

DR 71-30 - City of Mount Hope
Zoning

Mount Hope Pkg Com Approved 1/10/72
Mount Hope City Council Approved 2/1/72

Published March 9, 1972

Called to the attention of MAPC 4/13/72

ACTION

DATE

COMMITTEE _____

MAPC _____

B.C.C./B. CO. C. _____

CITY OF MT. HOPE, KANSAS

Albert Bouton, Mayor

CITY COUNCIL

Glenn Willard
Robert Boehlke
William Metcalf
Irwin Beal
Irvin Rindels

Cl. Beal City Clerk

CITY PLANNING COMMISSION

J. D. Porter, Chairman

Richard Caffrey
Victor Wulf
Harry Johnsmeyer

Dewey Miles
Lawrence Bardshar
E. G. Rieckenberg

Article 33 of Statute 2 12709 #1

IMPORTANT MESSAGE

FOR Jack
DATE 12/6/71 TIME 5:50 A.M.
P.M.

WHILE YOU WERE AWAY

MR. John Jorgenson
OF City Attorney - Mt. Hope
PHONE No. 267-4231

TELEPHONED	PLEASE CALL HIM	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE Mt Hope has
town meeting tomorrow
night - He needs
to talk to you
before the meeting

SIGNED M. H.

GRE-84-1A
HARRY JOHNSMEYER ETUX
MT HOPE KS

11

44 * MHW
BEG 269.7 FT N SE COR NE $\frac{1}{4}$ WLY 30
FT SWLY 81.8 FT NWLY 390 FT NELY
205.27 FT SELY 440 FT SLY 125.27
FT TO BEG SEC 17-25-3W 2A ML

GRE-94-1
WESTERN ALFALFA CORP.
4800 MAIN SUITE 300
KANSAS CITY MO 64112

U-360-MHW
BEG N LINE ROW 30 FT E OF W LINE SW $\frac{1}{4}$
SEC - TH N 150 FT E 320.335 FT S
257.95 FT TO N LINE ROW NWLY TO BEG
1.5 ACRES SEC 17-25-3W

GRE-71-1
GEORGE G SIEGER ETUX
ANDALE KANSAS

U-360-MHW
BEG ON S LINE R-96 HY 760 FT W OF
E LINE SW $\frac{1}{4}$ THENCE S 209.5 FT W 312
FT N 209.5 FT E 312 FT TO BEG
CONTAIN 1.50 ACRES SEC 15-25-3W

First published in The Mount Hope Clarion, March 9, 1972.)
STATE OF KANSAS,
SEDGWICK COUNTY, SS
OFFICIAL NOTICE OF ZONING ORDINANCE FOR MOUNT HOPE, KANSAS, AND THE LAND LOCATED WITHIN THREE MILES OF THE CITY LIMITS OF MOUNT HOPE, KANSAS, WITHIN SEDGWICK COUNTY.

In accordance with K. S. A. 12-307, you are hereby notified that on February 1, 1972, the duly elected Council of the City of Mount Hope, Kansas, adopted by ordinance zoning regulations proposed and submitted by the Mount Hope Planning Commission in accordance with K. S. A. 1971 Supp. 12-708; that these official zoning regulations and official zoning maps are filed in the office of the Clerk of Mount Hope, Kansas, and they are officially recorded as Ordinance No. 238. That this Ordinance becomes effective as of the date of this publication. The official zoning maps setting out the Zoning Districts pursuant to Ordinance No. 238, are published hereby for reference and filed in the Clerk's office of the City of Mount Hope and available for public inspection.

ORDINANCE NO. 238
AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING DISTRICTING AND ZONING MAPS FOR THE CITY OF MOUNT HOPE, KANSAS, AND THE LAND LOCATED OUTSIDE THE CITY LIMITS OF MOUNT HOPE BUT WITHIN THREE MILES THEREOF LOCATED IN SEDGWICK COUNTY; PROVIDING FOR THE ADMINISTRATION, MODIFICATION AND ENFORCEMENT THEREOF AS IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MOUNT HOPE, KANSAS.

SECTION 1. This zoning Ordinance adopted pursuant to the provisions of KSA 1970 Supplements 12-07, KSA 1970 Supplements 12-708, KSA 1970 Supplements 12-709, KSA 1970 Supplements 12-710, KSA 12-711 through 12-713, KSA 1970 Supplements 12-715 through 12-715d, and KSA 1970 Supplements 12-714 and 12-715, and amendments thereto, is intended to serve the following purposes:

To divide the City of Mount Hope and the area within three miles thereof located in Sedgewick County into zones and districts; to regulate and restrict the location and use of buildings and the uses of land within each district or zone; to restrict the use of buildings and land for agriculture (except as to agricultural uses on tracts of land three acres or larger), dwellings, business, industry, and other purposes.

SECTION 2. The use of this ordinance shall be to conserve the value of buildings and encourage the most appropriate use of land throughout the City and three miles thereof located in Sedgewick County; to further provide minimum requirements for the promotion of the public health, safety, convenience, prosperity, general welfare, and the preservation of public and private rights.

SECTION 3. DEFINITIONS
AGRICULTURE - The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture, the raising of poultry, or animal husbandry (not including commercial feed lots), including the structures necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full time thereon and the family thereof.

DWELLING-DETACHED - A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

FAMILY - One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants, occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit.

GOVERNING BODY - The Mayor and Council of Mount Hope, Kansas.

MOBILE HOME PARK - An area or premises on which mobile homes are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection or sale.

MOBILE HOME - A vehicle, housecar, caravan or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or temporary foundation, either self-propelled or propelled by other means which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION - The Mount Hope Planning Commission.

SECTION 4. DISTRICTS - In order to promote the purposes set forth above and to regulate and restrict the use and improvements of lands and the location, type and use of building improvements located within the City and within three mile area, to prevent the overcrowding of land to preserve property values, all lots, parcels and tracts of land located within the City of Mount Hope, Kansas, and the area within three miles thereof located in Sedgewick County, and all improvements located thereon, shall be zoned into one of the following districts, to-wit:

- "R-1" - Rural Residential District
- "R-3" - Single Family Residence District
- "RS" - General Residence District
- "R-M" - Mobile Home District
- "B-1" - General Business District
- "B-2" - Service Business District
- "M-3" - Industrial District

In the above districts, no building or premises shall be used and no building shall hereinafter be erected, enlarged, converted or altered, except for one or more of the uses allowed in the respective classifications, unless otherwise provided for in this ordinance; and all buildings so converted, erected, enlarged, or altered must comply with the area and height regulations of the respective districts.

SECTION 5. "R-1" - RURAL RESIDENTIAL DISTRICT. This district is intended to provide for the development of land at low densities compatible with an agricultural community. Permitted uses shall include agricultural uses as defined by this ordinance; single family dwelling units (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas);

public uses, including churches, parks, schools, township halls, hospitals, public service and public utility uses; recreational uses, and social facilities including country clubs, swimming clubs, golf courses (excluding miniature and golf driving ranges), privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy such as summer homes and cottages, home occupations; and accessory structures. Subject to a special permit by the Governing Body, after a public hearing held by the Planning Commission, the following uses may be permitted, including airports, cemeteries, landfill operations; and the excavation, extraction of sand, gravel or other raw materials.

Minimum lot size shall be not less than 2 acres.

Minimum lot width shall be not less than 150 feet.

Minimum lot depth shall be not less than 150 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 35 feet minimum front yard, 10 feet minimum side yard, and 25 feet minimum rear yard.

SECTION 6. "R-3" - SINGLE FAMILY DISTRICT REGULATIONS. The "R-3" District shall include those buildings used exclusively for single-family residential purposes, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted are public buildings, parks, playgrounds, public schools, private schools having curriculum equivalent to or similar to public schools, churches, golf courses (excluding miniature and golf driving ranges), home occupations and accessory structures. Subject to special permit by the governing body, after a public hearing held by the Planning Commission, the following uses may be permitted, including off-street parking, mortuaries or funeral homes, public utility uses, electric and telephone sub-stations and distribution centers, gas regulator stations, pumping stations, public or quasi public recreation uses involving night lighting, such as ballfields, tennis courts and other similar uses.

Minimum lot size shall not be less than 6,000 square feet.

Minimum lot width shall not be less than 80 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 25 feet minimum front yard, 5 feet minimum side yard, and 25 feet minimum rear yard.

SECTION 7. "RS" - GENERAL RESIDENCE DISTRICT. The permitted uses in the "RS" General Residence District include all uses permitted in residential structure (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted shall be those permitted by right in the "R-3" District; nursing and care homes, group day care centers, nursery schools and kindergartens, lodging and boarding houses, and nursing and convalescence homes. Special permit uses shall be the same as in the "R-3" District.

Yard size requirements shall be the same as the "R-3" District for any single-family detached dwelling unit. Lot size requirements for two family dwelling units shall be 6,000 square feet for the first dwelling and 4,000 square feet for the second dwelling unit. For all other types of dwelling units, there shall be a requirement of 3,500 square feet for each dwelling unit.

Minimum lot width and setback shall be the same as for the "R-3" District.

Maximum height shall be 45 feet, except that for each additional foot of setback, one additional foot of height shall be allowed.

SECTION 8. "R-M" - MOBILE HOME DISTRICT. Permitted uses shall be mobile home parks having a density of not more than 7 mobile homes per acre and having a minimum of 10 prepared site places, churches, group day care centers, nursery schools, kindergartens, elementary schools and high schools, golf courses, parks, playgrounds, public community buildings and recreational facilities, such as a swimming pool, tennis court, etc., providing recreation for the residents of the mobile home park to the exclusion of the general public. Such mobile home parks shall be permitted only after a site plan, including proposed improvements, shall have been submitted to the Planning Commission for recommendation and public hearing and approved by the Governing Body.

Yard requirements shall be 20 feet from all property lines.

Lot size requirement - Minimum lot area shall be 2 acres.

Maximum structure height shall not be more than 35 feet.

SECTION 9. "B-1" - GENERAL BUSINESS DISTRICT. Uses permitted shall include all offices, retail and wholesale businesses provided that all articles for sale, rent or storage or display shall be kept entirely within an enclosed building, and provided that advertising signs may advertise only services, articles or premises where the sign is located. Subject to a special permit by the governing body, after a public hearing held by the Planning Commission, the following uses may be permitted, including service stations and lumber yards. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Area requirements - No setbacks shall be required, except that if a setback is utilized at least 5 feet shall be maintained between the structure and the property line.

Maximum structure height shall be not more than 35 feet.

SECTION 10. "B-7" SERVICE BUSINESS DISTRICT. Uses permitted shall be the same as in the "B-5" District, including special uses, except that outdoor storage may be permitted. This includes storage of products for sale, use, rental or lease, vehicle and equipment and other similar activities. All off-street parking, loading areas or necessary buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Setback requirements. All setbacks shall be 5 feet from the front property line; 10 feet from side property line and 20 feet from rear property line.

Maximum structure height shall be not more than 45 feet.

SECTION 11. "INDUSTRIAL DISTRICT." Permitted uses shall include all manufacturing and industrial business processes except those which may be extra hazardous or which may be, or directly or indirectly, obnoxious or offensive by reason of emission into the air of odors, smoke, dust or other waste matter, or by the emission of unreasonable amounts of noise.

Other uses permitted in this District shall be those permitted in the "B-7" District.

All uses which may by any reason be obnoxious or offensive for the reasons stated above may be permitted by the governing body, after a public hearing and contingent on such conditions as may be determined necessary to mitigate the condition which is deemed to be obnoxious or offensive or when the governing body is assured that the location of such facility will not be detrimental to the goals and purposes of this ordinance.

Specific uses which shall require special permits are: refinery and petroleum processing, sawmills, fertilizers, manufacturing and processing, animal killing and processing, commercial feed lots and holding areas of animals, mills producing dust, asphalt and concrete plants, including ready mixed concrete, junk, auto wrecking, salvage and scrap activities.

Setback and height limitations shall be the same as in the "B-7" District.

SECTION 12. SPECIAL PERMIT. For those uses listed within the ordinance, the governing body, upon recommendation of the Planning Commission, may by special permit and subject to such restriction and regulations as it deems appropriate and necessary, allow any use so designated. In addition, for any use not specifically established and set out within these regulations, and after receiving a recommendation from the Planning Commission, the governing body may approve such use in any district provided that such use will not materially hinder the general welfare or any public or private rights and carries out the general intent and character of the uses established basically within the district in which it is proposed to be located.

SECTION 13. OFF-STREET PARKING REQUIREMENTS. Off-street parking spaces of sufficient size and arrangement to accommodate standard sized domestic automobiles shall be provided. All parking spaces and drives shall be hard-surfaced.

