

ZONING CODE

OF THE CITY OF SCRANTON

As Amended, December 2014

TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
1. PURPOSE	2
2. DEFINITIONS	3
3. DISTRICTS AND BOUNDARIES	10
4. "A" AGRICULTURE AND COUNTRY HOME DISTRICT.	12
5. "R" SINGLE FAMILY DWELLING DISTRICT	13
6. R-2" MULTIPLE FAMILY DWELLING DISTRICT.	15
7. "R-3" MOBILE/MANUFACTURED HOME DISTRICT	16
8. "H" HISTORIC PROPERTY DISTRICT	24
9. "C" COMMERCIAL DISTRICT	26
10. "I" INDUSTRIAL DISTRICT	28
11. NON-CONFORMING USES	31
12. ADDITIONAL USE REGULATIONS	32
13. ADDITIONAL HEIGHT AND AREA REGULATIONS	36
14. COMMUNITY UNIT PLAN	39
15. BOARD OF ZONING APPEALS	40
16. OCCUPANCY PERMITS	42
17. PLATS	43
18. BOUNDARIES AND DISTRICTS IN GENERAL	44
19. INTERPRETATION OF THE ZONING CODE	45
20. AMENDMENTS	46
21. ENFORCEMENT AND PENALTIES	48
22. VALIDITY AND SEVERABILITY	49

SECTION 1: PURPOSE

This Code exists to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the percentage of lot occupancy and to regulate and determine the area of yards, courts and other open spaces surrounding buildings; to limit and restrict the maximum number of families which may be housed in dwellings hereafter erected or altered; and for said purpose to divide the City of Scranton, Kansas into districts; and prescribing penalties for the violation of its provisions.

SECTION 2: DEFINITIONS

For the purposes of this Code, certain terms and words are hereby defined. Words in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

ACCESSORY BUILDINGS AND USES: A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main uses of the premises. An accessory use is one which is incidental to the main use of the premises.

ALLEYS: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

APARTMENT: A room or suite of rooms in a multiple family dwelling or where more than one living unit is established above nonresidential uses, intended or designed for use as a residence by a single family, including culinary accommodations.

APARTMENT HOUSE: *See* Dwelling, Multiple Family.

BASEMENT: A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes.

BOARDING HOUSE: A building other than a hotel, where, for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding twenty persons.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

CELLAR: A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

DISTRICT: A section or sections of the City of Scranton for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes.

DWELLING, SINGLE-FAMILY: A building having accommodations for and occupied exclusively by one family.

DWELLING, MULTI-FAMILY: A building having accommodations for and occupied exclusively by two or more families.

FAMILY: One or more persons occupying premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging-house, or hotel as herein defined.

FILLING STATION: Any building or premises used for the 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.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the 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 not more than four motor-driven vehicles owned and used by the occupants of the building to which it is 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 or more motor-driven vehicles.

GRADE:

- (a) For buildings having walls adjoining one street only, the elevation of the sidewalk 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 sidewalk 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.
- (d) Any wall approximately parallel to and not more than five 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 or its officers.

HOME OCCUPATION: Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate nor more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, there is no

commodity sold upon the premises, except that which is prepared on the premises no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergy or other professional persons for consultation or emergency treatment, but not for the general practice of his profession.

HOTEL: A building used as abiding place of more than twenty persons who are for compensation lodged with or without meals.

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

LODGINGHOUSE: A building or place where lodging is provided (or is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, for three or more persons in contradistinction to hotels open to transients.

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this Code, including one main building together with its accessory buildings, the open spaces and parking spaces required by this Code, and having its principal frontage upon a street or upon an officially approved place.

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 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 Osage County; or a parcel of land, the deed to which was recorded in the Office of the Register of Deeds of Osage County prior to the adoption of this Code.

MANUFACTURED HOME: Manufactured home means a dwelling unit in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the National Manufactured Home Construction and Safety Standards established pursuant to 42 U.S.C. § 5403 and promulgated by the U. S. Department of Housing and Urban Development. A manufactured home will be designated one of the two following types:

1. Manufactured Home Residential Design, Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

A. The manufactured house has a length not exceeding four times its width with length measured along the longest axis and width measured at the narrowest part of the outer axis;

B. The manufactured house has minimum dimensions of 22 feet in width and 40 feet in length;

C. The pitch of the roof of the manufactured house has a minimum vertical rise of 2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction in the city;

D. All roof structures shall provide an eaves projection of no less than six inches, which may include a gutter;

E. The exterior siding consists predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of glass white paint), wood of hardboard, comparable in composition, appearance and durability to the exterior siding commonly used on site-built homes in the city;

F. The manufactured house is set up in accordance with the recommended installation procedures of the manufacturer and the standards set by the National Conference of States on Building Codes and Standard and published in "Manufactured Home Installations, 1987" (NCS BCS A225.1), with a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, installed under the perimeter of the manufactured home and stairs, porches, entrance plat forms, ramps and other means of entrance and exit to and from the home shall be attached firmly to the primary structure and anchored securely to the ground; and

G. The moving hitch, wheels and axles, and transporting lights shall be removed.

2. Manufactured Home, Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, and that meets or exceeds the following criteria:

A. The manufactured home has a minimum width of fourteen (14) feet.

B. The pitch of the roof of the manufactured house has a minimum vertical riser of 2 feet for each 23 feet or horizontal run and the roof is finished a type of the shingle that is commonly used in standard residential construction in the city.

C. The exterior siding consist predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard,

comparable in composition, appearance and durability to the exterior siding commonly used on site-built homes in the city.

3. Manufactured Home, Class C: Any manufactured home which does not meet the criteria for a Class A or Class B manufactured home as defined in this Code.

MOBILE HOME: A transportable structure larger than three hundred and twenty (320) square feet in floor area, designed to be used as a year-round residential dwelling, and built prior to the enactment of the federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 15, 1976.

MOBILE HOME, DOUBLE WIDE: A mobile home that consists of two or more sections that are transported separately and assembled at the site into one structure of a width of not less than twenty feet.

MOBILE HOME, SINGLE WIDE: A mobile home that consists of one section which the main body, exclusive of expansions or extensions, is not more than sixteen feet in width.

MODULAR HOME: A manufactured residential structure built to a nationally-recognized and accepted construction standard by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets said standard.

NONCONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of the Zoning Code passed in 1999, and any amendments thereto, which does not conform with that Code, or any amendment thereto, and the use regulations of the district in which it is situated.

OFF-STREET PARKING: An area that is laid out for the purpose of parking motor vehicles or residents, businesses, customers, employees or visitors and is not located on public right-of-way. Off-street parking shall be considered as an accessory use to the principal use for which the parking is provided and shall be provided on the same site as the principal use and within the same zoning district. Off-street parking spaces shall not open directly on a public street or road but shall open directly on a driveway or aisle that is adequate to provide a safe means of access.

PARKING SPACE: An area established for the purpose of storing one parked automobile. For the purpose of this Code, one parking space shall have a minimum width of 8' (feet) 6" (inches) and a minimum length of 19' (feet). In computing off-street parking, additional area shall be required for access drives to each parking space.

