

## **Article 3**

# **Agricultural & Residence Zoning Districts**

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### **3.1 A-G Agricultural District**

**A. Purpose.** This district is intended to conserve rural character and promote the preservation of productive agricultural land, contribute to the safe, convenient and efficient conduct of farming; to support the social and economic convenience of the farm family; to lessen the conflict between urban development and agriculture, and to allow certain uses convenient to and appropriate for the general Edgerton community. In addition, the agricultural district may serve as a “holding zone” for land where future urban expansion is possible, but not yet appropriate due to the lack of urban level facilities and services.

**B. Use Restrictions.** In District A-G, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted, conditional use and contained below, except that any building or use of the land used for an agricultural purpose shall be exempt from all rules and regulations of this UDC. However, all buildings and all land not used for crop raising or animal husbandry shall be subject to F.E.M.A. floodplain regulations and any adopted setbacks from public roads.

**C. Permitted Uses.**

1. Single family dwelling units.
2. Residentially-designed manufactured homes. (See definitions)
3. Places of worship and customary accessory residential uses.
4. Publicly owned and operated community buildings.
5. Public administrative buildings, police and fire stations, public animal control facilities.
6. Public utilities; governmental office(s) and storage facilities; public water and sewer service facilities.
7. Cemeteries.
8. Club or lodge.
9. Public parks and playgrounds, including service buildings.
10. Nurseries and truck gardens limited to the propagation, cultivation and sale of plants; provided that no obnoxious fertilizer is stored upon the premises and no obnoxious soil or fertilizer renovation is conducted thereon.
11. Veterinary and veterinary supplies.
12. Botanical gardens, wood lots, commercial orchards.
13. A hobby shop may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation; provided such

use shall not be obnoxious or offensive by reason of vibration, noise, odor, heat, dust, smoke or fumes or electrical interference.

14. Riding academies or stables.
15. Communication towers 60 feet or less in height.
16. Home occupations, subject to the provisions of Article 9, Accessory Uses.
17. Accessory uses, subject to the provisions of Article 9, Accessory Uses.

**D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a 16' or wider residential design manufactured dwelling unit, a site built accessory dwelling unit, or a slide-in manufactured ECHO unit, provided that such additional unit complies with the Sanitary Code.
2. Bed and Breakfast facility, subject to the provisions of Article 7.
3. Conversion or adaptation of existing non-residential buildings for office, crafts, hobbies, or studio.
4. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
5. Public and private schools, and institutions of higher learning, including stadium and dormitories in conjunction, if located on the campus.
6. Communications towers over 60 feet in height, subject to the provisions of Article 7.
7. Airport or landing strip.
8. A commercial kennel or animal sanctuary, subject to the provisions of Article 7.
9. Quarries and mining extraction, subject to the provisions of Article 7.
10. Asphalt or concrete plant.
11. Oil and gas drilling.
12. Camps, travel trailer, or RV parks.
13. Attendant care homes, subject to the provisions of Article 7. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for the mentally retarded, assisted living facility, residential health care facility, boarding care home and adult day care facility.
14. Child or elder care for six (6) persons or more, subject to the provisions of Article 7. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)

### **E. Setback, Yard and Area Regulations.**

The minimum lot for all non-farm residential uses in the A-G district shall be 40 acres except that, the owner of any contiguous 40 acres shall be entitled to sell off one lot of five (5) acres or more – exclusive of the original permitted dwelling -for the purpose of residential development. No further divisions of the land (including the sell off lot) shall be allowed unless the land is rezoned to a residential use district and platted.

<b>Table of Setbacks, Yards, and Area for A-G Zoning District</b>								
Use	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Maximum Lot Coverage	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Residential Uses	5 acres	150'	150'	30%	50'	25'	35'	35'
Other Uses	3 acres	100'	150'	30%	50'	25'	5'	35'
*Regardless of side or rear yard restrictions, no structure may be placed closer than 3' to a dedicated easement.								

### **F. District Regulations.**

In areas that are not used for an agricultural purpose, scrap materials, non-operative motor vehicles or machinery, dis-assembled machinery, debris, solid waste containers, construction materials or equipment, and used machinery parts must be stored within a defined area behind a screening fence. At a minimum, the screen must be a solid six-foot wood or slat filled metal fence in combination with shrubbery and trees, or earth-berms, or a combination of these methods. The Planning Commission is authorized to grant waivers when unusual conditions prevent storage and screening.

