

ARTICLE III RULES AND DEFINITIONS

Section 1. For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicated otherwise:

ACCESSORY USE OF BUILDING: A subordinate building located on the same lot or group of lots with the main building or a subordinate use of land, either of which is customarily incident to the main building or to the principal use of the land (including public utilities such as communication, electricity, gas, water, sewers plus their supports and incidental equipment). An accessory building shall not exceed a square footage calculated as fifteen percent (15%) of the square footage of the parcel less the square footage of any other structures, and shall not exceed the height of the principal dwelling unit.

AGRICULTURE: The use of land for growing crops in the open, horticulture, nurseries, truck farms and *accessory* uses, including structures **not** in a designated flood plain, for carrying out agricultural operations; provided, however, such agricultural use **shall not include** the following uses: (See Article V, Section 3, O. for Exemptions.)

- (a) The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts where permitted
- (b) Retail sales as an *accessory* use, unless the same are otherwise permitted by these regulations.
- (c) The feeding of garbage to animals.
- (d) The feeding, grazing or sheltering of domestic animals or fowl, e.g., horses, cows, swine, goats, chickens, pigeons, rabbits or fur bearing animals, but not including cats and dogs and other pets; unless such animals or fowl are otherwise permitted by City laws or regulations.
- (e) The operation or maintenance of a stockyard or commercial feed lot or a hog finishing facility.
- (f) Farm houses are considered to be single-family dwellings.

ALLEY: A public thoroughfare which provides only secondary means of access to abutting property, the right-of-way of which is twenty feet (20') or less in width.

ALTERATION: Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structural. Enlargement, whether by extending a side, increasing in height, or the moving from one location or position to another shall be considered an alteration.

ANIMAL HOSPITAL OR CLINIC: An establishment where animals are admitted principally for examination, treatment, board or care, by a Doctor of Veterinary Medicine. This does not include open kennels or runs.

APARTMENT: (See DWELLING, MULTIPLE).

APPLICANT The owner or duly designated representative of land proposed to be subdivided, or for which a special permit, amendment, variance, construction permit, or certificate of occupancy has been requested. Consent shall be required from the legal owner of the premises.

APPROVED PUBLIC SANITARY SEWER SYSTEM: A sewage disposal plant, main sanitary sewer lines and other lines approved by the City Commission of Liberal, Kansas, and by the Kansas State Department of Health.

APPROVED PUBLIC WATER SYSTEM: Water treatment plant and service lines approved by the City Commission of Liberal, Kansas, and by the Kansas State Department of Health.

ASSISTED LIVING: Multifamily dwelling units used or designed to be used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including group homes, group housing, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

AUTOMOTIVE SERVICES: Any building, structure, improvements, or land used for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler or upholstery work, oil change and lubrication, painting, tire service and sales, or installation of CB radios, radios, car alarms, stereo equipment or cellular telephones.

AVERAGE LOT WIDTH: An average of the front and rear setback widths of any given lot.

BASEMENT: A story having part, but not less than one-half ($\frac{1}{2}$) of its' height below grade.

BED AND BREAKFAST: A family home, occupied as a permanent dwelling by the proprietor, in which lodging and meals are provided for time-limited durations to not more than four groups of patrons in a 24-hour period.

BOARD OF ZONING APPEALS: The board established by the city (also referred to as the BZA) to hear and determine appeals and variances.

BOARDING HOUSE: A building other than a hotel where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

BUILDING: Any structure designed, or intended for the enclosure, shelter or protection of persons, animals or property. When a structure is divided into separate parts by unpierced walls from the ground up, each part is deemed a separate building.

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING OFFICIAL: The person or persons designated by the Liberal City Commission to administer these regulations whether such person or persons be titled Building Official, Building Inspector, Administrative Officer or Enforcement Officer.

CARPORT: A structure intended for the storing of automobiles, consisting of a roof supported by structural members and open on all sides.

CELLAR: A story having more than one-half (1/2) of its height below grade.