PERMANENT WALL FOUNDATION: An exterior wall designed to resist frost action and to safely support a manufactured or mobile home. The wall shall be continuous around the perimeter of the home, but may have such openings as needed for doors, windows and ventilators. Except when located upon solid rock, the foundation wall shall extend twelve (12) inches below the frost line. Said wall shall be a minimum of six (6) inches thick or not less than the thickness of the wall being supported, whichever is the greater. The wall shall be set on a footing which shall be a

minimum of twelve (12) inches in width and six (6) inches in depth for a six (6) inch wall, and sixteen (16) inches in width and seven (7) inches in depth for an eight (8) inch wall. Said foundations wall shall extend at least six (6) inches above the finish grade. Local conditions may dictate the need for a high standard and it is the responsibility of the owner to meet that standard.

PLACE: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

RECREATIONAL VEHICLE: A vehicular-type unit built on or for use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted or drawn by another vehicle.

ROOMING HOUSE: See Lodging-house.

STREET: All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public or private easement therefor.

STORY: That portion of a building, other than a 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 of intersection of roof decking, and wall face not more than three feet above the top floor level, and in which space not more than sixty percent of the floor area is finished off for use.

STREET LINE: A dividing line between a lot, tract or parcel of land and contiguous street.

STRUCTURE: Anything constructed or erected, the use of which required permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to, the generality of the foregoing--advertising signs, billboards, backstops for tennis courts and pergolas.

STRUCTURAL ALTERATIONS: Any change in the supporting member of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

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 other devices for transporting the structure from place to place, whether by motive power or other means. The term "trailer" shall include camp car and house car.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion other structure from the ground upward, except as otherwise provided herein. In measuring

a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

YARD FRONT: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building, or any projections thereof, other than the projection of steps, unenclosed balconies or open porches.

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

YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

SECTION 3: DISTRICTS AND BOUNDARIES

In order to classify, regulate and restrict the location of trades, residences and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot area, and to regulate and determine the areas of yards, and other open spaces, within and surrounding such building, the City of Scranton, Kansas, is hereby divided into districts, of which there shall be seven (7) in number, known as:

A - Agriculture and Country Home District

R - Single Family Dwelling District

R-2 - Multiple Family Dwelling District

R-3 - Mobile/Manufactured Home District

H - Historic Property District

C - Commercial District

I - Industrial District

The boundaries of the districts are shown upon the map which is attached hereto and made a part of this Code, which map is designated as the "Zoning District Map 2014". The district map and all notations, references, and other information shown thereon and attested by the City Clerk are a part of this Code and have the same force and effect as if the district map and all the notations, references, and other information shown thereon and attested by the City Clerk were fully set forth or described herein, the original of which the district map is properly signed by the Mayor and attested by the City Clerk, and is on file with the City Clerk of the City of Scranton, with this Code. Whenever any street, alley, or other public way is vacated by official action of the governing body of the City of Scranton, the zoning district adjoining each side of such street, alley or area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

All territory which may hereafter be annexed to the City of Scranton shall be immediately placed and continued in the "R" Single-Family Dwelling District until otherwise changed by Code as provided in Section 17 of this Code; provided, however, that territory which may hereafter be annexed may be immediately placed in a district other than the "R" Single-Family Dwelling District when such other district classification either is approved by both the City Planning Commission and the City Council prior to such annexation, or is approved by the favorable vote of four-fifths of all members of the City Council when disapproved by the City Planning Commission. All of said approvals shall be by resolution, except as hereinafter provided.

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit therein established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this Code for each and every building-existing at the time-of-passage of this Code or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building nor shall any lot be reduced beyond the district requirements of this Code.

Every building hereafter erected, or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in Sections 14 and 15 of this Code.

SECTION 4: "A" AGRICULTURE AND COUNTRY HOME DISTRICT

The regulations set forth in this section or set forth elsewhere in this Code, when referred to in this Section, are the District Regulations in the "A" Agriculture and Country Home District.

Except as hereinafter provided, no buildings shall be erected or structurally altered, nor shall any building or premises be used for any other purpose as permitted in the "District" in which the building or premises is located. A building permit is not required for any agricultural building in this district.

1. Use Regulation: Any building or premises shall be used only for the following purposes:

- (a) Single family dwelling
- (b) Agriculture, horticulture, nurseries-greenhouses, orchards and general farming. An area used for the usual farming operations such as growth of vegetables, fruits, trees, grains and their storage, as well as raising the usual farm poultry and farm animals, not including intensive livestock raising such as commercial feed lots, is permitted by the regulations of this district.

2. Height Regulations: Buildings or structures shall not exceed forty-five (45) feet in height.

3. Area Regulations:

- (a) Front Yard: There shall be a front yard having a depth of not less than thirty (30) feet.
- (b) Side Yard: There shall be a side yard on each side of a building having a minimum of five (5) feet from the lot line, but also leaving no less than fifteen (15) feet between abutting dwellings.
- (c) Rear Yard: Except as herein otherwise provided there shall be a rear yard having a depth of not less than thirty (30) feet.
- (d) Lot Area: Every dwelling shall provide a minimum lot area of 2 acres per family, provided that where a lot has less area than herein provided in separate ownership at the time of acceptance of these requirements, this Code shall not prohibit the erection of a single family dwelling.
- (e) Floor Area: Every dwelling unit shall have a floor area, exclusive of basements, open or screened porches, and garages, of not less than 800 square feet.

SECTION 5: "R" SINGLE FAMILY DWELLING DISTRICT

The regulations set forth in this section or set forth elsewhere in this Code when referred to in this section, are the District Regulations in the "R" Single Family Dwelling District.

1. Use Regulation: Any building or premises shall be used only for the following purposes:

- (a) Single family dwellings, except as provided below.
- (b) Parks, playgrounds, and community buildings owned or operated by a public agency.
- (c) Public libraries.
- (d) Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.
- (e) Churches, but any church that is on a new site shall provide off-street parking space-upon the lot or within two hundred (200) feet thereof which space is adequate to accommodate one (1) car for every ten (10) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School and other special rooms.
- (f) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business) including a private garage, the use of a lot or portion thereof for a vegetable or flower garden, but not on a commercial basis for resale or wholesale. An accessory building that is not a part of the main structure shall be located not less than sixty (60) feet from the front lot line. Accessory uses shall also include church or public building, bulletin boards and temporary signs pertaining to the lease, hire or sale of a building or premises, where said signs shall not exceed ten (10) square feet in area.
- (g) Such other use as the Governing Body of the City of Scranton may in its discretion authorize either by a special temporary permit not exceeding one year or by a special use permit as provided in Section 12 of this zoning code.
- (h) Class A Manufactured Homes, but not any other class of manufactured homes or mobile homes.

2. Height Regulation: No building shall exceed two (2) stories nor shall it exceed thirty-five (35) feet in height.

3. Area Regulation:

- (a) There shall be a front yard having a depth of not less than thirty (30) feet. Where lots have a double frontage the required front yard shall be provided on both streets. Where a lot is

located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this Code need not be reduced to less than thirty-five (35) feet; except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

(b) There shall be a side yard on each side of a building having a width of not less than six (6) feet; except as may be otherwise provided herein. Wherever a lot of record existing at the time of the passage of the Code has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than 10% of the width of the lot, but in no instance shall it be less than three (3) feet.