## **3.2 R-1 Single Family Residence Districts**

**A. Purpose.** The intent of this district is to encourage single-family, detached residential dwellings together with school sites, churches, civic buildings and parks necessary to create stable neighborhoods.

**B. Use Restrictions.** In District R-1, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional and contained below.

**C. Permitted Uses.**

1. Single family detached residences.
2. Residential designed manufacture homes. (See definitions)
3. Child or elder day care homes for six persons, or less, subject to registration by the State of Kansas.
4. Places of worship and customary accessory residential uses.
5. Public parks and playgrounds.
6. Public administrative buildings, police and fire stations, public animal control facilities.

7. Public utilities; governmental office(s) and storage facilities; public water and sewer service facilities.
8. Home occupations, subject to the provisions of Article 9, Accessory Uses.
9. Accessory uses, subject to the provisions of Article 9, Accessory Uses.
10. Communications towers less than 60 feet in height.
11. Reserved for future amendments.

**D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Bed and Breakfast facility, subject to the provisions of Article 7.
2. Golf courses and clubhouses (except miniature golf courses, driving ranges and other similar activities operated as a business).
3. Public and private schools, and institutions of higher learning, including stadium and dormitories in conjunction, if located on the campus.
4. E.C.H.O. (Elderly Cottage Housing Opportunity) accessory residential design dwelling unit for care of family, elderly or disabled. The accessory residence may be a site built accessory dwelling unit, or a slide-in manufactured ECHO unit.
5. Libraries and museums.
6. Hospitals and health clinics.
7. Communications towers over 60 feet in height, subject to the provisions of Article 7.
8. Quarries and mining extraction, subject to the provisions of Article 7.
9. Oil and gas drilling.
10. Attendant care homes, subject to the provisions of Article 7. Included in this category are the following types of operations as defined by the State of Kansas (See K.S.A. 39-923): Nursing facility, nursing facility for mental health, intermediate care facility for the mentally retarded, assisted living facility, residential health care facility, boarding care home and adult day care facility.
11. Child care for six (6) persons or more, subject to the provisions of Article 7. Included in this category are the following types of day care operations as defined by the State of Kansas: family day care homes, licensed; group day care homes; child care centers and preschools. (See K.S.A. 65-517, K.A.R. 28-4-113, and K.A.R. 28-4-420)

**E. Setbacks, Yards and Area Regulations.**

Table of Setbacks, Yards, and Area for R-1 Zoning District							
Use	Minimum Lot Area (square feet)	Minimum Lot Width	Minimum Lot Depth	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Maximum Building Height
Principal Buildings	7,700	70'	110'	35'	9'	20% of lot depth up to 40'	35'
Corner Lots	8,800	80'	110'	35'	9' and 20'	20% of lot depth up to 40'	35'
Accessory Buildings				35'	9'	6'	35'
Detached accessory buildings in District R-1 shall not exceed ten (10) percent of the total lot size or one thousand five hundred (1500) square feet. Regardless of side or rear yard restrictions, no structure may be placed closer than two (2) feet to a dedicated easement. Principal buildings shall have an area of no less than one thousand (1000) square feet.							

1. In the event a dwelling is to be built upon a tract of land not included in a recorded subdivision plat and/or is not connected to municipal sanitary sewers, the minimum lot size shall be two (2) acres with a minimum frontage of 150 feet, provided that where a lot in single ownership, at the time of the adoption this ordinance, has less lot area or width than required herein, this regulation shall not prohibit the construction of a single-family dwelling.

#### **F. District Regulations.**

1. Storage or use of accessory uses such as boats, boat trailers, camper trailers, jet skis, and other similar recreational vehicles up to a maximum of three such uses or devices is allowed, provided said uses are located within required rear yards or within established side yards. Such uses shall not include the outdoor storage or parking of commercial trucks or buses that exceed a three-ton manufacturer's rating hauling capacity, except school buses parked in driveways during the daylight hours.
2. Three off-street parking places shall be provided for each residence, one of which may be in the garage. Such parking space shall be at least nine (9) feet by twenty (20) feet.
3. All driveways to a single-family residential unit must be at 18' in width and constructed with concrete or asphalt.
4. Each new single-family dwelling unit constructed after the adoption of this ordinance shall construct one attached garage. A garage connected by a breezeway shall comply with this provision.

