

ARTICLE 22
SUPPLEMENTARY USE REGULATIONS
CONDITIONAL USES
ACCESSORY USES
PROHIBITED USES

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22-101 Application of Conditional Uses: Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain Conditional Uses listed herein, when found to be in the interest of the public health, safety, morals, and general welfare of the community, may be permitted, except as otherwise specified, in any district from which they are prohibited.

Before the location or establishment thereof, or before any change or use of the premises existing at the time of the effective date of this Ordinance or permitted as herein provided is made, a development plan in sufficient detail and a statement as to the proposed use of the buildings, structures, and premises shall be submitted to the Planning Commission as specified in Article 15 of this Ordinance. The Planning Commission shall hold a public hearing following the provisions also outlined in Article 29 of this Ordinance and shall review such development plan and statements and shall, after a careful study of the effect that such buildings, structures, or uses will have upon the surrounding property, submit a recommendation to the Governing Body. *Plan*

Following receipt of the Planning Commission's recommendation, the Governing Body may, within the specifications herein provided, permit such buildings, structures, or uses where requested, provided that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values. In this regard, the Governing Body may impose reasonable conditions on the approval of a Conditional Use Permit including, but not limited to, those items identified in Article 15 of this Ordinance.

22-102 Qualification of Existing Special Use Exceptions: Uses operating under an existing Special Use Exception approved prior to the adoption of this Ordinance shall continue as if approved under this Ordinance. Changes in operations of uses that are listed herein as a requiring a Conditional Use Permit that would have required an amendment to the existing Special Use Exception shall be considered as a Conditional Use and considered as provided herein.

22-103 Additions and Changes to Conditional Uses: All requests for additions and structural alterations to Conditional Uses previously approved by the Governing Body shall be considered in the same procedure as outlined in Section 22-101 herein.

22-104 Conditional Uses Enumerated: The following Conditional Uses may be approved by the Governing Body as provided in this Article:

1. Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.
2. Bed and breakfast facility.
3. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs, and utility maintenance shops and yards.
4. Cemeteries, mausoleums or crematories for the disposal of the dead.
5. Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly-owned and operated community buildings, art gallery, museums and libraries.
6. Commercial parking lots.
7. Commercial stockyard or feedlot.
8. Contractor's shop and/or yard, including construction equipment and/or material storage areas.
9. Drive-in theatres.
10. Exposition centers and/or buildings.
11. Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.
12. Fairgrounds.
13. Fire stations.
14. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.
15. Greenhouses, nurseries and/or hydroponic farms operated as a retail business.
16. Group Boarding Home, Group Day Care Home, Child Care Center, Day Care Center, Detention Center, Family Day Care Home, or Residential Center, provided:

- a. The applicant shall submit, as a part of the application, the plans for the proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.
 - b. A letter from the Jefferson County Health Officer shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operation.
 - c. Off-street parking at a rate of one space per employee plus two additional spaces for guests.
 - d. When operated out of an existing or proposed residential structure, the following standards shall be met:
 - (1) That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
 - (2) Outside play areas shall be fenced.
17. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.
18. Hospital or clinic for large or small animals, provided:
 - a. That such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building, and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.
19. Judicial centers, jails, penal or correctional institutions.
20. Industrial uses, except those specifically authorized in the "IP-1" Light Industrial District and/or the "IP-2" Medium Industrial District.
21. Keeping of farm animals such as horses, ponies, cows, sheep, and chickens on a lot or tract of less than one (1) acre.
22. Kennels, either boarding or breeding, provided:
 - a. Pens or open kennels shall be located at least 50 feet from the front lot line and at least 30 feet from any side or rear lot line.
 - b. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.
23. Manufactured home parks, subject to the standards established in Article 23 of this Ordinance.