Single Family Dwellings, 2 spaces per/lot; Mobile Homes, 2 spaces per/lot; Two Family or more Dwelling Units, 1 1/2 spaces per/lot; Mortuaries or funeral homes, 1 space per three seats; Office, 1 space per 250 sq. ft. of floor area; Commercial, 5 1/2 spaces per 100 sq. ft. of floor area; Restaurant, Churches, 1 space per five seats; Bowling Alleys, 2 spaces per lane; Industry and wholesaling, 1 space per 3 employees in largest shift; Others, As determined by the Planning Commission.

SECTION 14. HOME OCCUPATIONS. The City Clerk may upon written application permit any home occupation that is of a customary incidental to the principal use of a building as a dwelling, provided that:

1. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
3. No mechanical or electrical equipment other than the normal domestic or household equipment shall be used.
4. There shall be no outdoor storage or repairing of the equipment, materials or vehicles used in the home occupation.

person other than members of the immediate family occupying such dwelling unit shall be employed.

4. The manufacture or processing of any sort whatsoever shall be done.
7. No sign shall advertise the presence or conduct of the home occupation, unless required by State law.
8. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.

SECTION 15. OFFICIAL ZONING MAP. There is hereby established an "Official Zoning Map of the City of Mount Hope, Kansas and the Area Within Three Miles Thereof Located in Sedgewick County," which shall set forth the designation of all properties classified by the governing body. The designation of such property as has been approved by the said governing body shall be affixed thereto and maintained by the City Clerk and shall be made available for public inspection at all reasonable times. Such official zoning map with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, references and other matters were specifically set forth herein.

SECTION 16. GENERAL PROVISIONS

1. Any land hereafter annexed to the City of Mount Hope shall maintain the same zoning classification as when in the three mile area.
2. No building or any addition thereto shall be erected, over or under any public sewer or public utility lines or upon any platted or recorded easement unless permission is granted in writing by the City and all public utilities whose lines are or may be involved.
3. No permit shall be issued for any use outside the City of Mount Hope, unless the property is platted in accordance with the Subdivision Regulations of the Wichita-Sedgewick County Metropolitan Area Planning Commission.

JURISDICTION. This ordinance shall apply to all lands within the City of Mount Hope and all lands lying within three miles of the corporate limits which lie in Sedgewick County, Kansas.

EXCEPTIONS. These regulations shall apply to all lands and structures except to agricultural lands or land three acres or larger.

SECTION 17. NON-CONFORMING USES. Any nonconforming use lawfully existing on the date of passage of this ordinance may be continued so long otherwise lawful, subject to the following:

1. ORDINARY REPAIR AND MAINTENANCE

- a. Subject to later provisions herein, normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a nonconforming use.
- b. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

2. REMODELING

- No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

3. EXTENSION

- A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:
 - a. Extension of such use to any structure or land area other than one occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming).
 - b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

c. Operation of such nonconforming use in such manner as to conflict

with any other ordinance, or to further conflict with any ordinance already existing on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that results in such use becoming nonconforming), any performance standards established for the district in which such use is located.

4. ENLARGEMENT

- No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

5. DAMAGE OR DESTRUCTION

- In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of its assessed valuation, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50% or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such destruction and is diligently pursued to completion.

6. A nonconforming use shall not be changed to any other use than a use permitted in the zoning district in which the use is located. When a nonconforming use has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use.

7. ABANDONMENT OR DISCONTINUANCE

- In the event that a nonconforming use of any structure or premises is discontinued or its normal operation stopped for a period of 6 months, the use of the same must thereafter be conforming to the use permitted in the district in which it is located. No existing structure use contrary to the provisions of this ordinance in the district in which it is located, may be enlarged, extended or reconstructed unless its use is changed to a use conforming to the district in which such structure is located or unless a zoning certificate, extension or reconstruction is required by court decision, law or ordinance.

In those instances where a mobile home which is nonconforming is removed from the site or pad on which it is located, the pad or site may not be used for the placement of a new or other mobile home, unless first approved by the governing body as to its compatibility with the neighborhood and to its structural condition. Such use shall comply with the provisions of 6 above.

8. NONCONFORMING ACCESSORY USES

- No use which is accessory to a principal nonconforming use shall cease or terminate.

9. STATUS OF EXISTING SPECIAL USES

- Where a use exists at the effective date of this ordinance and is permitted by this ordinance only as a special use in the zoning district in which it is located, such use shall not be deemed a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district.

SECTION 18. CHANGES IN ZONING DISTRICT CLASSIFICATION AND REQUIRED FEES. Changes in zoning district classifications of any lot or parcel of land within the jurisdictional area shall be made by ordinance of the governing body of the city, upon recommendation of the Planning Commission as provided by State law. Any application for a special permit or a change in zoning shall be handled by the City Clerk for the City of Mount Hope and all appropriate steps as required by law including advertising and sending of notices, shall be accomplished by the City Clerk. When such application shall be made by any property owner authorized by law to submit such applications, it shall be accompanied by a fee of \$7.00 to defray the cost of administration and publication. In addition, the applicant shall deliver to the Planning Commission an abstractor's certificate certifying as to the names and mailing addresses of all parties owning land within 200 feet of the area proposed to be altered or changed as to zoning districts. The applicant may also be required as a condition of approval of any change of zoning to plat or replat any land in connection with the proposed change.

SECTION 19. ZONING ADMINISTRATION. There is hereby created the Office of Zoning Administrator who shall be the City Clerk or his appointed deputy. He shall be the duty of the Zoning Administrator to issue zoning permits for the location of all construction, modifications, changes, diversions, reconstructions and other development or use of buildings and/or land, seeing that such comply with the terms of this ordinance. He shall keep a record of such permits and shall make such inspections as necessary to determine that the ordinance is being complied with. He shall make such rules and regulations as are necessary for the administration of these regulations. He shall be authorized to enter any building or premises for the purpose of inspection upon the presentation of proper credentials. He shall keep a record of all applications and such records and permits shall be kept in the Office of the City Clerk and be subject to inspection at any reasonable time. To defray the cost of administering this ordinance, a fee of \$10.00 may be charged for each zoning permit issued.

SECTION 20. BOARD OF ZONING APPEALS. A board of zoning Appeals shall be appointed by the governing body. Such Board shall consist of five members, one of which shall be a member of the Mount Hope Planning Commission and one who is resident of the area outside the City and within the three-mile area in Sedgewick County. The election of officers, rules and regulations, and powers and duties of the Board shall be in accordance with the Statutes of Kansas.

SECTION 21. VIOLATIONS. Any person who shall violate neglect or refuse to comply with, or who shall maintain, use, or construct any building or premises in violation of any of the provisions of this ordinance shall, upon due conviction, be fined not more than \$100 per day for each day of violation; and each day shall constitute a separate offense under the provisions of this ordinance. In addition to the above penalty, such actions at law or in equity may be maintained by the City or any interested person as may be authorized by law.

SECTION 22. VALIDITY. Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared invalid.

SECTION 23. EFFECTIVE DATE. This ordinance shall be in effect after its passage and final publication in the official city paper, "The Mount Hope Clarion."

ADOPTED AND PASSED by the governing body of the City of Mount Hope, Kansas, this 1st day of February, 1971.

APPROVED:
Jack O. Rickards
Mayor

ATTEST:
C. L. Buel
City Clerk
(SEAL)

Approved by MHPC
on 1/16/72
MHCC on 2/1/72

PROPOSED ZONING ORDINANCE

RECOMMENDED BY THE MOUNT HOPE PLANNING COMMISSION ON JANUARY 10, 1972

ORDINANCE NO. 238

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING DISTRICTING AND ZONING MAPS FOR THE CITY OF MOUNT HOPE, KANSAS: AND THE LAND LOCATED OUTSIDE THE CITY LIMITS OF MOUNT HOPE BUT WITHIN THREE MILES THEREOF LOCATED IN SEDGWICK COUNTY: PROVIDING FOR THE ADMINISTRATION, MODIFICATION AND ENFORCEMENT THEREOF. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MOUNT HOPE, KANSAS:

SECTION 1. This Zoning Ordinance adopted pursuant to the provisions of KSA 1970 Supplements 12-707, KSA 1970 Supplements 12-708, KSA 1970 Supplements 12-709, KSA 1970 Supplements 12-710, KSA 12-711 through 12-713, KSA 1970 Supplements 12-715b through 12-715d, and KSA 1970 Supplements 12-714 and 12-715, and amendments thereto, is intended to serve the following purposes:

To divide the City of Mount Hope and the area within three miles thereof located in Sedgwick County, into zones and districts; to regulate and restrict the location and use of buildings and the uses of land within each district or zone; to restrict the use of buildings and land for agriculture (except as to agricultural uses on tracts of land three acres or larger), dwellings, business, industry, and other purposes.

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SECTION 3. DEFINITIONS

AGRICULTURE - The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture, the raising of poultry, or animal husbandry (not including commercial feed lots), including the structures

necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full time thereon and the family thereof.

DWELLING-DETACHED - A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

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GOVERNING BODY - The Mayor and Council of Mount Hope, Kansas.

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MOBILE HOME - A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or temporary foundation, either self-propelled or propelled by other means which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION - The Mount Hope Planning Commission.

SECTION 4. DISTRICTS. In order to promote the purposes set forth above and to regulate and restrict the use and improvements of lands and the location, type and use of building improvements located within the City and the three mile area, to prevent the overcrowding of land, to preserve property values, all lots, parcels and tracts of land located within the City of Mount Hope, Kansas, and the area within three miles thereof located in Sedgwick County, and all improvements located thereon, shall be zoned into one of the following districts, to-wit:

- "R-1" - Rural Residential district
- "R-3" - Single Family Residence District
- "R-5" - General Residence District
- "R-9" - Mobile Home District
- "B-5" - General Business District
- "B-7" - Service Business District
- "M-2" - Industrial District

In the above districts, no building or premises shall be used and no building shall hereinafter be erected, enlarged, converted or altered, except for one or more of the uses allowed in the respective classifications, unless otherwise provided for in this ordinance; and all buildings so converted, erected, enlarged, or altered must comply with the area and height regulations of the respective districts.

SECTION 5. "R-1" - RURAL RESIDENTIAL DISTRICT. This district is intended to provide for the development of land at low densities compatible with an agricultural community. Permitted uses shall include agricultural uses as defined by this ordinance; single family dwelling units (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas); public uses, including churches, parks, schools, township halls, hospitals, public service and public utility uses; recreational uses, and social facilities including country clubs, swimming clubs, golf courses (excluding miniature and golf driving ranges), privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy such as summer homes and cottages; home occupations; and accessory structures. Subject to a special permit by the Governing Body, after a public hearing held by the Planning Commission, the following uses may be permitted, including airports; cemeteries; landfill operations; and the excavation, extraction of sand, gravel or other raw materials.

Minimum lot size shall be not less than 2 acres.

Minimum lot width shall be not less than 150 feet.

Minimum lot depth shall be not less than 150 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 35 feet minimum front yard,
10 feet minimum side yard, and 25 feet minimum rear
yard.

SECTION 6. "R-3" - SINGLE FAMILY DISTRICT REGULATIONS.

The "R-3" district shall include those buildings used exclusively for single-family residential purposes, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted are public buildings, parks, playgrounds, public schools, private schools having a curriculum equivalent to or similar to public schools, churches, golf courses (excluding miniature and golf driving ranges), home occupations and accessory structures. Subject to special permit by the governing body, after a public hearing held by the Planning Commission, the following uses may be permitted, including off-street parking, mortuaries or funeral homes, public utility uses, electric and telephone substations and distribution centers, gas regulator stations, pumping stations, public or quasi public recreation uses involving night lighting, such as ballfields, tennis courts and other similar uses.

Minimum lot size shall not be less than 6,000 square feet.

Minimum lot width shall not be less than 50 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 25 feet minimum front yard,
5 feet minimum side yard, and 25 feet minimum
rear yard.

SECTION 7. "R-5" - GENERAL RESIDENCE DISTRICT. The permitted uses in the "R-5" General Residence District shall be for any type of residential structure, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted shall be those permitted by right in the "R-3" District; nursing and care homes, group day care centers, nursery schools and kindergartens, lodging and boarding houses, and nursing

and convalescence homes. Special permit uses shall be the same as in the "R-3" District.

Lot size requirements shall be the same as the "R-3" District for any single-family detached dwelling unit. Lot size requirements for two family dwelling units shall be 6,000 square feet for the first dwelling and 4,000 square feet for the second dwelling unit. For all other types of dwelling units, there shall be a requirement of 3,500 square feet for each dwelling unit.

Minimum lot width and setback shall be the same as for the "R-3" District.

Maximum height shall be 45 feet, except that for each additional foot of setback, one additional foot of height shall be allowed.