### **3.3 Reserved**

### **3.4 R-2, Two Family Residence District**

**A. Purpose.** The purpose of the R-2 district is to provide two family residential structures in neighborhood locations close to the community facilities and services.

**B. Use Restrictions.** In District R-2, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted, conditional use and contained below.

**C. Permitted Uses.** Any use permitted in the R-1 district.

1. Two-family dwelling units.
2. Single -Family Attached Dwelling, no more than two dwelling units may be attached in this district.

**D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Any use permitted by condition in the R-1 district.

## E. Setback, Yards and Area Regulations.

Table of Setbacks, Yards, and Area for R-2 Zoning District										
Use	Minimum Lot Area (square feet)		Minimum Lot Width		Minimum Lot Depth	Front Yard Setback	Side Yard Setback (2)	Side Yard (Street) Setback (2)	Rear Yard Setback (2)	Maximum Building Height
	Interior Lot	Corner Lot	Interior Lot	Corner Lot						
Single-Family Detached Dwelling	7,700	8,800	80'	90'	115'	35'	9'	20'	20% of lot depth up to 40'	35'
Two-Family Dwelling	9,200	10,350	80'	90'	115'	35'	9'	20'	20% of lot depth up to 40'	35'
Single-Family Attached Dwelling	4,600	5,750	35'	40'	115'	35'	9' (3)	20'	20% of lot depth up to 40'	35'
Accessory Buildings (1)						35'	9'	20'	6'	35'

(1) Detached accessory buildings in District R-2 shall not exceed one hundred twenty (120) square feet per dwelling unit. (2) Regardless of side or rear yard restrictions, no structure may be placed closer than two (2) feet to a dedicated easement. (3) No side yard setback shall be required along the common party wall

## F. District Regulations.

1. No equipment other than non-commercial passenger motor vehicles shall be stored in the R-2 district.
2. Three off-street parking places shall be provided for each dwelling unit, one of which may be in the garage. Such parking space shall be at least nine (9) feet by twenty (20) feet.
3. Each new dwelling unit of a duplex constructed after the adoption of this ordinance shall construct one attached garage. (Ord. 1052, 2017)

### 3.5 R-3 Multi-Family Zoning District

**A. Purpose.** The purpose of the R-3 multi-family zoning district is to provide for medium density residential dwellings in planned settings convenient to community facilities and services.

**B. Use Restrictions.** In District R-3, no building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved, or altered, except for those listed as permitted or conditional use, and contained below.

#### C. Permitted Uses.

1. Any use permitted by right in the R-1 and R-2 Districts.

**D. Uses Permitted by Condition (Conditional Uses).** The following uses may be permitted with a conditional use permit obtained pursuant to the provisions of Article 7.

1. Any use permitted by condition in the R-1 district.
2. Professional offices.

- Clinics and health care services.

### **E. Setback, Yards and Area Regulations.**

<b>Table of Setbacks, Yards, and Area for R-3 Zoning District</b>						
Use	Maximum Lot Coverage	Net Site Area per Multi-Family Dwelling Unit		Side Yard Setback	Rear Yard Setback	Maximum Building Height
		Per Dwelling Unit	Units per Net Acre			
Principal Buildings	40 percent for 5 units or more.	3,500	12.4	12'	25'	2 stories not to exceed 35'
Corner Lots				12' and 20' adjacent to street r.o.w.	25'	2 stories not to exceed 35'

- The minimum distance between buildings is fifteen feet.

### **F. District Regulations.**

- Prior to rezoning or issuance of any building permit, site plan approval shall be obtained as set forth in Article 10.
- Total parking spaces for tri-plex and quad-plex units shall be provided at the rate of three (3) spaces per unit. Such parking space shall be at least nine (9) feet by twenty (20) feet. Parking for garden apartments shall be provided at the following rates:

<b>Table of Parking Spaces Garden Apartments</b>	
Dwelling Unit	Number of Spaces Required per Unit
Studio/efficiency	1.33
1 bedroom	1.5
2 bedroom	1.8
More than 2 bedrooms	2.0

- No equipment other than passenger motor vehicles, light service commercial or panel trucks shall be stored in the R-3 district.
- Garden apartments may not be constructed where adequate sanitary sewers are not available for connection thereto.
- A minimum of ten (10) percent of the landscaped open space shall be provided on each site as common or semi-common areas open for use and available to all persons who may reside on the premises.
- All drives and parking surfaces shall be surfaced with asphalt or concrete.