CHILD CARE CENTERS: A child care facility providing care for thirteen (13) or more children which is licensed and regulated by the Seward County Health Department or the Kansas Social and Rehabilitation Services.

CLINIC: (See MEDICAL, DENTAL OR HEALTH CLINIC).

COMMUNICATION TOWER: Commercial AM/FM radio, television, microwave and cellular telephone transmission towers, electronic emission of any wave length and accessory equipment and buildings.

COMPREHENSIVE PLAN: A comprehensive plan made and adopted by the Planning Commission and co-adopted by the City Commission which, through a combination of text, charts and maps, sets forth data and establishes policies for general locations of various land uses, including streets, parks, schools, public buildings, utilities, and related uses.

DAY CARE HOMES: A facility providing care for six or less children in a residential structure as a home occupation and which is licensed and regulated by either the Seward County Health Department or the Kansas Social and Rehabilitation Services.

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

DWELLING: A building or portion thereof, but not a mobile home, designed or used for residential occupancy.

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

DWELLING, TWO-FAMILY: A building having accommodations for and occupied exclusively by not more than two (2) families.

DWELLING, MULTIPLE: A building having accommodations for and occupied exclusively by more than two (2) families.

EASEMENT: A grant by a property owner to the public, a corporation, or a person(s) of the use of a recorded strip of land for certain specified purposes.

EXTRATERRITORIAL AREA: That area that lies outside the city limits of the City of Liberal that is defined in the Extraterritorial Map.

FAÇADE: A façade shall be considered any face of a building given special architectural treatment.

FAMILY: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, hotel or motel.

FARM HOME AND BUILDINGS: A dwelling and/or appurtenant structures located on land or lands on which crops or livestock are raised and predominantly support the home.

FENCE: A barrier, railing, or other upright structure, typically of wood or wire or other approved material, enclosing an area of ground to mark a boundary, control access, or prevent escape.

FENCE HEIGHT: The vertical distance measured from the side of the fence that is exterior to the property or from the lowest adjacent ground level to the top of the fence material. In the case of wire fencing, height shall be measured by the width of the material used, providing that when installed, the material is directly adjacent to the ground level.

FLOOR AREA: Floor area shall mean the gross floor area of the building.

FRONTAGE:

- (a) All the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street. Where a street is dead-ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead end of the street.
- (b) The width of a **lot**, measured at the front part of the **lot**.

GARAGE, PRIVATE: An *accessory* building designed or used for the storage of not more than four (4) motor driven vehicles owned and used by the occupants of the building to which it is *accessory*.

GARAGE, PUBLIC: A building, or portion thereof, other than a private or storage garage, designed or used for equipping, repairing, hiring, servicing, selling or storing motor-driven vehicles.

GARAGE, STORAGE: A building, or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.

GOVERNING BODY: City Commission: Board of City Commissioners of the City of Liberal, Kansas

GROUP DAY CARE HOMES: A Day Care School or Nursery School providing care for a maximum of twelve (12) children in a residential structure as a home occupation and which is licensed and regulated by the Seward County Health Department or the Kansas Social and Rehabilitation Services.

HOME OCCUPATION: A Home Occupation is defined as a business, profession, occupation or trade conducted entirely within a dwelling or its' *accessory* building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, providing either a service or a product, yet does not change the character thereof, and in connection with which there is no commodity sold upon the premises except that which is produced thereon.

HOTEL: A building used as an abiding place for more than twenty (20) persons who are being lodged for compensation with or without meals.

IMPERVIOUS SURFACE: Mainly artificial structures----- such as pavements (roads, sidewalks, driveways and parking lots) that are covered by impenetrable materials such as asphalt, concrete, brick, stone----- and rooftops.

INSTITUTION: A building occupied by a non-profit organization or a non-profit establishment for public use.

LIBERAL METROPOLITAN AREA PLANNING COMMISSION: The appointed members of the commission recognized under Liberal City Code Chapter 17, Article 8.