SECTION 8. "R-9" - MOBILE HOME DISTRICT. Permitted uses shall be mobile home parks having a density of not more than 7 mobile homes per acre and having a minimum of 10 prepared site places, churches, group day care centers, nursery schools, kingergartens, elementary schools and high schools, golf courses, parks, playgrounds, public community buildings and recreational facilities, such as a swimming pool, tennis court, etc., providing recreation for the residents of the mobile home park to the exclusion of the general public. Such mobile home parks shall be permitted only after a site plan, including proposed improvements, shall have been submitted to the Planning Commission for recommendation and public hearing and approved by the Governing Body.

Yard requirements shall be 20 feet from all property lines.

Lot size requirement - Minimum lot area shall be 2 acres.

Maximum structure height shall not be more than 35 feet.

SECTION 9. "B-5" - GENERAL BUSINESS DISTRICT. Uses permitted shall include all offices, retail and wholesale businesses provided that all articles for sale, rent and storage or display shall be kept entirely within an enclosed building, and provided that advertising signs may advertise only services, articles or premises where the sign is located. Subject to a special permit by the governing body, after a public hearing held by the Planning Commission, the following uses may be permitted, including service stations and lumber yards. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Area requirements - No setbacks shall be required, except that if a setback is utilized at least 5 feet shall be maintained between the structure and the property line.

Maximum structure height shall be not more than 35 feet.

SECTION 10. "B-7" - SERVICE BUSINESS DISTRICT. Uses permitted shall be the same as in the "B-5" District, including special uses, except that outdoor storage may be permitted. This includes storage of products for sale, use, rental or lease, vehicle and equipment sales, and other similar activities. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Setback requirements - All setbacks shall be 35 feet from the front property line; 10 feet from side property line and 30 feet from rear property line.

Maximum structure height shall be not more than 45 feet.

SECTION 11. "M-2" - INDUSTRIAL DISTRICT. Permitted uses shall include all manufacturing and industrial business processes except those which may be extra hazardous or which may be, as ordinarily operated, obnoxious or offensive by reason of emission into the air of odors, smoke, dust or other waste matters, or by the emission of unreasonable amounts of noises.

Other uses permitted in this District shall be those permitted in the "B-7" District.

All uses which may by any reason be obnoxious or offensive for the reasons stated above may be permitted by the governing body, after a public hearing held by the Planning Commission, and contingent on such conditions as may be determined necessary to either mitigate the condition which is deemed to be obnoxious or offensive or when the governing body is assured that the location of such facility will not be detrimental to the goals and purposes of this ordinance.

Specific uses which shall require special permits are: refinery and petroleum processing products, fertilizer manufacturing and processing, animal killing and processing, commercial feed lots and holding areas of animals, mills producing dust, asphalt and concrete plants, including ready mixed concrete, junk, auto wrecking, salvage and scrap activities.

Setback and height limitations shall be the same as in the "B-7" District.

SECTION 12. SPECIAL PERMITS. For those uses listed within the ordinance, the governing body, upon recommendation of the Planning Commission, may by special permit and subject to such restrictions and regulations as it deems appropriate and necessary, allow any use so designated. In addition, for any use not specifically established and set out within these regulations, and after receiving a recommendation from the Planning Commission, the governing body may approve such use in any district provided that such use will not materially hinder the general welfare or any public or private rights and carries out the general intent and character of the uses established basically within the district in which it is proposed to be located.

SECTION 13.- OFF-STREET PARKING REQUIREMENTS. Off-street parking spaces of sufficient size and arrangement to accommodate standard sized domestic automobiles shall be provided. All parking spaces and drives shall be hard surfaced.

Single Family Dwellings	2 spaces per/DU
Mobile Homes	2 spaces per/DU
Two Family or more Dwelling Units	1 1/2 spaces per/DU
Mortuaries or funeral homes	1 space per three seats
Office	1 space per 250 sq.ft. of floor area
Commercial	5 1/2 spaces per 1000 sq.ft. of floor area
Restaurant, Churches	1 space per five seats
Bowling Alleys	2 spaces per lane
Industry and wholesaling	1 space per 3 employees in largest shift
Others	As determined by the Planning Commission

SECTION 14. HOME OCCUPATIONS. The City Clerk may upon written application permit any home occupation that is customary incidental to the principal use of a building as a dwelling, provided that:

1. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
3. No mechanical or electrical equipment other than the normal domestic or household equipment shall be used.
4. There shall be no outdoor storage or repairing of the equipment, materials or vehicles used in the home occupation.
5. No person other than members of the immediate family occupying such dwelling unit shall be employed.
6. No manufacturing or processing of any sort whatsoever shall be done.
7. No sign shall advertise the presence or conduct of the home occupation, unless required by State law.
8. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.

SECTION 15. OFFICIAL ZONING MAP. There is hereby established an "Official Zoning Map of the City of Mount Hope, Kansas, and the Area Within Three Miles Thereof Located in Sedgwick County", which shall set forth the designation of all properties classified by the governing body. The designation of such property as has been approved by the said governing body shall be affixed thereto and maintained by the City Clerk and shall be made available for public inspection at all reasonable times. Such official zoning map with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, references and other matters were specifically set forth herein.

SECTION 16. GENERAL PROVISIONS.

1. Any land hereinafter annexed to the City of Mount Hope shall maintain the same zoning classification as when in the three mile area.

2. No building or any addition thereto shall be erected, over or under any public sewer or public utility lines or upon any platted or recorded easement unless permission is granted in writing by the City and all public utilities whose lines are or may be involved.

3. No permit shall be issued for any use outside the City of Mount Hope, unless the property is platted in accordance with the Subdivision Regulations of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

4. Jurisdiction. This ordinance shall apply to all lands within the City of Mount Hope and all lands lying within three miles of the corporate limits which lie in Sedgwick County, Kansas.

5. Exceptions. These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 17. NON CONFORMING USES. Any nonconforming uses lawfully existing on the date of passage of this ordinance may be continued so long as otherwise lawful, subject to the following:

1. ORDINARY REPAIR AND MAINTENANCE

- a. Subject to later provisions herein, normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
- b. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

2. REMODELING

No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter

conform to all regulations of the zoning district in which it is located.

3. EXTENSION

A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

- a. Extension of such use to any structure or land area other than one occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming).
 - b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
 - c. Operation of such nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that results in such use becoming nonconforming), any performance standards established for the district in which such use is located.
4. ENLARGEMENT

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

5. DAMAGE OR DESTRUCTION

In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of its assessed valuation, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50% or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

6. A nonconforming use shall not be changed to any other use than a use permitted in the zoning district in which the use is located. When a nonconforming use has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use.

7. ABANDONMENT OR DISCONTINUANCE

In the event that a nonconforming use of any structure or premises is discontinued or its normal operation stopped for a period of 6 months, the use of the same must thereafter be conformed to the use permitted in the district in which it is located. No existing structure used contrary to the provisions of this ordinance, in the district in which it is located, may be enlarged, extended or reconstructed unless its use is changed to a use permitted in the district in which such structure is located or unless such enlargement, extension or reconstruction is required by court decision, law or ordinance.

In those instances where a mobile home which is nonconforming is removed from the site or pad on which it is located, the pad or site may not be used for the placement of a new or other mobile home, unless first approved by the governing body as to its compatibility

with the neighborhood and to its structural condition.
Such use shall comply with the provisions of 6 above.

8. NONCONFORMING ACCESSORY USES

No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

9. STATUS OF EXISTING SPECIAL USES

Where a use exists at the effective date of this ordinance and is permitted by this ordinance only as a special use in the zoning district in which it is located, such use shall not be deemed a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district.

SECTION 18. CHANGES IN ZONING DISTRICT CLASSIFICATION AND REQUIRED FEES. Changes in zoning district classifications of any lot or parcel of land within the jurisdictional area shall be made by ordinance of the governing body of the city, upon recommendation of the Planning Commission as provided by State law. Any application for a special permit or a change in zoning shall be handled by the City Clerk for the City of Mount Hope and all appropriate steps as required by law, including advertising and sending of notices, shall be accomplished by the City Clerk. When such application shall be made by any property owner authorized by law to submit such applications, it shall be accompanied by a fee of \$75.00 to defray the cost of administration and publication. In addition, the applicant shall deliver to the Planning Commission an abstractor's certificate certifying as to the names and mailing addresses of all parties owning land within 200 feet of the area proposed to be altered or changed as to zoning districts. The applicant may also be required as a condition of approval of any change of zoning to plat or replat any land in connection with the proposed change.

SECTION 19. ZONING ADMINISTRATOR. There is hereby created the Office of Zoning Administrator who shall be the City Clerk or his appointed designee. It shall be the duty of the Zoning Administrator to issue zoning permits for the location

of all construction, modifications, changes, diversions, remodeling, and other development or use of buildings and/or land, seeing that such complies with the terms of this ordinance. He shall keep a record of such permits and shall make such inspections as necessary to determine that the ordinance is being complied with. He shall make such rules and regulations as are necessary for the administration of these regulations. He shall be authorized to enter any building or premises for the purposes of inspection upon the presentation of proper credentials. He shall keep a record of all applications and such records and permits shall be kept in the Office of the City Clerk and be subject to inspection at any reasonable time. To defray the cost of administering this ordinance, a fee of \$10.00 may be charged for each zoning permit issued.

SECTION 20. BOARD OF ZONING APPEALS. A Board of Zoning Appeals shall be appointed by the governing body. Such Board shall consist of five members, one of which shall be a member of the Mount Hope Planning Commission and one who is a resident of the area outside the City and within the three-mile area in Sedgwick County. The election of officers, rules and regulations, and powers and duties of the Board shall be in accordance with the Statutes of Kansas.

SECTION 21. VIOLATIONS. Any person who shall violate, neglect or refuse to comply with, or who shall maintain, use, or construct any building or premises in violation of any of the provisions of this ordinance shall, upon due conviction, be fined not more than \$100 per day for each day of violation; and each day shall constitute a separate offense under the provisions of this ordinance. In addition to the above penalty, such actions at law or in equity may be maintained by the city or any interested person as may be authorized by law.

SECTION 22. VALIDITY. Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid the same shall not affect the validity

of the ordinance as a whole or any part thereof, other than the part declared invalid.

SECTION 23. EFFECTIVE DATE. This ordinance shall be in effect after its passage and final publication in the official city paper, "The Mount Hope Clarion."

ADOPTED AND PASSED by the governing body of the City of Mount Hope, Kansas, this 1st day of February, 1922.

APPROVED:

Mayor

ATTEST:

City Clerk

PROPOSED ZONING ORDINANCE

December 15, 1971

*Approved by the
P.C. on 1/10/72
J.D.*

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING DISTRICTING AND ZONING MAPS FOR THE CITY OF MOUNT HOPE, KANSAS; AND THE LAND LOCATED OUTSIDE THE CITY LIMITS OF MOUNT HOPE BUT WITHIN THREE MILES THEREOF LOCATED IN SEDGWICK COUNTY: PROVIDING FOR THE ADMINISTRATION, MODIFICATION AND ENFORCEMENT THEREOF. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MOUNT HOPE, KANSAS:

SECTION 1. This Zoning Ordinance adopted pursuant to the provisions of KSA 1970 Supplements 12-707, KSA 1970 Supplements 12-708, KSA 1970 Supplements 12-709, KSA 1970 Supplements 12-710, KSA 12-711 through 12-713, KSA 1970 Supplements 12-715b through 12-715d, and KSA 1970 Supplements 12-714 and 12-715, and amendments thereto, is intended to serve the following purposes:

To divide the City of Mount Hope and the area within three miles thereof located in Sedgwick County, into zones and districts; to regulate and restrict the location and use of buildings and the uses of land within each district or zone; to restrict the use of buildings and land for agriculture (except as to agricultural uses on tracts of land three acres or larger) dwellings, business, industry, and other purposes.

SECTION 2. The use of this ordinance shall be to conserve the value of buildings and encourage the most appropriate use of land throughout the City and three miles thereof located in Sedgwick County; to further provide minimum requirements for the promotion of the public health, safety, convenience, propriety, general welfare, and the preservation of public and private rights.

SECTION 3. DEFINITIONS.

AGRICULTURE - The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture, the raising of poultry, or animal husbandry (not including commercial feed lots), including the structures

necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full time thereon and the family thereof.

DWELLING-DETACHED - A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

FAMILY - One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants, occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit.

GOVERNING BODY - The Mayor and Council of Mount Hope, Kansas.

MOBILE HOME PARK - An area or premises on which mobile homes are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent, or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection, or sale.

MOBILE HOME - A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or temporary foundation, either self-propelled or propelled by other means which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION - The Mount Hope Planning Commission.