7. All multi-family developments containing ten (10) or more units shall provide parking to the rear of the principal buildings unless the Planning Commission waives this requirement.
8. No home occupation shall be permitted in the R-3 district.
9. Any multi-family development containing 15 or more units shall front on a collector or arterial street.
10. Any multi-family development containing five (5) or more units, and has a common side yard abutting an area zoned for R-1, shall provide a twenty (20) foot buffer zone. The Planning Commission may modify this requirement and require a solid wood fence no less than six (6) feet in height.
11. Parking lots, paths, and entrances to all ground floor units shall be accessible for the disabled.
12. Pedestrian circulation systems (sidewalks, walkways and paths) shall be located and designed to provide adequate physical separation from vehicles along all public and private streets and drives and within any parking areas.
13. No accessory buildings or structures are permitted in any R-3 zone.
14. Landscaping features must be incorporated into all site plans submitted for multi-family developments containing more than five (5) units.
15. Parking control in the form of marked spaces and handicapped signed areas must be incorporated in all multi-family developments containing more than five (units).
16. Any multi-family development shall include a gated 6-foot wood screening fence around each trash dumpster or trash receptacles.

### **3.6 MHP Manufactured Home Park**

- A. Purpose.** The purpose of the MHP manufactured homes park district is to provide a well-planned and separate neighborhood for manufactured homes.
- B. Use Restrictions.** In District MHP, no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for those listed as permitted use, and contained below.

**C. Permitted Uses.**

1. Manufactured homes built on or after July 1, 1976. However, nothing in this section shall preclude a home manufactured before this date from remaining in an existing park provided that it remains unaltered after the date of adoption of ordinance.
2. Place of worship and customary accessory residential uses.
3. Park, club or meeting facility.
4. Park operated laundry.
4. Sales offices.
5. Day care facilities.
6. Accessory uses, excluding garages, subject to the provisions of Article 9, Section 9.6B1, accessory uses, including decks, patios, storage buildings, and carports. Restrictions include: a limit of 3 total structures per lot, all structures must be temporary in nature, all storage buildings shall be single level with a maximum area



of 120 square feet, no carport shall be constructed for more than 2 vehicles. (Ord. 808; 2006)

#### **D. Special Regulations.**

1. Unless bounded by a street, each boundary of any mobile home park must be at least two hundred (200) feet from any permanent residential building located outside the mobile home park unless separated there from by a natural or artificial barrier (any artificial barrier must be at least five (5) feet in height).
2. It shall be unlawful for any person to park, place or abandon any mobile home upon any street, alley, highway or any public place or upon any premises or tract of land located within the corporate limits of the city and which is situated outside a licensed mobile home park without first having secured a temporary permit as herein provided.
3. The application for a mobile home occupancy permit for an individual mobile home as provided herein shall be filed at the office of the City Clerk. The application shall be in writing on forms provided by the city and shall include the following:
  - a). The name and address of the applicant.
  - b). The location of the licensed mobile home park in which the mobile home is to be placed and the location of the lot within such mobile home park upon which the mobile home is to be placed.
  - c). The size and license number of the mobile home.
  - d). The signature of the applicant.
4. All applications for mobile home occupancy permits for individual mobile homes as herein provided shall be approved by the Building Inspector or their designated representative in accordance with the provisions of this ordinance and subject to any other limitations that may be imposed by other ordinances of the city. Upon such approval by the City Clerk or their representative, the office of the City Clerk shall issue the manufacture home occupancy permit upon payment of the fees herein provided.
5. **Exceptions.** After a public hearing and approval by the Governing Body, a mobile home may be placed upon premises or a tract of land located within the corporate limits of the city for purposes of temporary relief from a local disaster, such as fire, wind or flood damage; provided, however, that such manufactured homes shall be removed from the premises within six (6) months of its original placement.