(c) Except as herein otherwise provided there shall be a rear yard having a depth of not less than thirty (30) feet; provided further, however, that in those situations in which a corner lot, as platted, is included in the tract of land on which the single family dwelling or other permissible building is to be located, there shall be a rear yard of not less than six (6) feet in depth;

(d) Every lot or tract of land shall have an area of not less than six thousand (6,000) square feet; except that if a lot or tract has less area or width than herein required and its boundary lines along their entire length touches lands under other ownership on the effective date of this Code and have not since been changed, such parcel of land may be used for a single family dwelling.

4. Parking Space Regulations:

(a) Every lot or tract of land which is the site of a dwelling unit shall have off-street parking space of two hundred (200) square feet.

(b) Every church, school building, or other auditorium shall have one parking space for every ten (10) seats, which parking space shall be within one thousand (1,000) feet of said building.

5. Age Regulation:

A home or dwelling, including a mobile or manufactured home as defined under this Code, built more than ten (10) years prior to the date of the application for a building permit or request to place the home or dwelling within the corporate limits of the City shall be disqualified for a permit and shall not be located within the corporate limits of the City.

SECTION 6: "R-2" MULTIPLE FAMILY DWELLING DISTRICT

The regulations set forth in this section, or set forth elsewhere in this Code when referred to in this section, are the District Regulations in the "R-2" Multiple Family Dwelling District.

1. Use Regulations: A building or premises in this district shall be used only for the following purposes: Multiple dwellings; boarding and lodging houses; nonprofit religious, educational and philanthropic institutions, but not penal or mental treatment institutions; hospitals, but not animal or mental hospitals; private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is service, customarily carried on as a business; accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital or institutional building. If a storage garage is not part of the main building it shall be located not less than sixty (60) feet from the front line and not less than five (5) feet from any side street line. Class A Manufactured Homes are allowed if they otherwise meet the requirements of this Section, but not any other class of manufactured homes or mobile homes are allowed in this District.

2. Parking Space Regulations: Where a lot is occupied by a two family or multiple family dwelling, there shall be provided accessible parking space on the lot adequate to accommodate one car for every dwelling unit provided in the main building.

3. Height Regulations: No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, at the required front, side and rear yard lines.

4. Area Regulations:

(a) Front Yard: The front yard regulations are the same as in the "R" Single Family Dwelling District.

(b) Side Yard: The side yard regulations for buildings not exceeding two and one-half (2 1/2) stories in height are the same as those in the "R" Single Family Dwelling District.

(c) Rear Yard: The rear yard regulations for buildings not exceeding two and one-half (2k) stories in height are the same as those in the "R" Single Family Dwelling District.

5. Intensity of Use: All dwellings hereinafter erected in the "R-2" Multiple Dwelling District shall be located upon lots containing the following areas: A lot on which there is erected a two family dwelling shall contain an area of not less than 6,000 square feet per family; a lot on which there is erected a multiple dwelling shall contain an area of not less than 3,000 square feet per family for each family on the ground floor, except that this regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments; where a lot has less area than herein required and was of record at the time of the passage of this Code, that lot may be used only for single family dwelling purposes, or for any other non-dwelling use permitted in this Section.

SECTION 7: R-3 MOBILE/MANUFACTURED HOME DISTRICT

The purpose of the act is to confine all Manufactured Home Class B and C, and mobile homes, to mobile or manufactured home parks, but to allow Manufactured Homes Class A to be located within the city limits residential zoning districts.

1. Intent and Purpose of District: It is the intent of the "R-3" Mobile/Manufactured Home District to permit the placement of Mobile Homes and Manufactured Housing within the City of Scranton. The Manufactured Home Park District is intended for those areas where the owner proposes to develop and rent individual mobile or manufactured home sites.

2. District Regulations: In the R-3 District, no building shall be used and no building shall be erected, altered, or enlarged which is arranged, intended, or designated for uses other than those listed below:

- (a) Manufactured homes or mobile homes located on a well-drained and graded pad.
- (b) Parks and playgrounds.
- (c) Manufactured housing service buildings, such as coin-operated Laundromat, for exclusive use of residents of the manufactured home park.
- (d) An office building for a manager and/or owner of the manufactured home park.
- (e) Storage building for vehicles used by the manufactured housing units.
- (f) Storage building for blocks, skirts, pipe and other material and equipment required to set up a manufactured house.
- (g) Accessory uses and buildings, including swimming pools, bath houses, patios for the exclusive use of manufactured housing residents in the park.
- (h) Licensed childcare centers.
- (i) Churches and other similar places of worship.
- (j) Storage units available for lease or rent to residents of the manufactured home park or other interested parties on a commercial basis.

3. Utilities: In order to operate as a mobile home park, the owner must establish:

- (a) Electrical: A mobile or manufactured home placed within the corporate limits of the city shall have the electricity meter installed on city pole in the alley in accordance with electrical lines available. The length of triplex is not to be more than 100 feet from the meter pole to the mobile or manufactured home service hook-up. A (minimum 200 amp) service disconnect shall be placed on the city pole between the meter and the mobile or manufactured home. Any and all

supplies for service to be paid for by the owner of said mobile or manufactured home. The service pole in alley shall be placed by the city.

(b) Sewer: All sewer lines to be installed by a licensed plumber at the expense of the owner of the mobile or manufactured home, and to be inspected by city personnel upon completion.

(c) Water: Water service to any mobile home park will be installed by the City with construction of the service up to a master meter, with the cost being the responsibility of the owner of the mobile or manufactured home park. The water line from meter to the individual mobile or manufactured homes are to be installed by a licensed plumber and cost of the same to be paid by the owner of the mobile or manufactured home.

4. Park Requirements:

In order to qualify as a mobile or manufactured home park, the following must be established:

(a) A tract to be used for a manufactured housing park shall be large enough to accommodate eight (8) or more manufactured units.

(b) Each manufactured housing park space shall be not less than thirty-five (35) feet wide.

(c) Manufactured housing parks shall have a minimum density of eight (8) manufactured units per gross acre, and each space shall have not less than three thousand (3000) square feet.

(d) The Manufactured Housing Park shall be located on a well-drained site properly graded to insure rapid drainage.

(e) Manufactured housing parks shall provide screening when they abut residential property.

(f) All new manufactured housing parks with twenty five (25) or more occupied spaces shall provide a storm shelter for the occupants. All existing manufactured housing parks are encouraged to provide storm shelters.

(g) The applicant shall approve the manufactured housing shelter, after the submission of plans, by the City Building inspector. The shelter shall be constructed below ground level as a concrete structure and provided with heavy metal doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.

(h) Manufactured housing units shall be located so that there is a least a twenty (20) foot clearance between manufactured houses; provided, however, with respect to manufactured

houses parked end-to-end, the clearance shall not be less than ten (10) feet. No manufactured housing unit shall be located less than ten (10) feet from the front driveway.

(i) No manufactured housing unit shall be located less than twenty-five (25) feet from any property line of the manufactured housing park or from any community building within the park, including any washroom, toilet, laundry facilities, or office.

(j) All manufactured housing spaces shall abut to a roadway that is not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is one side of the street, the width shall be increased to twenty-eight (28) feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to thirty-six (36) feet. Such driveways shall be unobstructed access to a public street or highway and shall have, as a minimum, a gravel surface or be paved and well maintained and lighted.