LODGING HOUSE: A building or place where lodging is provided (or which is equipped regularly to provide lodging) by prearrangement for definite periods, for compensation, for three (3) or more persons in contradistinction to hotels open to transients.

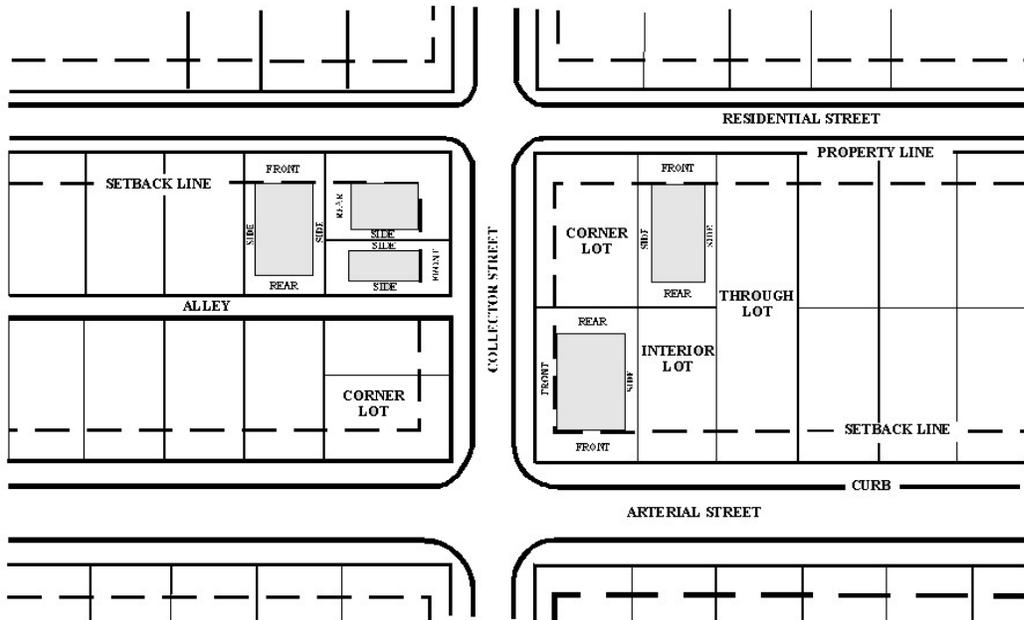
LOT OR PLOT: A parcel of land occupied or intended for occupancy by one main building, together with its *accessory* buildings, including the open spaces required by this ordinance. A lot or plot may include more than one platted lot and may include parcels on separate sides of an *alley* or easement.

LOT (SOMETIMES ZONING LOT): A parcel of land lawfully platted in accordance with the Subdivision Regulations of the City of Liberal. Provided, however, that where there exists real property within the city which has not been subdivided, then Lot (sometimes Zoning Lot) shall be defined as a parcel of land under common ownership occupied or intended for occupancy by a use permitted in this ordinance, including one main building, together with its accessory buildings, the yards, parking and loading spaces required herein and having its principal frontage upon a street.

LOT, CORNER: A lot abutting upon two or more streets at their intersection. There shall be a setback on each street side of a corner lot no less than the front yard setback of the adjoining residential structures fronting on the same side of the street, except that the established side yard setback of the corner lot may be adjusted by application for a variance to the Board of Adjustment in cases where an unnecessary hardship is found. No *accessory* building shall project beyond the required or established setback line on either street.

LOT, DEPTH OF: The mean horizontal distance between the front and the rear lot lines.

Figure 1 - Lot Types & Setbacks



LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT OF RECORD: A lot, which is a part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds or a parcel of land, the deed of which was recorded in the office of the Register of Deeds.

LOT WIDTH: The width of a lot at the front yard line.

LOT, ZONING: A parcel or tract of land used, developed or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record or any combination thereof.