24. Manufactured home subdivisions, subject to the standards established in Article 24 of this Ordinance.
25. Mortuaries and attendant accessory activities and facilities.
26. Parks and playgrounds.
27. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned, provided:
 - a. The location of every tower must be such that it is at least an equal distance from all property lines as it is in height. A plot plan shall be submitted with the application.
28. Recreational or sports-related activity or facility, whether publicly or privately owned.
29. Riding academies, stables and/or show arenas, rodeo arenas and/or facilities.
30. Salvage yards.
31. Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar areas not prohibited by law.
32. Schools, preschools or kindergartens, either publicly or privately owned or operated.
33. Trailer park or recreational vehicle campground, provided:
 - a. The tract to be used as a trailer park or recreational vehicle campground shall not be less than two (2) acres in area. Under no circumstances shall a mobile home be parked in a trailer park or recreational vehicle campground.
 - b. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided that no individual space shall be designed for direct access to a street outside the boundaries of the trailer park or recreational vehicle campground, and that all interior access drives shall be at least 20 feet in width. All interior access drives and parking areas shall be paved with concrete or asphaltic concrete paving.
 - c. The minimum area for a space for parking one trailer or recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly marked by a permanent marker.

- d. The trailer park or recreational vehicle campground shall contain community facilities, including play space, utility rooms, parking and access roads. In addition, every trailer park or recreational vehicle campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:
- (1) Be located within three hundred (300) feet of the trailer park or recreational vehicle campground;
 - (2) Be of permanent construction;
 - (3) Have one (1) flush-type toilet, one (1) lavatory, and one (1) shower or bathtub for females; and one (1) flush-type toilet; one (1) lavatory, and one (1) shower or bathtub for males for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;
 - (4) Have an accessible, adequate, safe and potable supply of cold water;
 - (5) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,
 - (6) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.
- e. The trailer park or recreational vehicle campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the trailer park or recreational vehicle campground and any adjoining residential area.
- f. No trailer or recreational vehicle shall be parked closer than 25 feet to any part of any other trailer or service building and no part of a trailer or recreational vehicle shall extend closer than 5 feet to the boundaries of the individual space.
- g. Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in convenient location to individual spaces.
- h. In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign, with sign area limited to 25 square feet. Said sign may be illuminated.

- i. Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, toilet and bathing facilities. All shall be indicated on a site plan of the proposed trailer park and shall be installed and/or constructed in accordance with all other state and/or local laws and regulations. A sewage dump station shall be provided within every trailer park or recreational vehicle campground.
- j. The proposed trailer park or recreational vehicle campground shall comply with all provisions of this and other federal, state and/or local laws and regulations.

34. Truck stops and/or truck terminals.

35. Zoos, commercial aquariums, or aviaries.

36. Any other use not specifically listed as a permitted and/or accessory use in any district in this Ordinance, or as a prohibited use.

22-105 Continuance of a Conditional Use: A Conditional Use Permit shall be allowed to continue, unless specified otherwise as a condition of authorization, as long as all conditions placed on it are met; however, if that particular use ceases to exist for a period of six months, it will forfeit its Conditional Use Permit and will not be allowed to exist again unless a new application is made, a public hearing held and a new Conditional Use Permit approved.

22-106 Accessory Uses: Buildings and structures may be erected and land may be used for purposes which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use.

22-107 Eligibility for Accessory Use: The determination of the eligibility of a proposed use as an accessory use shall be made by the Zoning Administrator.

22-108 Accessory Uses Allowed: Accessory uses shall be allowed; provided, said accessory uses shall be limited to those specified herein for the various zoning classifications:

1. In District "R-1A" Single-Family Residential, "R-1B" Single-Family Residential, "R-1C" Single-Family Residential, and "R-2" Two-Family Residential District, only the following accessory uses are allowed:

- a. Accessory buildings and uses commonly associated with residential activity, including, but not limited to, the following:

- Accessory off-street parking and loading spaces
- Fences or walls
- Flag poles
- Gates or guard houses for subdivisions
- Guest houses
- Home barbecue grills

Parabolic and satellite dish-type antennas
Play equipment
Private garages and carports ~~A~~
Servants quarters
Small storage sheds
Solar collectors
Swimming pools
Television and radio receiving antennas less than 50 feet in height

No accessory building or use shall occupy a required front yard (except basketball goals, flag poles and fences as permitted.) The total floor area of all accessory buildings shall not exceed 900 square feet.