(k) Manufactured housing parks containing more than twenty (20) units shall provide each lot with a concrete pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) feet in depth. In parks containing less than twenty (20) units, the parking space may be constructed of crushed rock finished to a depth of eight (8) inches.

(l) All roadways and walks within the manufactured housing park shall be hard surfaced or gravel surfaced and provided with night lighting using lamps spaced at intervals of not more than one hundred (100) feet.

(m) All electrical distribution systems and telephone service systems to each manufactured housing space, except outlets and risers, shall be underground. Each manufactured housing space shall be provided with a 110-volt and 220-volt service with a minimum 100-ampere individual service outlet.

(n) Whenever master television antennas systems are to be installed, the complete plans and specifications for the system must be submitted for approval. Distribution to individual manufactured housing spaces shall be underground and shall terminate adjacent to the electrical outlet.

(o) Pipes to all buildings and manufactured housing spaces within the park shall supply an adequate supply of pure water for drinking and domestic purposes. Each manufactured housing space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.

(p) All manufactured housing units within the R-3 District shall be connected to an approved public water supply and an approved sanitary sewer system with at least a four (4) inch sewer connection to each manufactured housing unit. The sewer connection shall be provided with suitable fittings so that a water tight connection can be made between the manufactured housing

drain and the sewer connection. Such individual unit connections shall be so constructed that they can be closed when not linked to a manufactured housing unit and shall be trapped in such a manner as to maintain them in an odor-free condition.

(q) Each manufactured housing unit shall be secured by anchoring the superstructure against uplift, sliding, rotation, and overturning.

(r) The owner or operator shall include with the required plan the method of refuse collection and the location of refuse containers. Refuse and garbage handling methods shall meet the following minimum requirements:

i. Storage collection and disposal of refuse in a park shall be so conducted as to create no health hazards, rodent harbor, insect breeding areas, accidents, fire hazards or air pollution.

ii. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.

iii. Refuse racks shall be provided for all refuse containers. Such racks shall be designed as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

iv. Refuse and garbage shall be removed from the park at least once each week. All refuse shall be collected and transported in covered vehicles or covered containers.

v. The park owner shall insure that containers at all stands are emptied regularly and maintained in a useable sanitary condition.

(s) Laundry facilities for the exclusive use of the manufactured housing occupants may be provided in a service building. If only independent manufactured housing spaces are to be provided, no service building will be required; however, when such service building is required, it shall comply with the following regulations: (a) Be located twenty (20) feet or more from any manufactured housing unit; (b) be adequately lighted; (c) have the interior finished with moisture-resistant material to permit frequent washing and cleaning; (d) provide at least one (1) lavatory, water closet and shower for each sex; one (1) laundry tray, one (1) floor drain, and hot and cold water; (e) have adequate heating facilities for the building and equipment, which will furnish an ample supply of heated water during time of peak demands; and (f) have all rooms well ventilated with all openings effectively screened.

(t) When liquefied petroleum gas is used in a mobile home park, containers for such gas shall not hold more than twenty-five (25) gallons in capacity, shall be the liquefied petroleum gas containers approved by the United States Commerce Commission for its intended purposes, and shall be attached to the mobile home in manner approved by the Liquefied Petroleum Gas Association.

(u) A solid or semi-solid fence or wall, minimum 6 feet, maximum 8 feet high, shall be provided between the mobile home park district and any adjoining property or property. This shall apply to any property adjoining another or where an alley separates the park from another property, but not where the park is separated by a platted street of more than 40 feet in width. In lieu of said fence or wall, a landscape buffer may be provided not less than 15 feet in width so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.

5. Requirements to Establish a Manufactured or Mobile Home Park.

In order to construct a Manufactured or Mobile Home Park in an area zoned R-3, the following must be provided:

(a) The Owner or operator shall provide a plan showing the placement of all improvements, accessory structures, service buildings, utility connections and street/driving areas. The owner shall include with the required plan a budget for financing the proposed improvements if required by the governing body.

(b) Dimensions of the mobile or manufactured home space to be used for the mobile or manufactured home.

(c) A statement describing the utilities that will be required to be placed on said property and a statement as to the accessibility as to sanitary sewer service.

(d) Dimensions of the mobile or manufactured home space to be used for the mobile or manufactured home.

6. Individual Placement of Mobile or Manufactured Homes Outside of a Park.

A property owner desiring to have a mobile or manufactured home placed upon real estate located outside of a mobile or manufactured home park, yet within the R-3 District, must prior to such placement obtain a permit from the City. A permit application and permit fee of \$50 must be submitted to the city. The application shall be in the form approved by the city and shall contain the following: (a) a legal description of the property upon which the mobile or manufactured home will be placed; (b) a list of all those persons who are owners of record of said real estate; (c) the utilities that will be required to be placed on said property and a statement as to the accessibility as to sanitary sewer service; (d) dimensions of the mobile or manufactured home space to be used for the mobile or manufactured home; (e) a detailed drawing showing the manner in which the mobile or manufactured home will be placed on the property with distances from property lines and location of various utility hook-ups; (f) detailed color photographs of the manufactured home from all four (4) sides or a reasonable facsimile thereof; (g) proof of ownership by those persons named in the application as being owners of record of the manufactured home and the land on which it is to be placed, or an executed contract for purchase of the manufactured home.

Upon submission to the City Clerk of the application, the City Clerk shall cause to be published, in the official city newspaper, a notice of the proposed placement of the manufactured home in the following form:

PUBLIC NOTICE: Please take notice that application has been submitted to the City Clerk of Scranton, Kansas, pursuant to Zoning Code for a permit to place manufactured home upon the following property, to wit:

(Insert Address and Legal Description)

A hearing will be held before the planning and Zoning Commission of the City of Scranton, Kansas, on the _____ day of _____, 20____, at _____ o'clock . M. in the City Municipal Building, Scranton, Kansas, to determine whether or not it would be in the best interest of the City of Scranton, Kansas, to allow the placement of said manufactured home upon the above-described property.

In addition to the above and foregoing Notice, the City Clerk shall, within seven days of receipt of the application, cause to be posted on property on which the manufactured home shall be placed, a notice providing substantially the same information as provided in the legal publication.

In addition to the placement of the notice as above provided, the City Clerk shall submit the application to the City Planning and Zoning Commission which will hear the matter at the time set by the City Clerk. Said hearing shall be scheduled not less than twenty days not more than sixty days from the date the application has been submitted. The Planning and Zoning Commission, in determining whether or not the application should be accepted, shall consider the following factors:

Street congestion and condition;

Sanitation, blight an depreciation of property;

General matters, including but not limited to the health and general welfare of nearby residents;

Compliance with any Federal, State and local laws, rules, regulations and ordinances concerning manufactured homes, including compliance with the provisions of this Code;

General condition of the manufactured home and the ability to hook up to utilities.

Upon completion of the hearing, the Planning and Zoning Commission will submit its recommendation to the City Council who will act upon the said recommendation at the next regularly scheduled Council meeting.

If the Zoning Commission approved the application and the City Council accepts the recommendation of the Planning and Zoning Commission, the City shall authorize the City Building Inspector to issue a permit to the owner of record of the property upon which the manufactured

home is to be placed. The manufactured home shall be established in accordance with said permit within six months, or the permit shall become invalid.