LOT OF RECORD: A lot which is a part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds. (Pertains to the Exterritorial Area)

MANUFACTURED DESIGN HOME - MOBILE HOMES: A factory built structure or structure more than eight (8) feet in width and more than thirty-six (36) feet in length, equipped with the necessary service connections for required utilities, having the plumbing, heating, air conditioning and electrical systems contained therein and made so as to be readily movable as a unit or

units on its or their own running gear and designed to be used as a dwelling unit or units without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon may be moved from time to time at the convenience of the owner. Any unit built no more than 20 years before the date of application to install will not be allowed. All Mobile homes must display a HUD Seal or data plate to verify their proper construction.

MANUFACTURED HOME: A structure which bears a seal indicating compliance with the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. §5401, and constructed no more than 20 years before the date of application to install.

MANUFACTURED HOME PARK: Any area, piece, parcel, tract, or plot of ground equipped as required for support of manufactured homes and offered for use by the owner or representative for manufactured home park purposes and/or ground upon which three or more manufactured homes are parked, whether for compensation or not, including all *accessory* uses thereof. The term "manufactured home park" does not include sales lots of which unoccupied manufactured homes are parked for the purpose of inspection and sale.

MANUFACTURED HOME RESIDENTIAL-DESIGN: A manufactured home which is designed with the same appearance of an on-site, conventionally built, single-family dwelling and satisfies the criteria illustrated herein, and established in state statutes.

Figure 2 - Manufactured Home Residential Design



Residential Character:

Covered Entry

Architectural Details:

Window Elements

Manufactured Home Features:

Horizontal Lap Siding

MANUFACTURED HOME SALES: An establishment primarily engaged in the display and sale of manufactured homes.

MEDICAL, DENTAL OR HEALTH CLINIC: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists and podiatrists; and in which no patients are lodged overnight.

MOBILE HOME PARK: Any park, court, camp, lot, area, piece, parcel, tract, or plot of ground upon which mobile homes are used, whether for compensation or not, including all *accessory* use thereof. This shall be a minimum of five (5) acres of land.

MODULAR HOME: A dwelling structure located on a permanent foundation and permanently connected to public utilities, consisting of preselected, prefabricated units or modules, and transported to and/or assembled on the site of its permanent foundation; in contradistinction to a dwelling structure which is custom-built on the site of its permanent location; and also in contradistinction to a mobile home, either single-wide, double-wide or of multiple width, located on a permanent foundation and permanently connected to public utilities; and further, that it conforms to the present city building, housing, electrical and plumbing codes. Such conformity may be either to the adopted codes of the city or by reciprocal conformity agreement between the building inspector of the city and a similar municipal official who inspects and approved the modular home at the place of its manufacture, according to a previously and mutually agreed set of standards.

Figure 3 - Modular Home



Residential Character:
Pitched Roof
Covered Entry
Enclosed Garage

Architectural Details:
Eave Projection
Varying Depths
Ornamental Windows

Modular Features:
Modules for on-site construction

Permanent Features:
Walkway and Stairs
Formal Landscaping

NONCONFORMING USE: Any building or land lawfully occupied by a use, at the time of the passage of Ordinance No. 2461 or amendments hereto, which does not conform with the provisions of this ordinance or amendments hereto.

NURSING HOMES: An establishment or agency licensed by the State of Kansas, for the reception, board, care or treatment of three (3) or more unrelated elderly individuals.

PARCEL: A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

PARKING SPACE: An area surfaced for the purpose of storing one (1) parked automobile. For the purpose of this ordinance, one (1) parking space shall have a minimum width of nine feet (9') and a minimum length of twenty feet (20') in computing off-street parking, additional space shall be required off-street for access drives to each parking space.

PERMANENT FOUNDATION: A foundation, which is designed to properly transfer imposed load to soil. All foundations shall be of reinforced concrete meeting the standards of the adopted building codes of the City of Liberal.

PLANNING COMMISSION: Liberal Metropolitan Area Planning Commission.

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

PRE-SCHOOL: This shall include educational pre- schools, Montessori schools, church sponsored pre- schools, cooperatives, and nursery schools providing learning experiences for children in a church building, school or in a hall of a fraternal organization which is licensed and regulated by the Seward County Health Department or the Kansas Social and Rehabilitation Services.