#### **E. Park Design Standards.**

1. The park shall be located on a well-drained site, properly graded to insure rapid storm drainage and freedom from stagnant pools of water.
2. Manufactured home parks hereafter approved shall have a maximum density of six (6) manufactured homes per gross acre, unless waived by the Planning Commission; all manufactured home parks created under the provisions of this section shall have a minimum capacity of 20 homes and shall be no less in the area than 3 and 1/3 acres.
3. Each manufactured home space shall be at least 50 feet wide and be clearly defined, unless waived by the Planning Commission.
4. All manufactured home spaces shall front upon a private roadway of not less than 25 feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the

width shall be increased to 30 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.

5. Each manufactured home space shall provided for two off-street parking spaces. Each space shall have a minimum dimension of 9' x 20'.
6. All roadways, parking spaces, and sidewalks within the manufactured home park shall be of all-weather surfacing and shall be adequately lighted at night, unless waived by the Planning Commission. Parking spaces shall be located adjacent to the street frontage.
7. A community building may be provided which may include recreation facilities, laundry facilities, and other similar uses.
8. The perimeter of all manufactured homes shall be fully skirted.
9. Storm shelters shall be required sufficient to accommodate all of the residents.
10. A play and recreation area shall be provided to the park residents. The size of the area shall be determined by the Planning Commission, but in no case shall it be less than 500 square feet per pad space.
11. Sidewalks shall be required on one side of all streets, unless waived by the Planning Commission.
12. Landscaping shall be shown on the development plan.
13. All roadways shall meet the design standards for city streets.
14. A building permit shall be obtained before moving any manufactured home or permitted use into a MHP District.

#### **F. Water and Sewer Requirements.**

1. Water Supply Standards.
  - a). Water shall be supplied to the park by a public water system.
  - b). The size, location and installation of water lines shall be in accordance with the requirements of the codes of the city.
  - c). Individual water service connections shall be provided at each manufactured home space.
2. Sewage Disposal.
  - a). An adequate and environmentally safe public sewer system shall be installed in each park.

#### **G. Tie-Downs and Ground Anchors.**

1. All manufactured homes shall be secured to the ground by the tie-downs and ground anchors in accordance with the Manufactured Home and Recreational Vehicle Code, K.S.A. 75-1211 to 75-1234, as amended.

#### **H. Electrical.**

1. Each manufactured home space shall be provided with an individual electrical outlet supply, a disconnected device, and overcurrent protective equipment that shall be installed in accordance with the building codes of the City and the National Electric Code.

#### **I. Natural Gas.**

1. All parks using natural gas shall be equipped with an approved manual and breakaway connections with automatic shutoff valve installed upstream of the gas outlet.

2. All parks using liquefied gas systems shall be provided with safety devices to relieve excessive pressure; all storage bottles or tanks shall be fastened to prevent accidental overturning. No LNG vessel shall be stored underneath the manufactured home.

**J. Refuse and Garbage Handling.**

1. All refuse shall be stored in portable dumpsters. Containers shall be provided in sufficient number and capacity to properly store all refuse.

**K. Blocking.**

1. All manufactured homes shall be blocked at a maximum of ten (10) foot centers around the perimeter of each manufactured home in accordance with the manufactured home and recreational vehicle code, K.S.A. 75-1211 to 75-1234, as amended.

**L. Pad Requirements.**

1. Pads shall be hard surfaced, constructed to discharge water, and edged to prohibit fraying or spreading of surfacing materials.

**M. Application.**

1. The applicant for MHP Manufactured Home Park District shall prepare a preliminary Manufactured Home Park plan, drawn to scale of not less than 1" = 100', with 6 copies of the plan submitted to the Planning Commission for its review and recommendations. Said plan shall be designed in accordance with the minimum design standards herein and shall have contours shown at two-foot intervals.
2. Content of the Plan.
  - a). Proposed street and drive pattern and existing abutting streets.
  - b). Proposed layout of manufactured home spaces.
  - c). Location and sizes of parking spaces.
  - d). Location of park offices and accessory buildings.
  - e). Screening and landscaping.
  - f). Location of park play area.
  - g). Legal description of the tract.
  - h). Plans and specifications of all buildings, improvements and other facilities such as electrical wiring, water service pipes, gas service pipes and sewer service constructed or to be constructed within the mobile home park.
  - i). Location and specifications for the park storm shelter.
  - j). Name of the project, developer, and firm preparing the plans.
  - k). North point and scale.
  - l). Any other information requested by the Planning Commission deemed relevant to the project.
3. Upon approval of the preliminary Manufactured Home Park plan by the Planning Commission, the applicant shall prepare and submit a final plan that shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendations shall be forwarded to the Governing Body for their review and final action.
4. Any substantial deviation from the approved plan, as determined by the Zoning Administrator, shall constitute a violation of these regulations. Changes in plans

shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body prior to the occupancy of the Manufactured Home Park.

**N. Responsibilities of Park Management.**

1. To notify all occupants of the park's rules and regulations.
2. To comply with all zoning regulations governing mobile home parks.
3. To provide for the required storm shelter and to maintain such structure in good condition, free from rodents and insects, and to assure that it is open and accessible to the residents.
4. The park manager shall maintain a register of all current residents identification by lot number; lot numbers and addresses shall be prominently displaced on each home.
5. The park manager shall notify the Zoning Administrator in writing of individual violations of these regulations.

**O. Responsibilities of Park Residents.**

1. To maintain all lots and structures in good order, free from materials stored outside; debris, inoperative machines and motor vehicles not in operating condition.
2. Abide by all park rules.
3. Obtain the necessary manufactured home permits.

**P. License to Operate a Manufactured Home Park.**

1. Hereafter, it shall be unlawful for any person or firm to operate a manufactured home park unless a valid permit has been issued annually by the Zoning Administrator. The fee for such permit is published in the Schedule of Fees in this ordinance.
2. The charge for a late application for a license (25 days or more after the annual license is due) shall be an additional twenty-five (\$25) dollars.
3. The Zoning Administrator shall refuse to issue a license to a park that is in violation of these regulations (except for previously legally conforming uses). The reason for the refusal shall be put in writing and sent to the park owner and operator.
4. The owner/operator shall have sixty (60) days to either appeal to the Board of Zoning Appeals or comply with an order of the Zoning Administrator. If the violations are not resolved after sixty (60) days, the Zoning Administrator shall seek a court order restraining the owner/operator from further operation of the park.
5. The Zoning Administrator is hereby empowered to make such inspections as necessary to enforce these regulations at reasonable hours without prior notice to the park owner/operator.

**Q. Violations.** The Board of Zoning Appeals is hereby empowered to suspend and/or revoke the operating license of any manufactured homes park that fails to comply with a valid enforcement order. The Board shall hold a special hearing, following the notification to the park owner, to consider suspension/revocation orders. The Board shall have 30 days to render a final decision and shall state in writing the reasons for its action(s).

**R. Appeals to the Board of Zoning Appeals.**

1. The Board of Zoning Appeals is hereby empowered to hear appeals from and grant exceptions to owners of manufactured home parks that have been refused a license

by the Zoning Administrator. The Board of Zoning Appeals may uphold, reverse, modify or grant exceptions to the ruling of the Zoning Administrator if:

- a). The requested modification does not in any way endanger the health, safety or welfare of the park residents or neighbors.
- b). The requested modification must arise from a physical necessity and must constitute a hardship greater than a mere inconvenience to the owner.
- c). All applications to the Board of Zoning Appeals shall be made in writing and set forth the reasons why the requested modification or exception is necessary.

**S. Conditions for Holding A Manufactured Homes Park License.**

1. All MHP Manufactured Homes Parks shall be platted as a single, distinct lot or tract and continue to be held as a single ownership: i.e. a corporation, partnership, sole proprietorship, or limited liability company.
2. All MHP Manufactured Homes Parks shall be constructed with, and continue to remain under, unified street systems, utilities, play areas, and common lands.

**T. Inspections.**

1. The Zoning Administrator shall inspect annually all Manufactured Home Parks prior to issuance of the yearly license.

**U. Fees.**

1. A Manufactured Home Park License Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted annually by the park owner with the manufactured home park license application.
2. Application and license fees shall be due by January 15 of each calendar year.
3. A Temporary Mobile Home Fee, established within the Fee Schedule for the Unified Development Code, shall be submitted with the temporary mobile home application.