SECTION 4. DISTRICTS. In order to promote the purposes set forth above and to regulate and restrict the use and improvements of lands and the location, type and use of building improvements located within the City and the three mile area, to prevent the overcrowding of land, to preserve property values, all lots, parcels and tracts of land located within the City of Mount Hope, Kansas, and the area within three miles thereof located in Sedgwick County, and all improvements located thereon, shall be zoned into one of the following districts, to-wit:

- "R-1" - Rural Residential district
- "R-3" - Single Family Residence District
- "R-5" - General Residence District
- "R-9" - Mobile Home District
- "B-5" - General Business District
- "B-7" - Service Business District
- "M-2" - Industrial District

In the above districts, no building or premises shall be used and no building shall hereinafter be erected, enlarged, converted or altered, except for one or more of the uses allowed in the respective classifications, unless otherwise provided for in this ordinance; and all buildings so converted, erected, enlarged, or altered must comply with the area and height regulations of the respective districts.

SECTION 5. "R-1" - RURAL RESIDENTIAL DISTRICT. This district is intended to provide for the development of land at low densities compatible with an agricultural community. Permitted uses shall include agricultural uses as defined by this ordinance; single family dwelling units (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas); public uses, including churches, parks, schools, township halls, hospitals, public service and public utility uses; recreational uses, and social facilities including country clubs, swimming clubs, golf courses (excluding miniature and golf driving ranges), privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy such as summer homes and cottages; home occupations; and accessory structures. Subject to a special permit by the Governing Body, after a public hearing held by the Planning Commission, the following uses may be permitted, including airports; cemeteries; landfill operations; and the excavation, extraction of sand, gravel or other raw materials.

Minimum lot size shall be not less than 2 acres.

Minimum lot width shall be not less than 150 feet.

Minimum lot depth shall be not less than 150 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 35 feet minimum front yard,
10 feet minimum side yard, and 25 feet minimum rear
yard.

SECTION 6. "R-3" - SINGLE FAMILY DISTRICT REGULATIONS.

The "R-3" district shall include those buildings used exclusively for single-family residential purposes, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted are public buildings, parks, playgrounds, public schools, private schools having a curriculum equivalent to or similar to public schools, churches, golf courses (excluding miniature and golf driving ranges), home occupations and accessory structures. Subject to special permit by the governing body, after a public hearing held by the Planning Commission, the following uses may be permitted, including off-street parking, mortuaries or funeral homes, public utility uses, electric and telephone substations and distribution centers, gas regulator stations, pumping stations, public or quasi public recreation uses involving night lighting, such as ballfields, tennis courts and other similar uses.

Minimum lot size shall not be less than 6,000 square feet.

Minimum lot width shall not be less than 50 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 25 feet minimum front yard,
5 feet minimum side yard, and 25 feet minimum
rear yard.

SECTION 7. "R-5" - GENERAL RESIDENCE DISTRICT. The permitted uses in the "R-5" General Residence District shall be for any type of residential structure, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted shall be those permitted by right in the "R-3" District; nursing and care homes, group day care centers, nursery schools and kindergartens, lodging and boarding houses, and nursing

and convalescence homes. Special permit uses shall be the same as in the "R-3" District.

Lot size requirements shall be the same as the "R-3" District for any single-family detached dwelling unit. Lot size requirements for two family dwelling units shall be 6,000 square feet for the first dwelling and 4,000 square feet for the second dwelling unit. For all other types of dwelling units, there shall be a requirement of 3,500 square feet for each dwelling unit.

Minimum lot width and setback shall be the same as for the "R-3" District.

Maximum height shall be 45 feet, except that for each additional foot of setback, one additional foot of height shall be allowed.

SECTION 8. "R-9" - MOBILE HOME DISTRICT. Permitted uses shall be mobile home parks having a density of not more than 7 mobile homes per acre and having a minimum of 10 prepared site places, churches, group day care centers, nursery schools, kingergartens, elementary schools and high schools, golf courses, parks, playgrounds, public community buildings and recreational facilities, such as a swimming pool, tennis court, etc., providing recreation for the residents of the mobile home park to the exclusion of the general public. Such mobile home parks shall be permitted only after a site plan, including proposed improvements, shall have been submitted to the Planning Commission for recommendation and public hearing and approved by the Governing Body.

Yard requirements shall be 20 feet from all property lines.

Lot size requirement - Minimum lot area shall be 2 acres.

Maximum structure height shall not be more than 35 feet.

SECTION 9. "B-5" - GENERAL BUSINESS DISTRICT. Uses permitted shall include all offices, retail and wholesale businesses provided that all articles for sale, rent and storage or display shall be kept entirely within an enclosed building, and provided that advertising signs may advertise only services, articles or premises where the sign is located. Subject to a special permit by the governing body, after a public hearing held by the Planning Commission, the following uses may be permitted, including service stations and lumber yards. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Area requirements - No setbacks shall be required, except that if a setback is utilized at least 5 feet shall be maintained between the structure and the property line.

Maximum structure height shall be not more than 35 feet.

SECTION 10. "B-7" - SERVICE BUSINESS DISTRICT. Uses permitted shall be the same as in the "B-5" District, including special uses, except that outdoor storage may be permitted. This includes storage of products for sale, use, rental or lease, vehicle and equipment sales, and other similar activities. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Setback requirements - All setbacks shall be 35 feet from the front property line; 10 feet from side property line and 30 feet from rear property line.

Maximum structure height shall be not more than 45 feet.

SECTION 11. "M-2" - INDUSTRIAL DISTRICT. Permitted uses shall include all manufacturing and industrial business processes except those which may be extra hazardous or which may be, as ordinarily operated, obnoxious or offensive by reason of emission into the air of odors, smoke, dust or other waste matters, or by the emission of unreasonable amounts of noises.

Other uses permitted in this District shall be those permitted in the "B-7" District.

All uses which may by any reason be obnoxious or offensive for the reasons stated above may be permitted by the governing body, after a public hearing held by the Planning Commission, and contingent on such conditions as may be determined necessary to either mitigate the condition which is deemed to be obnoxious or offensive or when the governing body is assured that the location of such facility will not be detrimental to the goals and purposes of this ordinance.

Specific uses which shall require special permits are: refinery and petroleum processing products, fertilizer manufacturing and processing, animal killing and processing, commercial feed lots and holding areas of animals, mills producing dust, asphalt and concrete plants, including ready mixed concrete, junk, auto wrecking, salvage and scrap activities.

Setback and height limitations shall be the same as in the "B-7" District.

SECTION 12. SPECIAL PERMITS. For those uses listed within the ordinance, the governing body, upon recommendation of the Planning Commission, may by special permit and subject to such restrictions and regulations as it deems appropriate and necessary, allow any use so designated. In addition, for any use not specifically established and set out within these regulations, and after receiving a recommendation from the Planning Commission, the governing body may approve such use in any district provided that such use will not materially hinder the general welfare or any public or private rights and carries out the general intent and character of the uses established basically within the district in which it is proposed to be located.

SECTION 13.- OFF-STREET PARKING REQUIREMENTS. Off-street parking spaces of sufficient size and arrangement to accommodate standard sized domestic automobiles shall be provided. All parking spaces and drives shall be hard surfaced.

Single Family Dwellings	2 spaces per/DU
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Industry and wholesaling	1 space per 3 employees in largest shift
Others	As determined by the Planning Commission

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1. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
3. No mechanical or electrical equipment other than the normal domestic or household equipment shall be used.
4. There shall be no outdoor storage or repairing of the equipment, materials or vehicles used in the home occupation.
5. No person other than members of the immediate family occupying such dwelling unit shall be employed.
6. No manufacturing or processing of any sort whatsoever shall be done.
7. No sign shall advertise the presence or conduct of the home occupation, unless required by State law.
8. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.

*Check ?
name.*

SECTION 15. OFFICIAL ZONING MAP. There is hereby established an "Official Zoning Map of the City of Mount Hope, Kansas, and the Area Within Three Miles Thereof Located in Sedgwick County", which shall set forth the designation of all properties classified by the governing body. The designation of such property as has been approved by the said governing body shall be affixed thereto and maintained by the City Clerk and shall be made available for public inspection at all reasonable times. Such official zoning map with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, references and other matters were specifically set forth herein.

SECTION 16. GENERAL PROVISIONS.

1. Any land hereinafter annexed to the City of Mount Hope shall maintain the same zoning classification as when in the three mile area.

2. No building or any addition thereto shall be erected, over or under any public sewer or public utility lines or upon any platted or recorded easement unless permission is granted in writing by the City and all public utilities whose lines are or may be involved.

3. No permit shall be issued for any use outside the City of Mount Hope, unless the property is platted in accordance with the Subdivision Regulations of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

4. Jurisdiction. This ordinance shall apply to all lands within the City of Mount Hope and all lands lying within three miles of the corporate limits which lie in Sedgwick County, Kansas.

5. Exceptions. These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 17. NON CONFORMING USES. Any nonconforming uses lawfully existing on the date of passage of this ordinance may be continued so long as otherwise lawful, subject to the following:

1. ORDINARY REPAIR AND MAINTENANCE

- a. Subject to later provisions herein, normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
- b. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

2. REMODELING

No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter

conform to all regulations of the zoning district in which it is located.

3. EXTENSION

A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

- a. Extension of such use to any structure or land area other than one occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming).
- b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
- c. Operation of such nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that results in such use becoming nonconforming), any performance standards established for the district in which such use is located.

4. ENLARGEMENT

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

5. DAMAGE OR DESTRUCTION

In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of its assessed valuation, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50% or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

6. A nonconforming use shall not be changed to any other use than a use permitted in the zoning district in which the use is located. When a nonconforming use has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use.

7. ABANDONMENT OR DISCONTINUANCE

6 mo In the event that a nonconforming use of any structure or premises is discontinued or its normal operation stopped for a period of 6 months, the use of the same must thereafter be conformed to the use permitted in the district in which it is located. No existing structure used contrary to the provisions of this ordinance, in the district in which it is located, may be enlarged, extended or reconstructed unless its use is changed to a use permitted in the district in which such structure is located or unless such enlargement, extension or reconstruction is required by court decision, law or ordinance.

Mobile
Homes

In those instances where a mobile home which is nonconforming is removed from the site or pad on which it is located, the pad or site may not be used for the placement of a new or other mobile home, unless first approved by the governing body as to its compatibility

with the neighborhood and to its structural condition.
Such use shall comply with the provisions of 6 above.

8. NONCONFORMING ACCESSORY USES.

No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

9. STATUS OF EXISTING SPECIAL USES

Where a use exists at the effective date of this ordinance and is permitted by this ordinance only as a special use in the zoning district in which it is located, such use shall not be deemed a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district.

SECTION 18. CHANGES IN ZONING DISTRICT CLASSIFICATION *and*

Changes in ^{*Required Fees*} zoning district classifications of any lot or parcel of land within the jurisdictional area shall be made by ordinance of the governing body of the city, upon recommendation of the Planning Commission as provided by State law. Any application for ^{*Special permits or proposed plat*} a change in zoning shall be handled by the City Clerk for the City of Mount Hope and all appropriate steps as required by law, including advertising and sending of notices, shall be accomplished by the City Clerk. When such application shall be made by any property owner authorized by law to submit such applications, it shall be accompanied by a fee of \$75.00 to defray the cost of administration and publication. In addition, the applicant shall deliver to the Planning Commission an abstractor's certificate certifying as to the names and mailing addresses of all parties owning land within 200 feet of the area proposed to be altered or changed as to zoning districts. The applicant may also be required as a condition of approval of any change of zoning to plat or replat any land in connection with the proposed change.

SECTION 19. ZONING ADMINISTRATOR. There is hereby created the Office of Zoning Administrator who shall be the City Clerk or his appointed designee. It shall be the duty of the Zoning Administrator to issue zoning permits for the location

of all construction, modifications, changes, diversions, remodeling, and other development or use of buildings and/or land, seeing that such complies with the terms of this ordinance. He shall keep a record of such permits and shall make such inspections as necessary to determine that the ordinance is being complied with. He shall make such rules and regulations as are necessary for the administration of these regulations. He shall be authorized to enter any building or premises for the purposes of inspection upon the presentation of proper credentials. He shall keep a record of all applications and such records and permits shall be kept in the Office of the City Clerk and be subject to inspection at any reasonable time. To defray the cost of administering this ordinance, a fee of \$10.00 may be charged for each zoning permit issued.

SECTION 20. BOARD OF ZONING APPEALS. A Board of Zoning Appeals shall be appointed by the governing body. Such Board shall consist of five members, one of which shall be a member of the Mount Hope Planning Commission and one who is a resident of the area outside the City and within the three-mile area in Sedgwick County. The election of officers, rules and regulations, and powers and duties of the Board shall be in accordance with the Statutes of Kansas.