If after the approval of a permit the manufactured home is removed from the manufactured home space, then before another manufactured home can be placed upon the same manufactured home space, a new application for a permit must be submitted to the City Building Inspector. If the applicant is the same permit holder, then the permit fee may be waived.

If a manufactured home is destroyed by fire or elements normally referred to as "Acts of God" subsequent to the issuance of a manufactured home permit for that manufactured home, then the permit fee, notice requirements and application waiting period shall be waived for the placement of another manufactured home upon the same space if the placement occurs within 180 days.

Each Class B type manufactured home space not within a manufactured home park or subdivision shall be of a minimum of (7500) Seventy Five Hundred Square Feet and provide for a minimum distance of 6 feet between any part of the manufactured home and its appurtenances and any adjoining property line except for the front property line which shall provide a minimum distance of 30 feet from the front property line and if located on a corner lot shall be 30 feet side street property line.

Each such manufactured home space shall further provide for adequate space to permit off street parking for at least two vehicles and all driveways and parking areas shall be surfaced with cement, asphalt or gravel of a minimum depth of 6" inches.

Each Class A type manufactured home space not within a manufactured home park or subdivision shall be of a minimum of (12000) twelve thousand square feet and provide for a minimum distance of 15 feet between any part of the manufactured home and its appurtenances and any adjoining property line except for the front property line which shall provide a minimum distance of 30 feet from the front property line and if located on a corner lot shall be 30 feet side street property line.

Each such manufactured home space shall further provide for adequate space to permit off street parking for a least two vehicles and all driveways and parking areas shall be surfaced with cement, asphalt or gravel of a minimum depth of 6 inches.

7. Mobile Homes and Trailers as Non-residential Structures.

One or more mobile or manufactured homes or trailers may be used without obtaining a permit as a temporary office or other non-residential structure on the site of a construction project, provided such structure is removed upon completion of the project. Mobile structures may also be used, without a permit, as temporary classroom facilities in connection with public schools, or private schools with equivalent curriculum. The City Council may require removal of such mobile or manufactured homes for cause within 10 days upon written notice.

8. Prohibited Placement of Mobile or Manufactured Homes and Recreational Vehicles.

Unless otherwise provided herein, the placement of a mobile or manufactured home within the corporate limits of the city is prohibited except for the purpose of display for sale of new manufactured homes by a licensed dealer. New Mobile or Manufactured Homes sales lots shall be a minimum to ten (10) acres. All lots shall have adequate space to permit off street parking for at least five vehicles and all driveways and parking areas for mobile and manufactures homes shall be surfaced with cement, asphalt or gravel of a minimum depth of 6 inches.

Recreational Vehicles or campers may be parked and occupied in a campground or trailer park provided that such campground or trailer park is in conformance with zoning and other ordinances of the city. Provided further, Recreational Vehicles are permitted to be parked in areas other than campgrounds for storage purposes or occupied on a temporary basis in residential areas for a period not to exceed 15 days.

Class C type mobile home shall hereby be prohibited from placement within the corporate limits of the City of Scranton.

9. Age Regulations.

A mobile home or manufactured home built or manufactured more than ten (10) years prior to the date of the application for a permit or request to place a mobile home within the corporate limits of the City shall be disqualified for a permit and shall not be located within the corporate limits of the City, including any mobile home park.

SECTION 8: "H" HISTORIC PROPERTY DISTRICT

1. Purpose of District. The City has noted that certain properties were platted as small lots, or of unusual size so as to make construction of modern, full-sized residences impossible or difficult while maintaining compliance with residential zoning and setback requirements. Current zoning requirements make it difficult to renovate or improve properties in these areas due to the loss of a non-conforming use. The Historic Property District is meant to adapt residential zoning standards to these lots.

2. Use Regulation: Any building or premises shall be used only for the following purposes:

- (a) Single family dwellings.
- (b) Class A Manufactured Homes, but not any other class of manufactured homes or mobile homes.
- (c) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business) including a private garage, the use of a lot or portion thereof for a vegetable or flower garden, but not on a commercial basis for resale or wholesale. An accessory building that is not a part of the main structure shall be located not less than twenty (20) feet from the front lot line.
- (d) Such other use as the Governing Body of the City of Scranton may in its discretion authorize either by a special temporary permit not exceeding one year or by a special use permit as provided in Section 12 of this zoning code.
- (e) In no instances may a property in the District be used for a home occupation or the conduct of any individual business, nor may mobile homes or recreational vehicles be used or placed upon the property.

3. Height Regulation: No building shall exceed two (2) stories nor shall it exceed thirty-five (35) feet in height.

4. Area Regulation:

(a) There shall be a front yard having a depth of not less than twenty (20) feet. Where lots have a double frontage the required front yard shall be provided on both streets. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this Code need not be reduced to less than thirty-five (35) feet; except where necessary to provide a yard along the side street with a depth of not less than three (3) feet. No accessory building shall project beyond the front yard line on either street.

(b) There shall be a side yard on each side of a building having a width of not less than three (3) feet; except as may be otherwise provided herein.

(c) Except as herein otherwise provided there shall be a rear yard having a depth of not less than twenty (20) feet; provided further, however, that in those situations in which a corner lot, as platted, is included in the tract of land on which the single family dwelling or other permissible building is to be located, there shall be a rear yard of not less than six (6) feet in depth;

5. Variances and Non-Conforming Uses:

If a property in the Historic Property District does not allow for the construction of a dwelling due to an odd configuration of the lot, or the need for additional space beyond the stated area regulations, the owner may apply for a variance, by providing the construction plans showing the proposed size and location of the dwelling.

If a property in the Historic Property District is a non-conforming use based upon the fact that it does not meet the size or area restrictions of this or any other District, the provisions of this code regarding Non-conforming uses shall not apply, and instead the property may be altered, improved or otherwise reconstructed into the same size or area dwelling as existed prior to the passage of this Code without compliance with the requirements of the District.

SECTION 9: "C" COMMERCIAL DISTRICT

The regulations set forth in this section are the regulations in the "C" Commercial District.

1. Use Regulations. A building or premises shall be used only for the following purposes, unless permitted under the Amendment provision of this Code:

- (a) Bank
- (b) Barber Shop, Beauty Parlor, or similar personal service shops.
- (c) Automobile sales and repair shops.
- (d) Bowling Alley
- (e) Cleaning Establishments and Laundries, employing not more than five (5) persons on the premises.
- (f) Community Parking Lots
- (g) Custom Dressmaking, Millinery, Tailoring, Shoe Repairing, Household Utility Articles or similar trade, but not more than five (5) employees shall be engaged on the premises at any one time.
- (h) Filling stations, Garages and Equipment Repair Shops
- (i) Hospital and Clinic for animals but not open kennels.
- (j) Laundry or Dry Cleaners
- (k) Medical and Dental Clinics
- (l) Nurseries and Greenhouses
- (m) Offices
- (n) Photographic Studio or Supply
- (o) Restaurant
- (p) Shop for repair of electrical and radio equipment and other similar commodities employing not more than five (5) persons on the premises, and not involving the conduct of any manufacturing on the premises.
- (q) Store or Shop for the conduct of retail business.
- (r) Theaters
- (s) Undertaking Establishments

- (t) Accessory buildings and uses customarily incident to the above uses.