- b. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.
- c. Home occupations such as, but not limited to, the following:

Accountant
Architect
Artist
Attorney
Author or writer
Chiropractor
Clergyman
Cosmetologist
Counselor
Dentist
Engineer
Home crafts
Insurance Agent
Osteopath
Photographer
Physician
Planner
Real Estate Agent
Salesman
Seamstress/Dressmaker
Secretary/Typist

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

- (1) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.

- (2) That no person other than members of the household living on the premises and one (1) outside person shall be employed.
 - (3) That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
 - (4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.
 - (5) That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
 - (6) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.
2. In Districts "RP-3" Planned Medium Density Residential and "RP-4" Planned Apartment House, only the following accessory uses are allowed:
- a. Where single-family and two-family dwellings are permitted, the accessory uses permitted for said single-family and two-family dwellings are those permitted in Section 23-108 (1), above.
 - b. Accessory buildings and uses commonly associated with multi-family residential activity, including, but not limited to, the following:
 - Accessory off-street parking and loading spaces
 - Fences and walls
 - Flag poles
 - Gates or guard houses
 - Maintenance buildings for the complex
 - Parabolic and satellite dish-type antennas
 - Play equipment
 - Power generators
 - Recreation areas and buildings, clubhouses
 - Swimming pools
 - Television and radio receiving antennas less than 50 feet in height
 - Trash collection centers
 - Vending machines, mail rooms and laundry facilities in common areas

No accessory building or use shall occupy a required front yard (except flag poles and fences as permitted.) The total floor area of all accessory buildings shall not exceed 900 square feet.

c. Home occupations such as, but not limited to, the following:

Accountant
Architect
Artist
Attorney
Author or writer
Chiropractor
Clergyman
Cosmetologist
Counselor
Dentist
Engineer
Home crafts
Insurance Agent
Osteopath
Photographer
Physician
Planner
Real Estate Agent
Salesman
Seamstress/Dressmaker
Secretary/Typist

Teaching or instruction provided not more than 3 students are taught at any one time and not more than 12 students per day

The following conditions and restrictions shall apply to such customary home occupations:

- (1) That the home occupation shall be carried on wholly within a main building or structure, or within a permitted accessory building or structure, provided that the primary use of the main building or structure is clearly the dwelling used by the person as his or her private residence.
- (2) That no person other than members of the household living on the premises and one (1) outside person shall be employed.
- (3) That only one nonilluminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
- (4) That no display or storage of equipment or materials outside of a building or structure shall be permitted.
- (5) That no equipment or machine is used in such activities that is perceptible off the premises by reason of noise, smoke, dust, odor, heat, glare, radiation, electrical interference or vibration.
- (6) That off-street parking and loading shall be provided and that no generation of substantial volumes of vehicular or pedestrian traffic or parking demand shall be permitted.

- d. A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation.
3. In Districts "CP-0" Planned Commercial Office, "CP-1" Planned Neighborhood Commercial, "CP-2" Planned General Commercial, "CP-3" Planned Highway Service, and "CP-4" Planned Central Business District, only the following accessory uses are allowed:
- a. Awnings, subject to the restrictions in Section 19-105(2)(c).
 - b. Parking areas, loading areas, and/or private garages for motor vehicles.
 - c. Exterior lighting, including floodlighting.
 - d. Radio, television, and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.
 - e. Fences or walls, including security or screen fences or walls.
 - f. Flagpoles, cooling towers and other similar uses.
 - g. Food service and vending machines for tenants.
 - h. Solar collectors.
 - i. Parabolic and satellite dish-type antennas.
 - j. Washing and other motor vehicle cleaning shall be permitted as an accessory use in service stations, provided such washing and cleaning shall not utilize more than two car stalls or more than 30 percent of the floor area in any one station, shall be a part of the main building, shall not be equipped to handle anything larger than a one ton truck, and shall not be open for use during hours when the service station is closed. Such washing and cleaning operation shall utilize the same entrance drives as the service station and may use coin-operated or attendant-operated equipment, but not continuous line or conveyor type washing equipment.
 - k. Material storage yards, in connection with retail sales of products sold on the premises, where storage is incidental to the approved occupancy of a building, provided all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall, fence or hedge no less than 6 feet in height. Storage of all materials and equipment shall not exceed the height of said wall or fence. Storage of motor vehicles used in connection with the permitted trade or business is permitted within the walls, but not including storage of heavy equipment such as road-building or excavating equipment.
4. In Districts "IP-1" Planned Light Industrial and "IP-2" Planned Medium Industrial only the following accessory uses are allowed:

- a. Awnings, subject to the restrictions in Section 19-105(2)(c).
- b. Parking areas, loading areas and/or private garages for motor vehicles.
- c. Exterior lighting, including floodlighting.
- d. Fences or walls, including security or screen fences or walls.
- e. Loading equipment.
- f. Parabolic and satellite dish-type antennas.
- g. Radio, television and/or microwave antennas or towers, provided such shall not exceed 50 feet in height.
- h. Gate houses.
- i. Employee recreation facilities.

22-109 Specialty Accessory Uses: The following uses, activities, or items shall be the accessory uses or restrictions allowable:

- 1. Hotels, Motels, Motor Hotels: The following are accessory uses within a hotel, motel or motor hotel:

- Restaurant
- Health clubs, spas and exercise rooms
- Clubs
- Drinking establishments
- Banquet rooms
- Notion counters
- Newspaper and magazine counters
- Vending machines
- Arcades
- Beauty and barber shops
- Flower and gift shops
- Swimming pools

Provided all except swimming pools are within the main building and designed to serve the occupants and patrons of the hotel, motel or motor hotel.

- 2. Hospitals: The following are accessory uses within a hospital:

- Residential quarter for staff and employees
- Nursing and convalescent quarters
- Storage and utility buildings
- Food service and vending machines
- Laundry and dry cleaning pickup and delivery
- Flower and gift shops
- Other similar services for hospital personnel, visitors and patients

3. Construction Sites:

- a. Construction and hauling trailers may be used as a temporary construction office on the site of a construction project, provided such construction or hauling trailer is removed upon completion of the project.

4. Recreational Vehicles and Trailers:

- a. Recreational vehicles may be parked in a trailer park or a recreational vehicle campground. Recreational vehicles or equipment may also be stored within any "R-1A", "R-1B", "R-1C", "R-2", "RP-3", "RP-4", "CP-0" and "CP-1" District, provided; said recreational vehicle or recreational equipment, as defined in this Ordinance, may be stored within an enclosed structure (which structure otherwise conforms to the requirements of this Ordinance), or may be permanently parked upon the private property of the premise if said recreational vehicle or recreational equipment is not parked within 10 feet of any curb line or roadway and does not interfere or impede travel on any public sidewalk or thoroughfare.
- b. At no time shall a permanently or temporarily parked or stored recreational vehicle or item of recreational equipment be occupied or used for living, sleeping, or housekeeping purposes, except; a recreational vehicle permanently parked in compliance with this Ordinance may be occupied for sleeping purposes only, for a period not to exceed fourteen (14) consecutive calendar days in any three (3) month period. The Zoning Administrator may authorize an extension of time for extenuating circumstances upon receipt of a written request.
- c. A recreational vehicle or recreational equipment may be connected only to the electrical utility system. All other utilities and life support systems must be disconnected when said vehicle is permanently parked. Such connection must be in accordance with the National Electrical Code, and said connection must be available for inspection during regular business hours by the Zoning Administrator or his designated agent.
- d. The parking of recreational vehicles or recreational equipment shall be prohibited in the visibility triangle as defined in this Ordinance, nor shall they be parked or stored so as to hinder visibility of traffic.
- e. Recreational vehicles or recreational equipment shall not be parked on any public street or right-of-way for a period longer than 24 consecutive hours; except, however, light vans, light trucks, and light trucks having a slide-in camper not extending over the top of or wider than the truck cab, may park upon those streets where vehicle parking is otherwise permitted.

- f. The provisions of this Ordinance regarding recreational vehicles do not apply to those businesses displaying recreational vehicles or recreational equipment for sale or service when said business is located in the proper zoning district and licensed in accordance with City Codes.