SECTION 21. VIOLATIONS. Any person who shall violate, neglect or refuse to comply with, or who shall maintain, use, or construct any building or premises in violation of any of the provisions of this ordinance shall, upon due conviction, be fined not more than \$100 per day for each day of violation; and each day shall constitute a separate offense under the provisions of this ordinance. In addition to the above penalty, such actions at law or in equity may be maintained by the city or any interested person as may be authorized by law.

SECTION 22. VALIDITY. Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid the same shall not affect the validity

of the ordinance as a whole or any part thereof, other than the part declared invalid.

SECTION 23. EFFECTIVE DATE. This ordinance shall be in effect after its passage and final publication in the official city paper, "The Mount Hope Clarion."

ADOPTED AND PASSED by the governing body of the City of Mount Hope, Kansas, this ____ day of _____, 19 ____.

APPROVED:

Mayor

ATTEST:

City Clerk

2-3-72

MOUNT HOPE, SEDGWICK COUNTY, KANSAS

Zoning Ordinance Passed By City Council

The Mount Hope City Council met Tuesday night, February 1, in regular session with all councilmen present, as well as Mayor Jack Rickards.

Following the routine transaction of business, Ordinance 238 was presented to the council by J. D. Porter, chairman of the Mount Hope Planning Commission.

Council members had previously received copies of the multipaged Ordinance for study and asked questions of Mr. Porter and Mr. Jack Galbraith, of the Metropolitan Area Planning Commission, regarding various sections of the Ordinance.

Ordinance 238 was adopted by members of the Mount Hope Planning Commission on January 16, and is the result of many months of study and consideration. The Ordinance established comprehensive zoning districting and zoning maps for the city of Mount Hope and the land located outside the city limits of Mount Hope but within three miles of the city, in Sedgwick County.

Before its passage in January by the Commission, an open meeting was held, however few persons attended other than those of the Planning Commission.

Residents of the area were invited to attend this meeting as well as the council meeting this week to voice their opinions, but again Tuesday night, there were no vocal objections made to the plan or interested persons present.

The new zoning ordinance will take effect after it is published in the Mount Hope Clarion.

A new map of the city was presented by the Gas Service Company and was accepted by the council. It provides for a change in street naming as the present system, that numbering east-west streets First, Second, etc. from the north to the south does not allow for city expansion to the north. Hereafter the street north of Main (running east-west) will be known as First, the following Second, etc. Streets south of Main (running east-west) will be A, B, C, etc. with the first street south of Main being known as A, the next B, and so on.

MOUNT HOPE, SEDGWICK COUNTY, KANSAS - ELEV. 1,440 FT.

1/10/76
**Council To Consider
Zoning Ordinance**

On January 10 a meeting was held in the City Office Building for all interested parties to discuss the proposed zoning ordinances for the city of Mount Hope and those areas within three miles of city limits.

The City of Mount Hope is very close to having zoning ordinances in force which we hope will benefit the future growth of our city. The meeting on January 10 at 8:00 p. m. was held by the planning commission to hear the views of all interested parties. Notice of this meeting was published several weeks ago but very few people appeared at the meeting. Attending the meeting were Jack Galbraith and Bob Young of the Metropolitan Area Planning Department, the planning commission and several council members, and the city attorney. A general discussion of the ordinances resulted in some minor changes and the planning commission voted to present the ordinances to the city council.

The city council will consider adopting the new zoning ordinances at their next meeting on Tuesday, February 1, at 8:00 p. m. in the City Building. Copies of the zoning ordinances are now in the City Building and available for all interested persons to read. A copy of the zoning map is also available for your inspection.

To File

JH:ls

1/12/72

On the night of 1/10/72, the Sub. Hope Planning Commission held a public hearing to consider the establishment of zoning. Those in attendance included the Planning Com, two City Councilmen, the City Attorney, and Bob Young and J. No one was present representing the public in general.

After considerable discussion and question and answer session basically pertained to moving mobile homes on sites where hook-up facilities already exist, it was the action of the P.C. to recommend to the City Council the adoption of the Proposed Ordinance with two minor changes on Page 12.

To the title Section 18 - add "and required fees". Also, in the fifth line after the word "for" ~~add~~ insert "special permits or". These corrections are being made and new copies furnished to the City Council and P.C. The Council meeting is scheduled for Feb 1, 1972, at 8:00 pm.

JH:ls

Legal Publications

(Published in The Mount Hope Clarion on December 14, 1971.)

OFFICIAL NOTICE OF
PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, January 10, 1972, the Mount Hope City Planning Commission in the City Building, Mount Hope, Kansas, at 8:00 p. m., will consider the adoption of an ordinance establishing zoning and what zoning classifications should be established initially for the City of Mount Hope and the area within three miles thereof located in Sedgwick County.

It is proposed to establish three residential districts, a mobile home district, two business districts and an industrial district. The proposed map and ordinances are on exhibit in the Office of the City Clerk in the City Building of Mount Hope, Kansas.

The three-mile area in Sedgwick County, outside the City of Mount Hope, Kansas, will have zoning established thereon under the provisions of KSA 1970 Supplements 12-715b, 12-715c and 12-715d. The zoning ordinance to be established will be under the jurisdiction of the governing body of Mount Hope, Kansas.

This hearing of the Mount Hope Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the governing body of Mount Hope, Kansas.

The Mount Hope City Planning Commission will hear the initial proposals on January 10, 1972 in the City Building, Mount Hope, Kansas, at 8:00 p. m.; and if not deferred, the governing body of Mount Hope, Kansas, will hear the recommendations on February 1, 1972, at 8:00 p. m. in the City Building, Mount Hope, Kansas, and such body shall then consider the adoption of the zoning ordinance as provided for by State Statutes.

All persons interested in this matter will be heard by the Mount Hope City Planning Commission concerning their views and wishes and any protests against the proposed zoning classifications which may be established will be considered by the Commission. Those interested may appear either in person or by agent or attorney, if they so desire.

WITNESS MY HAND AND SEAL this 13th day of December, 1971.

Richard Caffrey, Secretary
Mount Hope City Planning
Commission
(SEAL)

December 16, 1971

Mr. John F. Jorgensen
Union National Building
Wichita, Kansas 67202

Dear Mr. Jorgensen:

As discussed with the Mount Hope City Planning Commission and City Council last Monday night, I have made several changes in the proposed zoning ordinance and maps. Our office is delivering the maps and two copies of the proposed ordinance this morning to the Mount Hope City Clerk. Attached for your information and files is a copy of the proposed zoning ordinance that will be discussed at a public hearing on January 10, 1972.

If you have any questions or suggested changes on the proposed text, please advise so that we can have proposals prepared for the public hearing.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls
Attachment

December 16, 1971

Mr. J. D. Porter, Chairman
Mount Hope City Planning Commission
Mount Hope, Kansas 67108

Dear Mr. Porter:

As we discussed last Monday night, I have made several corrections in the proposed zoning ordinance and the one industrial zoning correction on the proposed map. The person delivering this letter to your office with copies of the revised ordinance for the Planning Commission also is delivering the maps and two copies of the ordinance to the City Clerk. I have also forwarded a copy to John Jorgensen.

If you have any questions or suggested changes, I would appreciate you and the other Commissioners keeping me advised so that we can be prepared to comment at the public hearing. Do not hesitate to call if I can be of assistance.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls

Published in the Mount Hope Clarion on December 16, 1971.

OFFICIAL NOTICE OF PUBLIC HEARING

The Mount Hope City Planning Commission will hear the initial proposals on January 10, 1972 in the City Building, Mount Hope, Kansas.

NOTICE IS HEREBY GIVEN that on Monday, January 10, 1972, the Mount Hope City Planning Commission in the City Building, Mount Hope, Kansas, will hear the recommendations on February 1, 1972, at 8:00 p.m., will consider the adoption of an ordinance establishing zoning and what zoning classifications should be established initially for the City of Mount Hope and the area within three miles thereof located in Sedgwick County.

It is proposed to establish three residential districts, a mobile home district, two business districts and an industrial district. The proposed map and ordinance are on exhibit in the Office of the City Clerk in the City Building of Mount Hope, Kansas.

The three-mile area in Sedgwick County outside the City of

Mount Hope, Kansas will have zoning established thereon under the provisions of KSA 1970 Supplements 12-715b, 12-715c and 12-715d.

The zoning ordinance to be established will be under the jurisdiction of the governing body of Mount Hope, Kansas.

This hearing of the Mount Hope City Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the governing body of Mount Hope, Kansas.

Memo to File
J.H.G.

12/13/71

Mount Hope Zoning Ord

On this date I again attended a meeting of the Mount Hope Planning Commission. Others in attendance included members of the City Council and their City Attorney Mr. Jorgensen. The contents of the zoning text and proposed maps and districts were discussed.

There was considerable discussion on the nonconforming section and whether or not existing mobile homes could be moved out and new ones moved in. It was the general consensus of those in attendance that for the three existing so called mobile home parks, that certainly a business has been established and that different mobile homes could be moved in as long as the number of units did not increase. It was also felt that on private lots, the owner should be able to improve the premises by ~~the~~ replacing an old unit with a newer model. We were requested to rewrite the nonconforming section to provide that the governing body could permit the exchange ^{of existing} of mobile homes.

After considerable discussion on whether or not to establish the M2 district for the existing alfalfa dehydrator to thrust

of the City, we were instructed to indicate that area as "R-1". Also, it was the consensus of those in attendance that "R-1" should be indicated north of the City limits to K 96 instead of "R-3" and that applications should be filed and platting required when adjacent owners were desirous of developing their property.

The Commission authorized their secretary to advertise for a public hearing for Jan 10, 1972. We are to submit copies of the Text and proposed maps to the City Clerk by Thursday, Dec. 16, 1971.

JH

Published in the Mount Hope Clarion on December 16, 1971.

OFFICIAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, January 10, 1972, the Mount Hope City Planning Commission in the City Building, Mount Hope, Kansas, at 8:00 p.m., will consider the adoption of an ordinance establishing zoning and what zoning classifications should be established initially for the City of Mount Hope and the area within three miles thereof located in Sedgwick County.

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This hearing of the Mount Hope City Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the governing body of Mount Hope, Kansas.

The Mount Hope City Planning Commission will hear the initial proposals on January 10, 1972 in the City Building, Mount Hope, Kansas, at 8:00 p.m.; and if not deferred, the governing body of Mount Hope, Kansas, will hear the recommendations on February 1, 1972, at _____ p.m. in the City Building, Mount Hope, Kansas, and such body shall then consider the adoption of the zoning ordinance as provided for by State Statutes.

All persons interested in this matter will be heard by the Mount Hope City Planning Commission concerning their views and wishes and any protests against the proposed zoning classifications which may be established will be considered by the Commission. Those interested may appear either in person or by agent or attorney, if they so desire.

WITNESS MY HAND AND SEAL this _____ day of _____,
19__.

_____, Secretary
Mount Hope City Planning Commission

(SEAL)

Published in ~~the~~ Mount Hope Clarion on December 16, 1971.

1+4

OFFICIAL NOTICE OF PUBLIC HEARING

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All persons interested in this matter will be heard by the Mount Hope City Planning Commission concerning their views and wishes and any protests against the proposed zoning classifications which may be established will be considered by the Commission. Those interested may appear either in person or by agent or attorney, if they so desire.

WITNESS MY HAND AND SEAL this _____ day of _____
19__.

_____, Secretary
Mount Hope City Planning Commission.

(SEAL)

THE CITY OF MOUNT HOPE

Sedgwick County, Kansas

Jo

Office of the City Clerk

Mt. Hope, Kansas
December 8, 1971

Board of County Commissioners
Sedgwick County Courthouse
Wichita, Kansas 67203

In accordance with the "extra-territorial zoning" statutes KSA 1971
Supplements 12-715b, 12-715c, and 12-715d, this is to serve as a 60
day notice of our intent to establish zoning within three miles of the
City of Mount Hope, within Sedgwick County.

We are aware that such authority outside of our city limits shall cease
and terminate on the date the County or Township places in effect zoning
regulations which are in accordance with appropriate statutes.