PROFESSIONAL OFFICE: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, engineering or other occupation customarily considered as a profession.

PUBLIC UTILITY: Any business which furnished the general public telephone service, telegraph service, electricity, natural gas, or water, and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the State of Kansas.

RESIDENTIAL DESIGN MANUFACTURED HOME: is a dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at a dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety

Standards promulgated by the U.S. Department of Housing and Urban Development.

RESTAURANT: A public eating establishment at which the primary function is the preparation and serving of food.

ROOMING HOUSE: Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, with or without meals.

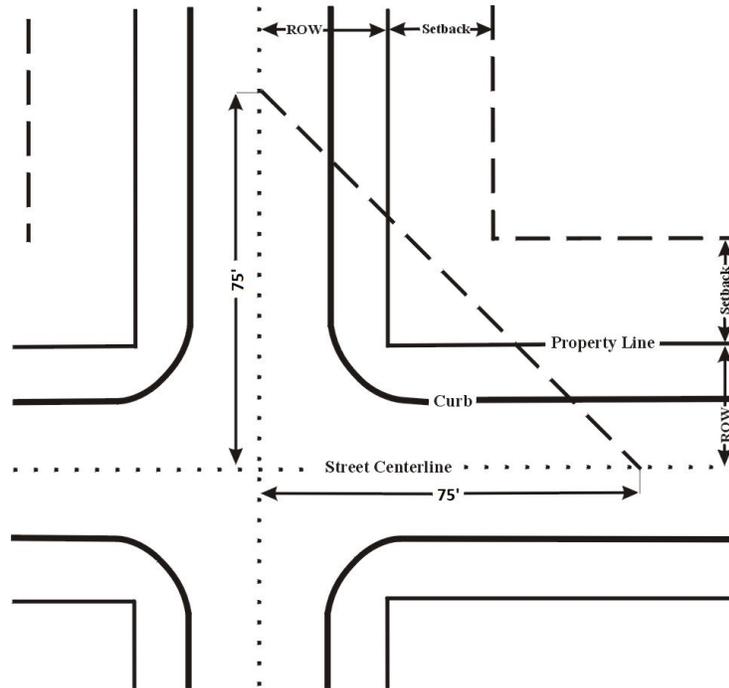
SCREENING: Screening and enclosure required for permitted outdoor storage shall be by means of a fence, wall or berm, in combination with landscaping, designed to create a minimum of seventy-five (75) percent opacity. Crates, boxes, trailers or other temporary storage facilities shall not be considered appropriate screening materials.

SERVICE STATION: A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be fueled and serviced; such service shall not include tire recapping, body repairs or major overhaul.

SETBACK: The distance that is required by this zoning ordinance to be maintained in an unobstructed state between a structure and the property line of the lot on which the structure is located. (Note: The term "setback" refers to a required minimum area, while the term "yard" refers to the actual open area.)

SIGHT-TRIANGLE: Corner lots shall have a sight triangle within which no planting, fences or landscaping shall occur that will cause sight restrictions for vehicular traffic. A sight triangle obstruction is any shrub, bush, fence, etc., that is in the triangle measured from the center of the intersection to a point seventy-five feet (75') along the center line of the side street and the front street. (See Attachment #1)

Figure 4 - Sight Triangle Minimum Standards



SIGN: A sign shall include any sign, billboard or other device which shall display or include any letter, word, model, banner, flag pennant, insignia, device or representation used as, or which is in the nature of, an advertisement or announcement which directs attention to an object, project, place, activity, person, institution, organization or business, but shall not include any display of official flag.

- (c) **Billboard:** A billboard is a board, panel or tablet used for the display of posters or printed or painted advertising matter, either illuminated or non-illuminated.
- (d) **Sign, Advertising:** A Sign which directs the attention of the public to any goods, merchandise, property, business service, entertainment, or amusement conducted or produced which is bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located, or to which it is affixed.
- (e) **Sign, Sandwich:** An advertising or business ground sign which is constructed in such a manner to form an "A" or a tent like shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member.