Provided, however, that the Governing Body of the City of Scranton, Kansas, may upon the recommendation of the City Planning Commission permit uses not specifically enumerated herein, provided said uses permitted by the Governing Body are consistent with the uses specifically enumerated herein, and are not harmful to the general welfare of the surrounding neighborhood.

2. Height Regulations: Any height regulation deemed necessary in this zone shall be for the present determined by the City Planning Commission, having regard to existing conditions.

3. Area Regulations: Area regulation shall likewise be within the judgment of the City Planning Commission having regard to existing conditions; provided, however, that for every lot in said "C" Commercial District there shall be a setback as determined by the Planning Commission from every street.

4. Parking Space Regulations:

(a) Hospitals, clinics, doctors' offices and welfare institutions shall have one parking space for five hundred (500) square feet of gross floor area.

(b) Business and commercial buildings with a gross floor area of twenty-five hundred (2,500) square feet which shall have one parking space for every five hundred (500) square feet of gross floor area exclusive of area in stairway, elevator shafts or automobile parking space.

(c) Buildings used for purposes other than retail selling shall have one parking space for every two persons employed therein, unless additional parking spaces are required because of gross floor area.

5. Restrictions on Use:

No property in the "C" Commercial District can be used as a temporary or permanent residence of any individual unless the same is established as a hotel with at least five (5) separate living units to be used by the travelling public on a temporary basis, and in which the owner does not reside. If a property is to be used as a residential structure, the owner must seek an amendment to this Code to allow the proposed property to be zoned as a residential structure, and if the same is allowed, the property may not be used for a commercial purpose thereafter.

SECTION 10: "I" INDUSTRIAL DISTRICT

The regulations set forth in this section are the regulation of the "I" Industrial District.

1. Use Regulation: Any building or premises may be used for any industrial purpose not in conflict with any Ordinance of the City of Scranton or the laws of the State of Kansas, and which do not in any way constitute a nuisance, hazard, or inconvenience to the public; except that the following uses shall not be permitted:

- (a) Acid manufacture.
- (b) Alcohol manufacturing.
- (c) Ammonia, bleaching, powder and chlorine manufacturing or Storage_
- (d) Animal glue sizing or gelatin manufacturing.
- (e) Asphalt manufacturing.
- (f) Blast furnaces and boiler works.
- (g) Brick or tile manufacturing.
- (h) Cement, lime, gypsum or plaster of paris.
- (i) Disinfectant manufacturing.
- (j) Distillation of bones.
- (k) Explosives manufacture or storage.
- (l) Fat rendering.
- (m) Fertilizer manufacture.
- (n) Forge plants.
- (o) Garbage, dead animal, reduction or dumping.
- (p) Gas manufacture.
- (q) Junk, metal, or debris storage or material salvage operations.
- (r) Glue manufacture.
- (s) Metal smelting or foundry.
- (t) Open storage yards of salvage or junk manufacture.
- (u) Petroleum or petroleum product refining or wholesale storage. .

- (v) Stockyards or slaughter of animals or poultry.
- (w) Tanning, storage or curing of skins.
- (x) Manufacturing or storage of items of an explosive or of an inflammable nature or which have an offensive odor, and any uses which may be obnoxious or offensive by reason of odor, dust, smoke or noise.
- (y) Wholesale storage of gasoline.
- (z) Wholesale storage of liquefied petroleum gases.

Provided, however, that persons desiring to use land or erect buildings shall first submit a plan to the Governing Body of the City of Scranton, Kansas showing in detail the manner in which the land is to be used, the location, size, character and appearance of buildings, and provisions, if any, for off-street parking, service areas and landscaping. The Governing Body of the City of Scranton, Kansas shall refer such plan to the City Planning Commission, which commission shall be given 60 days in which to make a report stating whether or not:

- (1) the plan complies with the regulations of this Code,
- (2) the plan is in the best interest of the City,
- (3) adjacent property values will not be adversely affected,
- (4) and the plan is consistent with the public interest and purposes of this Code.

No action shall be taken upon such plan by the Governing Body of the City of Scranton, Kansas until and unless the report of the City Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within 60 days, it shall be assumed that the approval of the plan has been filed by said Planning Commission. After such report of the Planning Commission has been filed, the Governing Body of the City of Scranton, after public hearing, may approve such a plan by resolution, and building and occupancy permits may be issued to carry out the approved plan; provided, however, that if the City Planning Commission recommends against such plan, the resolution approving such plan shall not become effective except by the favorable vote of four-fifths (4/5) of all the members of the Governing Body of the City of Scranton, Kansas. Buildings or land may be used only in accordance with the plans approved as above provided, and may be amended only by the same procedure by which they were approved. Approved plans shall be completed within a period of-not more than one year, unless a greater period of time of completion of the plans is stated in the resolution or approval.

2. Parking Space Regulations. Industrial buildings with a gross floor area of twenty-five hundred (2,500) square feet or more with more than five (5) employees, shall have one (1) parking space for every two (2) employees.

3. Area Regulations. There shall be a front yard having a depth of not less than thirty (30) feet along with side and rear yard setbacks of not less than fifteen (15) feet for every tract in the "I" Industrial District.

SECTION 11: NON-CONFORMING USES

1. The lawful use of land for storage purposes and for advertising signs and bulletin boards, which does not conform to the provisions of this Code, shall be discontinued within five (5) years from the date of the approval of this Code, and the use of land for storage purposes and advertising signs and bulletin boards which becomes non-conforming by reason of a subsequent change in this Code, shall also, be discontinued within five (5) years from the date of the change.

2. The lawful use of a building existing at the time of the effective date of this Code may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a higher classification. Whenever a non-conforming use has been changed to a higher classification or to a more conforming use, such use shall not be changed to a lower classification.

3. Whenever the use of a building becomes a non-conforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another non-conforming use of the same or of a higher classification.

4. In the event that a non-conforming use of any building or premises is discontinued, or its normal operation stopped, for a period of two (2) years, the use of the same shall thereafter conform to the use permitted in the district in which it is located.

5. No existing building devoted to a use not permitted by this Code in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located.

6. When a building, the use of which does not conform to the provisions of this Code, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.

SECTION 12: ADDITIONAL USE REGULATIONS

The Governing Body of the City of Scranton may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Code, and may also permit an increase in the height of such buildings. The following will be allowed:

1. Any public building erected or used by any department of the City, County, State or Federal Government.
2. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools.
3. Hospitals and institutions, including education, religious and philanthropic institutions; provided, however, that such buildings occupy not over forty percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property, and, provided further, that the buildings shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height, and that adequate off-street parking space will be provided.
4. Cemetery.
5. Community building or recreation field.
6. Airport or landing field.
7. Greenhouses and nurseries, including floral, garden and gift shops customarily operated in conjunction with greenhouses and nurseries providing no displays of products other than nursery stock be allowed outside the building, except in district "A".
8. Trailer courts and tourist camps, but only in the "R-2", "C" and "I" districts.
9. Riding stables.
10. Roadside stands and recreational activities for temporary or seasonal periods.
11. Radio towers and broadcasting stations.
12. Extraction and storage of sand, gravel, dirt or other raw materials.
13. Parking lots on land not more than three hundred (300) feet from the boundary of a "R-2", "C" or "I" district; provided that:
 - (a) No parking spaces shall be provided or maintained in the required front yard for the district where located;

(b) The parking area is used for passenger vehicles only, and in no case for sales, repair work, storage, dismantling, or servicing of any vehicles, equipment, materials or supplies.