Sincerely,

Jack O. Richards
Jack O. Richards, Mayor
City of Mount Hope

cc Grey Dresie, County Counselor
Wichita-Sedgwick County Metropolitan Area Planning Commission



11-8-71

Office Copy

SCHEDULE OF EVENTS FOR ESTABLISHING ZONING
in Mount Hope and the three mile area beyond in Sedgwick County

Week of Nov. 8-12, 1971	Take land use
Nov. 15-Dec. 1, 1971	Review of Ordinance by City Attorney
Dec. 7, 1971	Action by Governing Body concerning notification to Board of County Commissioners to establish zoning within 3 miles of Mount Hope.
Dec. 8, 1971	Letter of intent to Board of County Commissioners.
Dec. 13, 1971	Meeting of Mount Hope Planning Commission to discuss proposed ordinance and maps.
Dec. 14, 1971	Deliver notice to newspaper.
Dec. 16, 1971	Publish notice in official City paper.
Jan. 10, 1972	Public hearing of Mount Hope Planning Commission to consider zoning ordinance and maps.
Feb. 1, 1972	Mount Hope City Council meeting to adopt ordinance.
Feb. 8, 1972	60 days after notice to Sedgwick County Commission
Feb. 10, 1972	Ordinance published in official City paper.

11-8-71

SCHEDULE OF EVENTS FOR ESTABLISHING ZONING
in Mount Hope and the three mile area beyond in Sedgwick County

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Dec. 16, 1971	Publish notice in official City paper.
Jan. 10, 1972	Public hearing of Mount Hope Planning Commission to consider zoning ordinance and maps.
Feb. 1, 1972	Mount Hope City Council meeting to adopt ordinance.
Feb. 8, 1972	60 days after notice to Sedgwick County Commission
Feb. 10, 1972	Ordinance published in official City paper.

To the Files

11/9/71

On the evening of 11/8/71 I went with the
Guth Hope P.C. and discussed the revised
draft of their zoning ordinance. After an
approximate 2 hour review, it was
determined that they would continue to
evaluate the text and that we would
meet again at their regular meeting on
December 13 to discuss the text and
maps which we are to prepare after
taking land use.

They determined that they would hold
the Pub Hearing in the City Building. Their
Chairman will forward the text to the City
Attorney for review. We are to
proceed in accordance with the attached
schedule.

They stressed that mobile homes (nonconforming)
may be a big problem, that they would
to review more the nonconforming use provisions,
and that special uses such as lumber yards,
service stations might be included in the B-5
district.

J.L.D.

Offin Copy.

DRAFT LETTER

Board of County Commissioners
Sedgwick County Courthouse
Wichita, Kansas 67203

Gentlemen:

In accordance with the "extra-territorial zoning" statutes KSA 1970
Supplements 12-715b, 12-715c, and 12-715d, this is to serve as a 60
day notice of our intent to establish zoning within three miles of the
City of Mount Hope, within Sedgwick County.

We are aware that such authority outside of our city limits shall cease
and terminate on the date the County or Township places in effect zoning
regulations which are in accordance with appropriate statutes.

Sincerely,

Glenn Willard
~~Glenn Willard, Mayor~~
City of Mount Hope

cc Grey Dresie, County Counselor
Wichita-Sedgwick County Metropolitan Area Planning Commission

Office Copy

Published in the Mount Hope Clarion on _____, 1971.

OFFICIAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, _____, 1972, the Mount Hope City Planning Commission ~~in the City Planning Commission~~ ^{will hold a meeting} in the City Building, Mount Hope, Kansas, at 8:00 p.m., will consider the adoption of an ordinance establishing zoning and what zoning classifications should be established initially for the City of Mount Hope and the area within three miles thereof located in Sedgwick County.

It is proposed to establish three residential districts, a mobile home district, two business districts and an industrial district. The proposed map and ordinance are on exhibit in the Office of the City Clerk in the City Building of Mount Hope, Kansas.

The three-mile area in Sedgwick County outside the City of Mount Hope, Kansas will have zoning established thereon under the provisions of KSA 1970 Supplements 12-715b, 12-715c and 12-715d. The zoning ordinance to be established will be under the jurisdiction of the governing body of Mount Hope, Kansas.

This hearing of the Mount Hope City Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the governing body of Mount Hope, Kansas.

The Mount Hope City Planning Commission will hear the initial proposals on _____, 1972 in the City Building, Mount Hope, Kansas, at 8:00 p.m.; and if not deferred, the governing body of Mount Hope, Kansas, will hear the recommendations on _____, 1972, at _____ p.m. in the City Building, Mount Hope, Kansas, and such body shall then consider the adoption of the zoning ordinance as provided for by State Statutes.

All persons interested in this matter will be heard by the Mount Hope City Planning Commission concerning their views and wishes and any protests against the proposed zoning classifications which may be established will be considered by the Commission. Those interested may appear either in person or by agent or attorney, if they so desire.

WITNESS MY HAND AND SEAL this _____ day of _____, 19__.

_____, Secretary
Mount Hope City Planning Commission

(SEAL)

DRAFT COPY

REVISED DRAFT

November 8, 1971

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING DISTRICTING AND ZONING MAPS FOR THE CITY OF MOUNT HOPE, KANSAS; AND THE LAND LOCATED OUTSIDE THE CITY LIMITS OF MOUNT HOPE BUT WITHIN THREE MILES THEREOF LOCATED IN SEDGWICK COUNTY: PROVIDING FOR THE ADMINISTRATION, MODIFICATION AND ENFORCEMENT THEREOF. BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MOUNT HOPE, KANSAS:

SECTION 1. This Zoning Ordinance adopted pursuant to the provisions of KSA 1970 Supplements 12-707, KSA 1970 Supplements 12-708, KSA 1970 Supplements 12-709, KSA 1970 Supplements 12-710, KSA 12-711 through 12-713, KSA 1970 Supplements 12-715b through 12-715d, and KSA 1970 Supplements 12-714 and 12-715, and amendments thereto, is intended to serve the following purposes:

To divide the City of Mount Hope and the area within three miles thereof located in Sedgwick County, into zones and districts; to regulate and restrict the location and use of buildings and the uses of land within each district or zone; to restrict the use of buildings and land for agriculture (except as to agricultural uses on tracts of land three acres or larger) dwellings, business, industry, and other purposes.

SECTION 2. The use of this ordinance shall be to conserve the value of buildings and encourage the most appropriate use of land throughout the City and three miles thereof located in Sedgwick County; to further provide minimum requirements for the promotion of the public health, safety, convenience, propriety, general welfare, and the preservation of public and private rights.

SECTION 3. DEFINITIONS.

AGRICULTURE - The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture or the raising of poultry, including the structures

necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full time thereon and the family thereof.

DWELLING-DETACHED - A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

FAMILY - One person living alone or two or more persons living together, related either by birth or marriage, who, together with their servants, occupy a single housekeeping unit; or a group of not more than four unrelated persons who, with their servants, occupy a single housekeeping unit.

GOVERNING BODY - The Mayor and Council of Mount Hope, Kansas.

MOBILE HOME PARK - An area or premises on which mobile homes are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent, or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection, or sale.

MOBILE HOME - A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or permanent or temporary foundation, either self-propelled or propelled by other means which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION - The Mount Hope Planning Commission.

SECTION 4. DISTRICTS. In order to promote the purposes set forth above and to regulate and restrict the use and improvements of lands and the location, type and use of building improvements located within the City and the three mile area, to prevent the overcrowding of land, to preserve property values, all lots, parcels and tracts of land located within the City of Mount Hope, Kansas, and the area within three miles thereof located in Sedgwick County, and all improvements located thereon, shall be zoned into one of the following districts, to-wit:

- "R-1" - Rural Residential district
- "R-3" - Single Family Residence District
- "R-5" - General Residence District
- "R-9" - Mobile Home District
- "B-5" - General Business District
- "B-7" - Service Business District
- "M-2" - Industrial District

In the above districts, no building or premises shall be used and no building shall hereinafter be erected, enlarged, converted or altered, except for one or more of the uses allowed in the respective classifications, unless otherwise provided for in this ordinance; and all buildings so converted, erected, enlarged, or altered must comply with the area and height regulations of the respective districts.

SECTION 5. "R-1" - RURAL RESIDENTIAL DISTRICT. This district is intended to provide for the development of land at low densities compatible with an agricultural community. Permitted uses shall include agricultural uses as defined by this ordinance; single family dwelling units (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas); public uses, including churches, parks, schools, township halls, hospitals, public service and public utility uses; recreational uses, and social facilities including country clubs, swimming clubs, golf courses (excluding miniature and golf driving ranges), privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy such as summer homes and cottages; home occupations; and accessory structures. Subject to a special permit by the Governing Body, after a public hearing held by the Planning Commission, the following uses may be permitted, including airports; cemeteries; landfill operations; and the excavation, extraction of sand, gravel or other raw materials.

Minimum lot size shall be not less than 2 acres.

Minimum lot width shall be not less than 150 feet.

Minimum lot depth shall be not less than 150 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 35 feet minimum front yard,
10 feet minimum side yard, and 25 feet minimum rear
yard.

SECTION 6. "R-3" - SINGLE FAMILY DISTRICT REGULATIONS.

The "R-3" district shall include those buildings used exclusively for single-family residential purposes, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted are public buildings, parks, playgrounds, public schools, private schools having a curriculum equivalent to or similar to public schools, churches, golf courses (excluding miniature and golf driving ranges), home occupations and accessory structures. Subject to special permit by the governing body, after a public hearing held by the Planning Commission, the following uses may be permitted, including off-street parking, mortuaries or funeral homes, public utility uses, electric and telephone substations and distribution centers, gas regulator stations, pumping stations, public or quasi public recreation uses involving night lighting, such as ballfields, tennis courts and other similar uses.

Minimum lot size shall not be less than 6,000 square feet.

Minimum lot width shall not be less than 50 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 25 feet minimum front yard,
5 feet minimum side yard, and 25 feet minimum
rear yard.

SECTION 7. "R-5" - GENERAL RESIDENCE DISTRICT. The

permitted uses in the "R-5" General Residence District shall be for any type of residential structure, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted shall be those permitted by right in the "R-3" District; nursing and care homes, group day care centers, nursery schools and kindergartens, lodging and boarding houses, and nursing

and convalescence homes. Special permit uses shall be the same as in the "R-3" District.

Lot size requirements shall be the same as the "R-3" District for any single-family detached dwelling unit. Lot size requirements for two family dwelling units shall be 6,000 square feet for the first dwelling and 4,000 square feet for the second dwelling unit. For all other types of dwelling units, there shall be a requirement of 3,500 square feet for each dwelling unit.

Minimum lot width and setback shall be the same as for the "R-3" District.

Maximum height shall be 45 feet, except that for each additional foot of setback, one additional foot of height shall be allowed.

SECTION 8. "R-9" - MOBILE HOME DISTRICT. Permitted uses shall be mobile home parks having a density of not more than 7 mobile homes per acre and having a minimum of 10 prepared site places, churches, group day care centers, nursery schools, kindergartens, elementary schools and high schools, golf courses, parks, playgrounds, public community buildings and recreational facilities, such as a swimming pool, tennis court, etc., providing recreation for the residents of the mobile home park to the exclusion of the general public. Such mobile home parks shall be permitted only after a site plan, including proposed improvements, shall have been submitted to the Planning Commission for recommendation and public hearing and approved by the Governing Body.

Yard requirements shall be 20 feet from all property lines.

Lot size requirement - Minimum lot area shall be 2 acres.

Maximum structure height shall not be more than 35 feet.

SECTION 9. "B-5" - GENERAL BUSINESS DISTRICT. Uses permitted shall include all offices, retail and wholesale businesses provided that all articles for sale, rent and storage or display shall be kept entirely within an enclosed building, and provided that advertising signs may advertise only services, articles or premises where the sign is located. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Area requirements - No setbacks shall be required, except that if a setback is utilized at least 5 feet shall be maintained between the structure and the property line.

Maximum structure height shall be not more than 35 feet.

SECTION 10. "B-7" - SERVICE BUSINESS DISTRICT. Uses permitted shall be the same as in the "B-5" District, except that outdoor storage may be permitted. This includes storage of products for sale, use, rental or lease, service stations and other similar activities. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Setback requirements - All setbacks shall be 35 feet from the front property line; 10 feet from side property line and 30 feet from rear property line.

Maximum structure height shall be not more than 45 feet.

SECTION 11. "M-2" - INDUSTRIAL DISTRICT. Permitted uses shall include all manufacturing and industrial business processes except those which may be extra hazardous or which may be, as ordinarily operated, obnoxious or offensive by reason of emission into the air of odors, smoke, dust or other waste matters, or by the emission of unreasonable amounts of noises.

Other uses permitted in this District shall be those permitted in the "B-7" District.

All uses which may by any reason be obnoxious or offensive for the reasons stated above may be permitted by the governing body, after a public hearing held by the Planning Commission, and contingent on such conditions as may be determined necessary to either mitigate the condition which is deemed to be obnoxious or offensive or when the governing body is assured that the location of such facility will not be detrimental to the goals and purposes of this ordinance.