- (f) **Sign, Business:** A sign which directs attention to a business or profession conducted or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "For Sale" sign or a "For Rent" sign relating to the property on which it is displayed shall be deemed a business sign.
- (g) **Sign, Flashing:** Any illuminated sign on which the artificial light is not constant in intensity and color at all times. For the purpose of this Ordinance, any revolving illuminated sign shall be considered a flashing sign.
- (h) **Sign, Illuminated:** A sign designed to give forth artificial light, or designed to reflect light derived from any source.
- (i) **Sign, Portable:** An advertising device which may be illuminated and shall not exceed 40 square feet (40 sq. ft.), which may be transported, on wheels, skids or some similar conveyance by a single individual.

SPOT ZONING: Spot Zoning is zoning action by which a smaller area is singled out of a larger area and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land and is not in accordance with the comprehensive plan.

STREET: A right-of-way dedicated to the public use, which provides vehicular and pedestrian access to adjacent properties.

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

STREET NETWORK:

- (a) **Expressway:** A street with divided roadways which provides fast and efficient movement of large volumes of traffic between areas and across the Liberal Metropolitan Area Planning Area, and which does not provide a land service function.
- (b) **Arterial Street:** A street which provides for through traffic movement between and around areas and across the Liberal Metropolitan Planning Area, with direct access to abutting property; subject to necessary control of entrances, exits and curb uses.
- (c) **Collector Street:** A street, which provides for traffic movement between arterial and local streets, with direct access to abutting land and for local traffic movement, whether in business, industrial or residential uses.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of this Ordinance, the following shall not be considered alterations:

- (a) Attachment of a new front where structural supports are not changed.
- (b) Addition of fire escapes where structural supports are not changed.
- (c) New windows where lintels and support walls are not materially changed.
- (d) Minor repair or replacement of non-structural members.

TAVERN: An establishment in which the primary function is the public sale and serving of malt beverages.

THIS ORDINANCE: The zoning requirements approved by ordinance for the City of Liberal by the Board of City Commissioners.

TRAILER-ANY OF THE FOLLOWING:

- (a) **Travel Trailer:** A vehicular, portable structure identified from the manufacturer as a travel trailer, built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, and when equipped for the road, having a width not exceeding eight feet (8') and a body length not exceeding thirty-six feet (36').
- (b) **Pick-up Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel.
- (c) **Motor Home:** A portable, temporary dwelling to be used for travel and constructed as an integral part of a self-propelled vehicle.
- (d) **Camping Trailer:** A canvas, folding structure, mounted on wheels and designed for travel.

TRAVEL TRAILER PARK: A parcel of land containing not less than three (3) acres, in which five (5) or more spaces are occupied or intended for occupancy by trailer for transient dwelling purposes.

TRAVEL TRAILER SPACES: A parcel of land in a Travel Trailer Park for the placement of a single trailer and the exclusive use of its occupants.

VARIANCE: A variation from a specific requirement in this Ordinance, as applied to a specific piece of property, as distinct from rezoning.

YARD: A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward.

YARD, FRONT: A yard extending across the full width of the lot, the depth of which is the least distance between the lot line and the front building line. On corner lots (lots abutting two or more streets at the intersection of those streets), the front yard shall face the shortest street dimension of the lot.

YARD, REAR: A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building. Where an *alley* is platted at the rear of the lots, one-half the width of the *alley* may be included in the rear yard requirements.

YARD, SIDE: A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally, at ninety (90) degrees with the side lot line, from the nearest point of the side lot line toward the nearest part of the main building.

ZONE OR DISTRICT: A section of the Liberal Metropolitan Area Planning Commission area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land and open spaces about buildings are herein established.

ZONING ADMINISTRATOR: The person designated by the city to enforce and administer the provisions of this ordinance or their duly appointed representative(s).

Section 3. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

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