(c) No signs or advertising of any character shall be allowed except for traffic directional signs painted on the pavement.

(d) A permanent brick or masonry wall or ornamental fence or hedge (as determined by the Governing Body) not less than four (4) feet nor more than six (6) feet high is provided along all front yard lines and along all side or rear lot lines where such lines adjoin - property used for other than commercial or industrial purposes.

(e) The parking area and connecting driveways are surfaces with concrete, asphaltic concrete, asphalt or any other type of permanent, dust-free paving, and the parking area and the connecting driveways are maintained in good condition and free of all weeds, dust, trash and other debris; provided, however, that the Governing Body may waive this requirement with respect to any parking area abutting upon any unpaved street or alley, but may require the said parking area to be surfaces as provided above whenever the abutting unpaved street or alley is paved.

(f) If lighting facilities are provided, they shall be arranged so as to reflect or direct light away from the adjacent residential district.

(g) Required front yards shall be landscaped and maintained in good condition and free of all weeds, trash and other debris.

14. Signs on publicly owned land, provided that a plan showing in detail the size, location, colors, lighting and materials of such signs shall have been submitted to and approved by the City Planning Commission.

15. Clubs, lodges, and semi-public buildings.

16. Museums; provided that:

(a) A plan showing in detail the manner in which the land is to be used, the location, size, character and appearance of the buildings and provisions for off-street parking service areas and landscaping shall have been submitted to and approved by the City Planning Commission, and;

(b) No goods, ware or merchandise other than souvenirs and items ordinarily sold in museums shall be prepared or sold on the premises.

17. Rental of trailers provided that:

(a) Such trailers are used for hauling purposes and not for living, sleeping or storage purposes.

(b) A permanent brick or masonry wall or ornamental fence of hedge (as determined by the Governing Body) not less than four (4) feet nor more than six (6) feet high is provided along all front yard lines and along all side or rear lot lines where such lines adjoin property used for other than commercial or industrial purposes.

18. Drive-in theaters.

19. Automobile sales, service, rental (new and used), provided, however, that a plan showing in detail the manner in which the land is to be used, the location, size, character and appearance of buildings, the provisions for building setbacks, off-street parking, service areas, screening, landscaping, signs and lighting has been submitted to the City Planning Commission and a recommendation has been forwarded from them to the City Council.

20. Multiple Family Dwellings for elderly and/or handicapped persons in "R-2" district with the following required Parking, Height, Area and Intensity Use Regulations:

- (a) Parking Regulations: At least one half space for each dwelling unit.
- (b) Height Regulations. No building shall exceed eighty five (85) feet in height.
- (c) Area Regulations:
 - i. Front Yard: Thirty (30) feet on all sides abutting a street.
 - ii. Side Yard: Fifteen (15) feet except there shall be an additional side yard setback of one (1) foot for each two (2) feet of building height over fifty (50) feet.
 - iii. Rear Yard: Twenty-five (25) feet.
 - iv. Intensity of Use: Minimum lot area shall be five hundred (500) square feet per dwelling unit.

21. Storage Garages: Storage garages which are designed and used exclusively for the storage of furniture, household goods, motor vehicles, recreational vehicles, boats, trailers, campers and camper tops, and related accessories, on land zoned "R-2" Multi-family; provided that no property held for resale or used primarily in the conduct of a business or commercial enterprise shall be stored therein; and provided further that:

- i. A plan is submitted, showing in detail the manner in which the land is proposed to be used and the location, size, character and appearance of buildings and screening proposed to be erected.
- ii. Lighting shall be directed away from any surrounding residential districts,

iii. Driveway approaches and driveways are surfaced with concrete, asphaltic concrete, asphalt, or other dust free surface.

iv. One sign only, not exceeding five (5) square feet, shall be permitted; Rear Yard-Twenty-five (25) feet; Side Yard-Fifteen (15) feet.

v. Lot coverage by the storage garage or garages shall not exceed seventy percent (70%) and

vi. Any special use permit issued pursuant to this paragraph 21 shall be revoked if storage of commercial or industrial property or equipment is commenced.

vii. No special use shall be permitted pursuant to this paragraph 21 unless the Planning Commission and the Governing Body finds:

- That the proposed use is compatible with that of surrounding properties.
- That adequate buffering or screening is provided for.
- That ingress and egress to the property and to improvements to be constructed upon the property is adequate; and
- That the nature and intensity of the use proposed to be made of the property complies with the provisions of subparagraph (a) hereof.

Special permits granted hereunder shall be valid only so long as the applicable provisions of this Section are complied with, and such special permits may be revoked by the Governing Body at any time without notice in the event of noncompliance with any of said provisions.

Special permits granted hereunder may provide that the use for which the permit is granted shall be commenced within a certain specified time and/or that the permit shall expire and the use terminate at a certain specified date.

Before issuance of any special permit of any of the above buildings or uses, the Governing Body shall refer the proposed application to the City Planning Commission which Commission shall be given thirty (30) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities or other matters pertaining to the public health, public safety and general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the City Planning Commission has been filed; provided, however, that if no report is received from the Planning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by said Commission.

SECTION 13: ADDITIONAL HEIGHT AND AREA REGULATIONS.

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

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, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

2. Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, wireless towers or necessary mechanical appurtenances, may be erected to a height in accordance with existing or hereafter adopted Ordinances of the City of Scranton, Kansas.

3. Accessory buildings may be built in a rear yard but such accessory buildings shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line.

4. 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.

5. Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.

6. 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 building inspector for a distance of not more than three and one-half (3 1/2) feet and where the same are so placed as not to obstruct light and ventilation.

7. An open (unenclosed) porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

8. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a yard, provided these projections are at least two (2) feet distant from the adjacent side lot line.

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

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

11. Where a lot or tract is used for nonresidential purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

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

13. Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.

14. The front yards heretofore established in "R", "R-2", and "R-3" shall be adjusted in the following cases:

(a) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, the new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.

(b) Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:

(i) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or

(ii) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(iii) Where a building cannot be erected as close to the street as is allowed by the district regulations because of the provisions of paragraphs 1 and 2 above, the City Council upon petition signed by at least one property owner in the block affected and after report upon the same by the City Planning Commission, may establish a front yard line for the block affected as close to the street as allowed by the district regulations for that block.

15. Except as otherwise specifically provided by a separate ordinance, the following regulations shall apply to the construction of fences:

(a) No fence of a height greater than three (3) feet, except wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) percent of the total fence area, shall be constructed closer to the street than the front building line established for the district in which such fence is to be erected.

(b) No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the City Building Inspector has certified such design as to not be hazardous or dangerous to persons or animals.

(c) No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunshine, hindering ventilation or which fence shall otherwise adversely affect the public health, safety and welfare.

(d) No fence, except fences constructed upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed to a height greater than six and one-half (6 1/2) feet; provided, however, that the Governing Body of the City of Scranton, Kansas may, by special permit, authorize the construction of a fence higher than six and one-half (6 1/2) feet, if the construction thereof has been recommended and approved by the City Planning Commission.

(e) All fences shall conform to the provisions of the building code of the City of Scranton, Kansas.