5. Fences or Walls:

- a. Fences or walls may be constructed to a maximum height of eight (8) feet above the average grade subject to the restrictions of this Article. For all fences or walls greater than six (6) feet in height, where a new fence or wall is constructed or an existing fence or wall is being extended, a permit shall be obtained from the City. A fence permit shall also be required for the replacement or reconstruction of 50 percent (50%) or more of the linear feet of the entire existing fence. Any such replacement or reconstruction shall comply with all the provisions of this Article except setbacks. In determining the height of a fence, the material used in the fence posts shall not be considered.
- b. Fences or walls (including retaining walls) in any planned district shall be approved by the Planning Commission as part of the development plan prior to the issuance of any fence permit.
- c. Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot, where the wall is located at least two (2) feet from any street right-of-way, and where the wall does not extend more than six (6) inches above the ground level of the land being retained.
- d. All fences or walls constructed prior to the adoption of this Ordinance which do not meet the standards of this Article may be replaced and maintained resulting in a fence the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the sight distance triangles as defined in this Article.
- e. In all districts, the following restrictions and standards shall apply to all fences and walls:
 - (1) Location.
 - (a) Front yard. A fence or wall not more than three (3) feet in height may project into or enclose any required front yard or side yard to a depth from the street line equal to the required depth of the front yard.
 - (b) Rear yard. A fence or wall may be constructed on the rear property line on all lots whose rear lot lines abut another lot or a designated thoroughfare. However, no fence shall be permitted in any platted easement. In the case of a double frontage lot whose rear yard abuts a collector or local street, a fence or wall may be constructed no closer than fifteen (15) feet to the rear property line.

(c) Side yard. A fence or wall may be constructed on the side property line, except that no fence shall be closer than fifteen (15) feet to any collector or local street right-of-way. In addition, no fence shall be permitted in any platted easement.

(d) Corner lot. A fence or wall not more than three (3) feet in height may project into or enclose any required front or side yard along the street frontage of the lot.

(2) Design Standards.

(a) All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finished surface.

(b) All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one (1) gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing.

f. Spikes and Barbed Wire Fences. No person shall place or permit to be placed or remain on any fence or wall, within five (5) feet of any public street or sidewalk or less than six (6) feet above grade, any spikes or sharp pointed cresting, or any barbed wire, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith.

g. Electric Fences. No person shall erect a fence containing uninsulated electric conductors that may be exposed to human contact anywhere within the City.

h. Swimming Pools. Private swimming pools having a water depth of two (2) feet or more shall be separated from the remainder of the yard by a protective fence or other permanent structure at least four (4) feet in height. The protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person.

22-110 Accessory Building or Structure Use: No accessory building or structure shall be constructed upon a lot until the construction of the main building or structure has been actually commenced. No accessory building or structure shall be used unless the main building or structure on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

22-111 Prohibited Uses: After the effective date of this Ordinance:

1. No mobile home, as defined in this Ordinance, shall be moved, relocated, or otherwise placed on any property in Valley Falls, including within any Manufactured Home Park or Manufactured Home Subdivision.

2. No manufactured home or mobile home shall be used for any purpose other than as a residential dwelling as permitted within this Ordinance. At no time shall a manufactured home or mobile home be permitted to be converted to a storage unit, office or any other such use, except when used as a permitted accessory use in this Article.
3. No mobile home or manufactured home originally built to be a single-wide unit shall be attached or connected to any other mobile home or manufactured home, or to any other structure or building. This shall not prohibit reasonable, aesthetically designed stoops, porches, decks, carports or the like from being built onto or adjacent to an approved manufactured home.
4. No cellar or basement shall be used as a dwelling.
5. No property shall be used as junkyard, sanitary landfill, construction/demolition landfill, industrial landfill, hazardous or toxic waste storage facility, or other similar use or activity, including as an accessory use to another principal use, unless such use or activity has been approved by the issuance of a Conditional Use Permit as provided within this Ordinance.
6. No exotic birds or animals shall be kept on any lot or in any building within the City of Valley Falls, Kansas.
7. No quarrying or mining activity of any type shall be permitted within the corporate limits of the City of Valley Falls, Kansas.