Specific uses which shall require special permits are: refinery and petroleum processing products, fertilizer manufacturing and processing, animal killing and processing, feed lots and holding areas of animals, mills producing dust, asphalt and concrete plants, including ready mixed concrete, junk, auto wrecking, salvage and scrap activities.

Setback and height limitations shall be the same as in the "B-7" District.

SECTION 12. SPECIAL PERMITS. For those uses listed within the ordinance, the governing body, upon recommendation of the Planning Commission, may by special permit and subject to such restrictions and regulations as it deems appropriate and necessary, allow any use so designated. In addition, for any use not specifically established and set out within these regulations, and after receiving a recommendation from the Planning Commission, the governing body may approve such use in any district provided that such use will not materially hinder the general welfare or any public or private rights and carries out the general intent and character of the uses established basically within the district in which it is proposed to be located.

SECTION 13.- OFF-STREET PARKING REQUIREMENTS. Off-street parking spaces of sufficient size and arrangement to accommodate standard sized domestic automobiles shall be provided. All parking spaces and drives shall be hard surfaced.

Single Family Dwellings	2 spaces per/DU
Mobile Homes	2 spaces per/DU
Two Family or more Dwelling Units	1 1/2 spaces per/DU
Mortuaries or funeral homes	1 space per three seats
Office	1 space per 250 sq.ft. of floor area
Commercial	5 1/2 spaces per 1000 sq.ft. of floor area
Restaurant, Churches	1 space per five seats
Bowling Alleys	2 spaces per lane
Industry and wholesaling	1 space per 3 employees in largest shift
Others	As determined by the Planning Commission

SECTION 14. HOME OCCUPATIONS. The City Clerk may upon written application permit any home occupation that is customary incidental to the principal use of a building as a dwelling, provided that:

1. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.
3. No mechanical or electrical equipment other than the normal domestic or household equipment shall be used.
4. There shall be no outdoor storage or repairing of the equipment, materials or vehicles used in the home occupation.
5. No person other than members of the immediate family occupying such dwelling unit shall be employed.
6. No manufacturing or processing of any sort whatsoever shall be done.
7. No sign shall advertise the presence or conduct of the home occupation, unless required by State law.
8. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.

SECTION 15. OFFICIAL ZONING MAP. There is hereby established an "Official Zoning Map of the City of Mount Hope, Kansas, and the Area Within Three Miles Thereof Located in Sedgwick County", which shall set forth the designation of all properties classified by the governing body. The designation of such property as has been approved by the said governing body shall be affixed thereto and maintained by the City Clerk and shall be made available for public inspection at all reasonable times. Such official zoning map with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, references and other matters were specifically set forth herein.

SECTION 16. GENERAL PROVISIONS.

1. Any land hereinafter annexed to the City of Mount Hope shall maintain the same zoning classification as when in the three mile area.

2. No building or any addition thereto shall be erected, over or under any public sewer or public utility lines or upon any platted or recorded easement unless permission is granted in writing by the City and all public utilities whose lines are or may be involved.

3. No permit shall be issued for any use outside the City of Mount Hope, unless the property is platted in accordance with the Subdivision Regulations of the Wichita-Sedgwick County Metropolitan Area Planning Commission.

4. Jurisdiction. This ordinance shall apply to all lands within the City of Mount Hope and all lands lying within three miles of the corporate limits which ~~lie~~ in Sedgwick County, Kansas.

5. Exceptions. These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 17. NON CONFORMING USES. Any nonconforming uses lawfully existing on the date of passage of this ordinance may be continued so long as otherwise lawful, subject to the following:

1. ORDINARY REPAIR AND MAINTENANCE

- a. Subject to later provisions herein, normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
- b. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

2. REMODELING

No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter

conform to all regulations of the zoning district in which it is located.

3. EXTENSION

A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

- a. Extension of such use to any structure or land area other than one occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming).
- b. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.
- c. Operation of such nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that results in such use becoming nonconforming), any performance standards established for the district in which such use is located.

4. ENLARGEMENT

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

5. DAMAGE OR DESTRUCTION

In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of its assessed valuation, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50% or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

6. A nonconforming use shall not be changed to any other use than a use permitted in the zoning district in which the use is located. When a nonconforming use has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use.

7. ABANDONMENT OR DISCONTINUANCE

In the event that a nonconforming use of any structure or premises is discontinued or its normal operation stopped for a period of 6 months, the use of the same must thereafter be conformed to the use permitted in the district in which it is located. No existing structure used contrary to the provisions of this ordinance, in the district in which it is located, may be enlarged, extended or reconstructed unless its use is changed to a use permitted in the district in which such structure is located or unless such enlargement, extension or reconstruction is required by court decision, law or ordinance.

In those instances where a mobile home which is nonconforming is removed from the site or pad on which it is located, the pad or site may not be used for the

placement of a new or other mobile home. Such use shall comply with the provisions of 6 above.

8. NONCONFORMING ACCESSORY USES.

No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

9. STATUS OF EXISTING SPECIAL USES

Where a use exists at the effective date of this ordinance and is permitted by this ordinance only as a special use in the zoning district in which it is located, such use shall not be deemed a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district.

SECTION 18. CHANGES IN ZONING DISTRICT CLASSIFICATION

Changes in zoning district classifications of any lot or parcel of land within the jurisdictional area shall be made by ordinance of the governing body of the city, upon recommendation of the Planning Commission as provided by State law. Any application for a change in zoning shall be handled by the City Clerk for the City of Mount Hope and all appropriate steps as required by law, including advertising and sending of notices, shall be accomplished by the City Clerk. When such application shall be made by any property owner authorized by law to submit such applications, it shall be accompanied by a fee of \$75.00 to defray the cost of administration and publication. In addition, the applicant shall deliver to the Planning Commission an abstractor's certificate certifying as to the names and mailing addresses of all parties owning land within 200 feet of the area proposed to be altered or changed as to zoning districts. The applicant may also be required as a condition of approval of any change of zoning to plat or replat any land in connection with the proposed change.

SECTION 19. ZONING ADMINISTRATOR.

There is hereby created the Office of Zoning Administrator who shall be the City Clerk or his appointed designee. It shall be the duty of the Zoning Administrator to issue zoning permits for the location

of all construction, modifications, changes, diversions, remodeling, and other development or use of buildings and/or land, seeing that such complies with the terms of this ordinance. He shall keep a record of such permits and shall make such inspections as necessary to determine that the ordinance is being complied with. He shall make such rules and regulations as are necessary for the administration of these regulations. He shall be authorized to enter any building or premises for the purposes of inspection upon the presentation of proper credentials. He shall keep a record of all applications and such records and permits shall be kept in the Office of the City Clerk and be subject to inspection at any reasonable time. To defray the cost of administering this ordinance, a fee of \$10.00 may be charged for each zoning permit issued.

SECTION 20. BOARD OF ZONING APPEALS. A Board of Zoning Appeals shall be appointed by the governing body. Such Board shall consist of five members, one of which shall be a member of the Mount Hope Planning Commission and one who is a resident of the area outside the City and within the three-mile area in Sedgwick County. The election of officers, rules and regulations, and powers and duties of the Board shall be in accordance with the Statutes of Kansas.

SECTION 21. VIOLATIONS. Any person who shall violate, neglect or refuse to comply with, or who shall maintain, use, or construct any building or premises in violation of any of the provisions of this ordinance shall, upon due conviction, be fined not more than \$100 per day for each day of violation; and each day shall constitute a separate offense under the provisions of this ordinance. In addition to the above penalty, such actions at law or in equity may be maintained by the city or any interested person as may be authorized by law.

SECTION 22. VALIDITY. Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid the same shall not affect the validity

of the ordinance as a whole or any part thereof, other than the part declared invalid.

SECTION 23. EFFECTIVE DATE. This ordinance shall be in effect after its passage and final publication in the official city paper, "The Mount Hope Clarion."

ADOPTED AND PASSED by the governing body of the City of Mount Hope, Kansas, this ____ day of _____, 19__.

APPROVED:

Mayor

ATTEST:

City Clerk

November 4, 1971

Mr. John F. Jorgensen
Union National Building
Wichita, Kansas 67202

Dear Mr. Jorgensen:

Several weeks ago we read in the Mt. Hope Clarion that you had been retained as counsel for the City of Mt. Hope.

Our department has been involved in assisting the Mt. Hope Planning Commission in preparation of their comprehensive development plan for their City which was adopted early this year. Also at their request, we are assisting them in the preparation of a zoning ordinance for their City. They are also desirous of adopting the same zoning ordinance for control of the area within their 3-mile ring under the extra-territorial zoning statutes 12-715b. A specific legal question has now been raised concerning this statute. The Commission has expressed no interest in controlling land use and establishing zoning in either Reno or Harvey Counties where a portion of their 3-mile ring extends.

We would appreciate your reviewing this statute and advising us as to whether or not it is mandatory that they establish zoning for the entire 3-mile area or whether or not they could establish zoning only to the Sedgwick County line.

As soon as we make some changes in the ordinance, I will forward a copy to you for your review and files.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ls

7/12/1971

~~From~~
JHG.

West Hope Zoning Ord.

On this date I ~~met~~ met with the West Hope Plogy Com and discussed the draft zoning ordinance. It was the opinion of those in attendance that they were desirous of having control of their 3-mil ring also with the exception that their control should not extend into Reno or Harney Counties. I advised that we would discuss the matter with Jim Schaper.

In addition they requested that we consider including mortuaries in the R-5 district, service stations in the B-5 district, adding a density factor of 7 mobile homes per acre in the R-9 district.

In the event this draft ordinance is to extend into the 3-mil ring, another R district will probably be necessary, agricultural uses will have to be permitted and Section 15 will have to be rewritten.

July 1, 1971

Mr. James Schaefer, Attorney
Beacon Building
Wichita, Kansas 67202

Re: Mount Hope Zoning Ordinance

Dear Jim:

Bob Lakin asked that I forward you a copy of the draft of the Mount Hope zoning ordinance. We have forwarded enough copies to the Chairman of the Mount Hope Planning Commission for distribution to their Planning Commissioners and City Council. We will review this draft with them at their regular meeting of July 12, 1971. We would appreciate your reviewing it also and your comments or suggested changes that you might have.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:ber

Attachment

July 1, 1971

Mr. J. D. Porter, Chairman
Mount Hope City Planning Commission
Bank Building
Mount Hope, Kansas 67108

Dear Mr. Porter:

Enclosed please find copies of a suggested draft of a zoning ordinance for Mount Hope. We are sending enough copies for your distribution to the other City Planning Commissioners and, if you desire, to the City Council. We will review this draft with Mr. Jim Shaefer, City Attorney, and be prepared to discuss its contents at the July 12, 1971 Commission meeting.

If you have any questions prior to that time, please contact us.

Sincerely yours,

Robert A. Lakin
Director of Planning

RAL:RLY:ber

Attachment

DRAFT

June 30, 1971

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING
DISTRICTING AND ZONING MAPS FOR THE CITY OF
MOUNT HOPE, KANSAS: PROVIDING FOR THE ADMINISTRA-
TION, MODIFICATION AND ENFORCEMENT THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF MOUNT HOPE, KANSAS:

SECTION 1. This Zoning Ordinance adopted pursuant
to the provisions of KSA 1970 Supplements 12-707, KSA 1970 Supple-
ments 12-708, KSA 1970 Supplements 12-709, KSA 1970 Supplements
12-710, and KSA 12-711 through 12-713 and amendments thereto, is
intended to serve the following purposes:

To divide the City of Mount Hope into zones and districts;
to regulate and restrict the location and use of buildings and the
uses of land within each district or zone; to restrict the use of
buildings and land for agriculture, dwellings, business, industry,
and other purposes.

SECTION 2. The use of this ordinance shall be to con-
serve the value of buildings and encourage the most appropriate use
of land throughout the City; to further provide minimum require-
ments for the promotion of the public health, safety, convenience,
propriety, general welfare, and the preservation of public and
private rights.

SECTION 3. DEFINITIONS.

DWELLING-DETACHED - A dwelling or portion thereof, but not a
mobile home designed for use for residential occupancy which is
entirely surrounded by open space on the same lot.

FAMILY - One person living alone or two or more persons living
together, related either by birth or marriage, who, together with
their servants, occupy a single housekeeping unit; or a group of
not more than four unrelated persons who, with their servants,
occupy a single housekeeping unit.

GOVERNING BODY - The Mayor and Council of Mount Hope, Kansas.

MOBILE HOME PARK - An area or premises on which mobile homes are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent, or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection, or sale.

MOBILE HOME - A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or permanent or temporary foundation, either self-propelled or propelled by other means which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION - The Mount Hope Planning Commission.