(f) The Building Inspector may, at his or her discretion, vary the requirements with respect to the construction of fences as provided for herein when the public health, safety and welfare will be substantially served and the adjacent property will not be damaged.

SECTION 14: COMMUNITY UNIT PLAN.

The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Council of the City of Scranton, a plan for the use and development of all the tract of land for residential purposes or for the repair and alteration of any existing housing development on an area comprising ten (10) acres or more. The development or alteration plan shall be referred to the City Planning Commission for study and report. If the City Planning Commission approves the plans, they shall then be submitted to the City Council for consideration, public hearing and approval. The approval and recommendations for the City Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific plan meets the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purpose of this Code to promote public health, safety, morals and general welfare.
3. That the buildings shall be used only for single family dwellings, two family or multiple dwellings and the usual accessory uses, such as garages, storage space or community activities, including churches.
4. That the average lot area per family contained in the site will be not less than the lot area per family required in the district in which the development is located, and
5. That the buildings do not exceed the height regulations of the district in which the development is located.

If the City Council approves the plans, building permits, and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

SECTION 15: BOARD OF ZONING APPEALS; VARIANCES AND EXCEPTIONS.

1. The City Planning Commission is hereby designated to also serve as the City's Board of Zoning Appeals with all the powers and duties as provided for in K. S. A. 12-759. Public records shall be kept of all official actions of the Board. The Board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the board present and voting at the hearing shall be required to decide any appeal or matter before it. Subject to the approval of the governing body, the Board shall establish a scale of reasonable fees to be paid in advance by any party seeking approval of an action under this Code.

2. Variances. The Board is authorized in specific cases to grant a variance from the specific terms of Code which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case, result in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. Instead, variances are to be used to permit construction on lots or on property where size, shape or conditions of the lot make strict adherence to this Code difficult or economically impossible.

A request for a variance may be granted upon a finding by the Board that all of the following conditions have been met:

(a) That the variance requested arises from such condition which is unique to the property in question and which is not created by an action or actions of the property owner or the applicant.

(b) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

(c) That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application,

(d) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, property, or general welfare; and

(e) That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

2. Exceptions. The Board is authorized to grant exceptions to the provisions of the zoning ordinance in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the zoning Code. In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning Code. Further, under no conditions shall the Board

of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the Zoning Code by the governing body, are not found to be present. In exercising the foregoing powers, the Board, in conformity with the provisions of this Code, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of said Board may bring an action in the district court of the county in which such city is located to determine the reasonableness of any such order or determination.

SECTION 16: OCCUPANCY PERMITS

Subsequent to the effective date of this Code, no change in the use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new building be occupied until a Certificate of Occupancy has been issued by the Building Inspector. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this Code.

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

A record of all Certificates of Occupancy shall be kept on file in the Office of the Building Inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such Certificate of Occupancy.

If this Code provides that a District or property cannot be occupied as a residence, than no Certificate of Occupancy shall issue, and any prior certificate of Occupancy shall be considered null and void within six (6) months of the passage and acceptance of this Code.

SECTION 17: PLATS

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

SECTION 18: BOUNDARIES AND DISTRICTS IN GENERAL

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the district map accompanying and made a part of this Code, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.

2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the district map accompanying and made a part of this Code are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Code shall be determined by use of the scale appearing on the map.

SECTION 19: INTERPRETATION OF THE ZONING CODE

In interpreting and applying the provisions of this Code, the applicant and the public shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Code to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Code imposes a greater restriction, this Code shall control.

SECTION 20: AMENDMENTS

The Governing Body of the City may from time to time on its own motion or on petition of any party, amend, supplement, change, modify or repeal, by ordinance, the boundaries of any zoning district or the regulations or restrictions herein established.

Any party or individual desiring any change in zoning district boundaries as to any lot, tract or area of land shall file with the City Clerk an application upon forms provided by the City, and such application shall be accompanied by such data and information as may be required by the City. At the time of filing said application with the City Clerk, the applicant shall provide the City Clerk with the names and addresses of all land owners of any land located within 200 feet of the outer limits of said area to as to which the applicant desires change of zoning.

For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the City, a fee in the amount of fifty (\$50.00) dollars. If an examination of Osage County records is necessary for determining ownership for notice, as outlined below, an additional charge of fifty (\$50.00) dollars shall be assessed. This payment shall be required absent communication from a title company that it has examined the public record and certifies the ownership within the area subject to the amendment has been determined and provided with the application.

Promptly upon the filing of any such application, the City Clerk shall refer the application to the City Planning Commission for study and recommendation. Before the City Planning Commission shall formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary, the City Planning Commission shall hold a public hearing on such proposal and such hearing shall be held only after notice of the hearing has been given as follows:

1. One notice published as a legal notice in the official newspaper, of the City of Scranton, Kansas, said publication notice to be at least 20 days prior to the date set for said hearing.
2. A copy of said published notice mailed by first class mail, within seven (7) days after publication of said notice to all owners, whose addresses with reasonable diligence can be ascertained, residing in, or having an office in Osage County, Kansas, of land located within two hundred (200) feet of the outer limits of the area to which such proposal pertains, said list of said-owners to be determined by the records in the Office of the Register of Deeds as of 8:00 o'clock A. M. on the date on which said application is filed with the City Clerk.
3. By the posting of at least one sign of at least nine (9) square feet in area in a conspicuous place on the property, or adjacent parking, to which the proposed pertains, at least ten (10) days prior to the date set for said hearing, said sign to have a white background and black letters at least three (3) inches high giving notice of said hearing and which sign or signs shall remain on

said property until after the date set for said hearing. It shall be the responsibility of the owner or applicant to provide this sign.

4. In the event that a protest against such amendment, supplement or change be filed in the Office of the City Clerk within fourteen (14) days after said public hearing, signed and acknowledged by the owners of twenty (20) percent or more of any land located within two hundred (200) feet of the area proposed to be altered, then in such event such amendment shall not be passed except by at least four-fifths vote of the Governing Body of the City.

SECTION 21: ENFORCEMENT AND PENALTIES

It shall be the duty of the Building Inspector or the Chief of Police of the City of Scranton, Kansas to enforce this Code.

The owner or agent of a building or premises in or upon with a violation of any provision of this Code has been committed or shall exist, and/or the lessee, tenant or occupant of building, dwelling or premises in or upon which a violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred (\$100) dollars. Each and every day that such violation continues after issuance of an appropriate complaint in Municipal Court constitutes a separate offense, punishable by the above-stated fine. If, after conviction of any misdemeanor contemplated by this Code, the violation continues for 14 days, the minimum daily fine shall be set at one hundred (\$100.00) per day, with a maximum penalty of two hundred and fifty (\$250.00) per day, until an officer of the City indicates that the violation has been discontinued. This provision shall be a condition on any Municipal Court Order and shall be self-executing.

Prosecution under this section is not stayed by application for an amendment, variance or other exception allowed by this Code, except in the discretion of the City Council.

In case any building or structure is erected, constructed, reconstructed; altered, repaired, converted or maintained, or any building structure or land is used in violation of this Code, the appropriate authorities of the City of Scranton, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. These remedies shall be supplemental and additional to prosecution or other actions provided or allowed under this Code.

SECTION 22: VALIDITY AND SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code.