing subdivision and each lot to be developed using the zero lot line concept is so designated showing which lot line is the zero lot line.
    b. On an existing lot in a partially developed subdivision when submitted to and approved by the Hesston Board of Zoning Appeals as a variance under ARTICLE XXI of the Zoning Regulations.
2. On any lot approved for the zero lot line concept by platting, re-platting or approval of the Appeals Board, the following stipulations shall apply:
    a. A maintenance easement of at least four (4) feet in width shall be provided and recorded on the property adjoining the designated zero lot line.
    b. There shall be no door or window openings on the side of the house which is built on the zero lot line.
    c. No portion of a roof, gutter or other part of the structure shall project past the zero lot line and all roof drainage will be installed so as to keep all run off water off of the adjoining property.
    d. If an owner or builder chose not to build on a designated zero lot line, the double side yard must still be observed.

SECTION 17. ATTACHED SINGLE FAMILY, TOWNHOUSE AND CONDOMINIUMS

Attached Single Family Dwellings, Townhouses and Condominiums may be built by applying for and building as Planned Unit Development as per ARTICLE XIII of the Zoning Regulations or upon existing tracts by meeting the following stipulations:

1. DEFINITIONS:

a. Attached Single Family Dwellings. A series of no more than four (4) single family dwelling structures which are joined at one (1) or more sides by a common wall and where the units are completely independent of each other, including the parcel of land upon which each unit is built.
b. Townhouse. A series of three (3) or more single family residential dwelling structures joined together at one (1) or more side by a common wall and where the units are independent of each other, including the immediate parcel of land upon which each unit is built, and where portions of the land are held in common ownership with other units in the project.
c. Condominium. Multi-unit structures with each unit under separate ownership and each owner owning only air space occupied by his unit. All owners jointly own all common areas and land.

2. CONDITIONS:
    1. Attached Single Family Dwellings, as defined, may be erected within the R-2, Two Family District (Limit 2 units each structure); R-3 and R-4 Multiple Family Dwelling Districts; subject to district regulations and the following conditions:
        1. No individual unit shall have less than twenty-two (22) feet frontage upon a public street.
        2. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
        3. Each unit shall be separated from other units at party walls which are of two (2) hour fire resistive construction.
        4. Party wall agreements in the form of restrictive covenants which run with the land to define ownership, use and responsibility for maintenance and use of such party wall must be provided.
        5. Parking shall be as required for single family residences in ARTICLE XXVI.
        6. Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the

property line and then branch off to each individual unit. Other utilities serving the structure from the front or street side shall be from a private easement arrangement as required for the rear of side yard utilities.

2. Townhouses, as defined, may be erected within the R-3, Multiple Family Dwelling District and the “P”, Planned Unit Overlay District subject to the District Regulations and the following conditions:
    1. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
    2. Each unit shall be separated from other units at common party walls which are of two hour fire resistive construction.
    3. Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line then branched off to each individual unit. Other utilities serving the structure from the front or street side shall be from a private easement arrangement as required for the rear or side yard utilities.
    4. All common open space shall be jointly owned by the owners of the individual structures and agreements setting forth the responsibilities of external maintenance of common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with KSA 58-3101 and following sections.
    5. Parking shall be as required for multiple family residences in ARTICLE XVII.
3. Condominiums, as defined, may be erected within the R-3 Multiple Family Dwelling District and the “P” Planned Unit Overlay District subject to the district regulations and the following conditions:
    1. The intensity of use for all structures shall be no less than required by the district in which the structures are erected.

2. Each unit shall be separated from each other as required by the Multiple Family Unit provisions of the Building Code.
3. Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a common private utility easement ten (10) feet wide and extending from the public utility easements to within ten (10) feet of the building. An additional ten (10) foot wide private utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branched off to each unit. Other utilities serving the structure from the front or street shall be from a private easement arrangement as required for the rear of side yard utilities.
4. All common open space shall be jointly owned by the owners of the individual units and agreements setting forth the responsibilities of both external and internal common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Register of Deeds. Such agreements shall be in accordance with KSA 58-3101 and following sections.
5. Parking shall be as required for multiple family residences in ARTICLE XIX.