SECTION 4. DISTRICTS. In order to promote the purposes set forth above and to regulate and restrict the use and improvements of lands and the location, type and use of building improvements located within the City, to prevent the overcrowding of land, to preserve property values, all lots, parcels and tracts of land located within the City of Mount Hope, Kansas, together with any and all improvements located thereon, shall be zoned into one of the following districts, to-wit:

"R-3" - Single Family Residence District

"R-5" - General Residence District

"R-9" - Mobile Home District

"B-5" - General Business District

"B-7" - Service Business District

"M-2" - Industrial District

In the above districts, no building or premises shall be used and no building shall hereinafter be erected, enlarged, converted or altered, except for one or more of the uses allowed in the respective classifications, unless otherwise provided for in this ordinance; and all buildings so converted, erected, enlarged, or altered must comply with the area and height regulations of the respective districts.

SECTION 5. "R-3" - SINGLE FAMILY DISTRICT REGULATIONS.

The "R-3" district shall include those buildings used exclusively for single-family residential purposes, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted are public buildings, parks, playgrounds, public schools, private schools having a curriculum equivalent to or similar to public schools, churches, golf courses (excluding miniature and golf driving ranges), home occupations and accessory structures. Subject to special permit by the governing body, the following uses may be permitted, including off-street parking, public utility uses, electric and telephone substations and distribution centers, gas regulator stations, pumping stations, public or quasi public recreation uses involving night lighting, such as ballfields, tennis courts and other similar uses.

Minimum lot size shall be not less than 6,000 square feet.

Minimum lot width shall not be less than 50 feet.

Maximum height shall not be more than 35 feet.

Yard requirements shall be 25 feet minimum front yard;

5 feet minimum side yard, and 25 feet minimum rear yard.

SECTION 6. "R-5" - GENERAL RESIDENCE DISTRICT. The

permitted uses in the "R-5" General Residence District shall be for any type of residential structure, (except for mobile homes or those types of structures which can be readily identified and normally associated as being mobile homes and which can be or may be licensed as such under the laws of the State of Kansas). Other uses permitted shall be those permitted by right in the "R-3" District; nursing and care homes, group daycare centers, nursery schools and kindergartens, lodging and boarding houses, and nursing and convalescence homes. Special permit uses shall be the same as in the "R-3" District.

Lot size requirements shall be the same as the "R-3" District for any single-family detached dwelling unit. Lot size requirements for two family dwelling units shall be 6,000 square feet for

the first dwelling and 4,000 square feet for the second dwelling unit. For all other types of dwelling units, there shall be a requirement of 3,500 square feet for each dwelling unit.

Minimum lot width and setback shall be the same as for the "R-3" District.

Maximum height shall be 45 feet, except that for each additional foot of setback, one additional foot of height shall be allowed.

SECTION 7. "R-9" - MOBILE HOME DISTRICT. Permitted uses shall be mobile home parks having a minimum of 10 prepared site places, churches, group daycare centers, nursery schools, kindergartens, elementary schools and high schools, golf courses, parks, playgrounds, public community buildings and recreational facilities, such as a swimming pool, tennis court, etc., providing recreation for the residents of the mobile home park to the exclusion of the general public. Such mobile home parks shall be permitted only after a site plan, including proposed improvements, shall have been submitted to the Planning Commission for recommendation and public hearing and approved by the Governing Body.

Lot size requirement - Minimum lot area shall be 2 acres; maximum structure height to be 35 feet.

SECTION 8. "B-5" - GENERAL BUSINESS DISTRICT. Uses permitted shall include all offices, retail and wholesale businesses provided that all articles for sale, rent and storage or display shall be kept entirely within an enclosed building, and provided that advertising signs may advertise only services, articles or products offered within the building located on the premises where the sign is located. All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

Area requirements - No setbacks shall be required, except that if a setback is utilized at least 5 feet shall be maintained between the structure and the property line.

Maximum height of buildings shall be 35 feet.

SECTION 9. "B-7" - SERVICE BUSINESS DISTRICT. Uses permitted shall be the same as in the "B-5" District, except that

outdoor storage may be permitted. This includes storage of products for sale, use, rental or lease, service stations and other similar activities.

Setback requirements - All setbacks shall be 35 feet from the front property line; 10 feet from side property line and 30 feet from rear property line.

Maximum height limitation is 45 feet.

All off-street parking, loading areas or accessory buildings shall be enclosed by screening when such area is adjacent to a residential zoning district.

SECTION 10. "M-2" - INDUSTRIAL DISTRICT. Permitted uses shall include all manufacturing and industrial business processes except those which may be extra hazardous or which may be, as ordinarily operated, obnoxious or offensive by reason of emission into the air of odors, smoke, dust or other waste matters, or by the emission of unreasonable amounts of noises.

Other uses permitted in this District shall be those permitted in the "B-7" District.

All uses which may by any reason be obnoxious or offensive for the reasons stated above may be permitted by the governing bodies contingent on such conditions as may be determined necessary to either mitigate the condition which is deemed to be obnoxious or offensive or when the governing body is assured that the location of such facility will not be detrimental to the goals and purposes of this ordinance.

Specific uses which shall require special permits are: refinery and petroleum processing products, fertilizer manufacturing and processing, animal killing and processing, feed lots and holding areas of animals, mills producing dust, asphalt and concrete plants, including ready mixed concrete, junk, auto wrecking, salvage and scrap activities.

Setback and height limitations shall be the same as in the "B-7" District.

SECTION 11. SPECIAL PERMITS. For those uses listed within the ordinance, the governing body, upon recommendation of the Planning Commission, may by special permit and subject to such restrictions and regulations as it deems appropriate and necessary,

allow any use so designated. In addition, for any use not specifically established and set out within these regulations, and after receiving a recommendation from the Planning Commission, the governing body may approve such use in any district provided that such use will not materially hinder the general welfare or any public or private rights and carries out the general intent and character of the uses established basically within the district in which it is proposed to be located.

SECTION 12 - OFF-STREET PARKING REQUIREMENTS. Off-street parking spaces of sufficient size and arrangement to accommodate standard sized domestic automobiles shall be provided. All parking spaces and drives shall be hard surfaced.

Single Family Dwellings	2 spaces per/DU
Mobile Homes	2 spaces per/DU
Two Family or more Dwelling Units	1 1/2 spaces per/DU
Office	1 space per 250 sq.ft. of floor area
Commercial	5 1/2 spaces per 1000 sq.ft. of floor area
Restaurant, Churches	1 space per five seats
Bowling Alleys	2 spaces per lane
Industry and wholesaling	1 space per 3 employees in largest shift
Others	As determined by the Planning Commission

SECTION 13. HOME OCCUPATIONS. The City Clerk may upon written application permit any home occupation that is customary incidental to the principal use of a building as a dwelling, provided that:

1. No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
2. No alteration of the principal residential building shall be made which changes the character thereof as a dwelling.

3. No mechanical or electrical equipment other than the normal domestic or household equipment shall be used.
4. There shall be no outdoor storage or repairing of the equipment, materials or vehicles used in the home occupation.
5. No person other than members of the immediate family occupying such dwelling unit shall be employed.
6. No manufacturing or processing of any sort whatsoever shall be done.
7. No sign shall advertise the presence or conduct of the home occupation, unless required by State law.
8. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.

SECTION 14. OFFICIAL ZONING MAP. There is hereby established an "Official Zoning Map of the City of Mount Hope, Kansas" which shall set forth the designation of all properties classified by the governing body. The designation of such property as has been approved by the said governing body shall be affixed thereto and maintained by the City Clerk and shall be made available for public inspection at all reasonable times. Such official zoning map with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, references and other matters were specifically set forth herein.

SECTION 15. GENERAL PROVISIONS.

1. Any land hereinafter annexed to the City of Mount Hope shall be zoned the "R-3" District until such time as there may be additional public hearings and proceedings to further establish a more appropriate zoning district thereon.
2. No building or any addition thereto shall be erected, over or under any public sewer or public utility lines or upon any platted or recorded easement unless permission is granted in writing by the City and all public utilities whose lines are or may be involved.

SECTION 16. NON CONFORMING USES. Any nonconforming uses lawfully existing on the date of passage of this ordinance may be continued so long as otherwise lawful, subject to the following:

1. ORDINARY REPAIR AND MAINTENANCE

- a. Subject to later provisions herein, normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use.
- b. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition.

2. REMODELING

No structure that is devoted in whole or in part to a nonconforming use shall be remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

3. EXTENSION

A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

- a. Extension of such use to any structure or land area other than one occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming).
- b. Extension of such use within a building or other structure to any portion of the floor area that was

not occupied by such nonconforming use on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that causes such use to become nonconforming); provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

- c. Operation of such nonconforming use in such manner as to conflict with, or to further conflict with if already conflicting on the effective date of this ordinance (or on the effective date of a subsequent amendment hereto that results in such use becoming nonconforming), any performance standards established for the district in which such use is located.

4. ENLARGEMENT

No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

5. DAMAGE OR DESTRUCTION

In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of its assessed valuation, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50% or less, no repairs or restoration shall be made unless a zoning certificate is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

6. A nonconforming use shall not be changed to any other use than a use permitted in the zoning district in which the use is located. When a nonconforming use has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use.

7. ABANDONMENT OR DISCONTINUANCE

In the event that a nonconforming use of any structure or premises is discontinued or its normal operation stopped for a period of 6 months, the use of the same must thereafter be conformed to the use permitted in the district in which it is located. No existing structure used contrary to the provisions of this ordinance, in the district in which it is located, may be enlarged, extended or reconstructed unless its use is changed to a use permitted in the district in which such structure is located or unless such enlargement, extension or reconstruction is required by court decision, law or ordinance.

In those instances where a mobile home which is nonconforming is removed from the site or pad on which it is located, the pad or site may not be used for the placement of a new or other mobile home. Such use shall comply with the provisions of 6 above.

8. NONCONFORMING ACCESSORY USES.

No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

SECTION 17. CHANGES IN ZONING DISTRICT CLASSIFICATION.

Changes in zoning district classifications of any lot or parcel of land within the city shall be made by ordinance of the governing body of the city, upon recommendation of the Planning Commission as provided by State law. Any application for a change in zoning shall be handled by the City Clerk for the City of Mount Hope and all appropriate steps as required by law, including

advertising and sending of notices, shall be accomplished by the City Clerk. When such application shall be made by any property owner authorized by law to submit such applications, it shall be accompanied by a fee of \$75.00 to defray the cost of administration and publication. In addition, the applicant shall deliver to the Planning Commission an abstractor's certificate certifying as to the names and mailing addresses of all parties owning land within 200 feet of the area proposed to be altered or changed as to zoning districts. The applicant may also be required as a condition of approval of any change of zoning to plat or replat any land in connection with the proposed change.

SECTION 18. ZONING ADMINISTRATOR. There is hereby created the Office of Zoning Administrator who shall be the City Clerk or his appointed designee. It shall be the duty of the Zoning Administrator to issue zoning permits for the location of all construction, modifications, changes, diversions, remodeling, and other development or use of buildings and/or land, seeing that such complies with the terms of this ordinance. He shall keep a record of such permits and shall make such inspections as necessary to determine that the ordinance is being complied with. He shall make such rules and regulations as are necessary for the administration of these regulations. He shall be authorized to enter any building or premises for the purposes of inspection upon the presentation of proper credentials. He shall keep a record of all applications and such records and permits shall be kept in the Office of the City Clerk and be subject to inspection at any reasonable time. To defray the cost of administering this ordinance, a fee of \$ _____ may be charged for each zoning permit issued.

SECTION 19. VIOLATIONS. Any person who shall violate, neglect or refuse to comply with, or who shall maintain, use, or construct any building or premises in violation of any of the provisions of this ordinance shall, upon due conviction, be fined not more than \$100 per day for each day of violation; and each day shall constitute a separate offense under the provisions of this ordinance. In addition to the above penalty, such actions at law or in equity may be maintained by the city or any interested

person as may be authorized by law.

SECTION 20. VALIDITY. Should any section, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared invalid.

SECTION 21. EFFECTIVE DATE. This ordinance shall be in effect after its passage and final publication in the official city paper, "The Mount Hope Clarion."

ADOPTED AND PASSED by the governing body of the City of Mount Hope, Kansas, this _____ day of _____, 19____.

APPROVED:

Mayor

ATTEST:

City Clerk

- Adoption of Comprehensive Plan
M.H.P.C. 2/8/71

Zone Range -
Residential

Growth Areas	North East
	North
Industrial	South
Commercial	CBD
	Hickory, Ormeau

- Three Mile Rings around each City.
Eastern County zoning.

- Requested to provide Staff Assistance
in Preparation of City and 3-mile
ring zoning.

12708 Statute authorizes establishment of
zoning.

127156 Zoned territorial zone.