SECTION 18. SITE PLAN REVIEW

1. Intent. The intent of requiring a site plan review is to be able to consider the impact that a particular use may have on adjacent or surrounding property. Such impact may be caused by type of operation, noise factors, traffic flow, off-street parking or other impacting features of operation. It is further intended that such site plan review will encourage compatible arrangement of structures, off-street parking, storage areas, traffic patterns, trash facilities, landscaping, buffering, drainage and other outdoor facilities to promote the preservation of property values.
2. Site Plan Review Committee. A Site Plan Review Committee is hereby created for the purpose of reviewing and recommending to the Board of Zoning Appeals or Governing Body, when deemed necessary, all site plans which are required by this

section to obtain site plan approval prior to issuance of a Building Permit. The Site Plan Review Committee shall consist of Building Official, City Engineer or other city staff as required.

3. Site Plan Review - When Required. Site Plan Review procedures will be required in the following instances:
    a. All commercial uses and industrial uses when such property is within one hundred (100) feet of a residential zoned area or is adjacent to a more restrictive zoning category.
    b. All uses which have a drive-up, drive-thru or exterior vehicular service or waiting area.
    c. All uses which employ the outdoor use of the lot for storage of materials or goods.
    d. Any use that may have a detrimental effect on city infrastructure.

    PROVIDED, however, that no site plan shall be required unless the proposed modification consists of a new use, exterior remodeling in excess of $20,000 or additions to structures exceeding 500 square feet or parking areas more than 2000 square fee in area.

4. Site Plan Review - Procedure. Any proposed use which requires a Site Plan Review shall submit four (4) copies of a site plan to the office of the Zoning Administrator not less than eight (8) days before the next regularly scheduled meeting of the Site Plan Review Committee. The Committee shall review and approve the plan if it meets all City Code requirements, or require that the plan be applied to the Board of Appeals for review.
5. Site Plan Contents. The application for a site plan review shall include the following:
    a. Name and mailing address of applicant or owner of record if not the applicant.
    b. Legal description of the property.
    c. Site plan (4 copies) showing:
        1. Date, scale, north arrow, title, owners name, name of individual preparing such.
        2. Location, dimensions of property lines, easements, structures, parking areas, drives, loading areas, trash receptacles, height of structures, fences, screening, signs, lighting and landscaping, existing or proposed.

3. Use of each proposed structure.
4. Approximate location of structures on adjoining property.
5. Such other information as requested by the Zoning Administrator to clearly shoe compliance with all requirements of the City.

6. Action by Site Plan Review Committee. The Site Plan Review Committee shall review the plan according to the procedures and using criteria established by this section. The Committee shall notify the applicant of action taken by the Committee and such action shall be forwarded, if the plan is not approved, to the Board of Zoning Appeals for its review, or the Governing Body for final action at the next regular meeting. The applicant will be given the option of amending the site plan, if desired, in lieu of appealing the decision of the Review Committee.
7. Lapse of Approval. Unless a longer time was specifically granted when a site plan was given final approval, a Site Plan Approval shall become null and void one (1) year from the date of approval unless a building permit has been issued and construction commenced and is being diligently pursued toward completion. Any Site Plan which has been voided may only be reinstated by a re-submission of a new Site Plan Application.
8. Occupancy or Use. No occupancy of new construction will be permitted until all conditions of the Site Plan Approval have been complied with, and businesses doing exterior remodeling must comply with all provisions at the time of completion of remodeling. Provided, that consideration will be given to seasons of the year and adverse weather conditions in requiring completion of landscaping plans, but further provided that such required landscaping must be completed within six (6) months following occupancy under such consideration.
9. Approval. A site plan approved pursuant to the provisions of this article shall run with the land and apply to the type of business or activity which was originally applied for. A subsequent change of use to another type of use requiring site plan approval will require approval of a new site plan.

SECTION 19. GAS PUMP CANOPIES

Canopies covering gas or other fuel pumps must be located so that no part of the structure is less than ten (10) feet from the front property line. Such structures shall meet

all other setback requirements.

This is an accessible version of the original document, Article XXX, Additional Height, Area, and Use Regulations, published by the City of Ulysses, Kansas. To request the document in another format, contact City Hall at (620) 356-4600.