

## ORDINANCE NO. 2152

### AN ORDINANCE AMENDING ARTICLE 3 OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF EDGERTON, KANSAS REGARDING PERMITTED USES WITHIN AGRICULTURAL, RESIDENTIAL, AND MANUFACTURED HOME PARK ZONING DISTRICTS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

**SECTION 1.** Article 3, Section 3.1.D of the Edgerton Unified Development Code shall be amended to read as follows:

**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)

**SECTION 2.** Article 3, Section 3.2.C of the Edgerton Unified Development Code shall be amended to read as follows:

**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.

**SECTION 3.** Article 3, Section 3.2.D of the Edgerton Unified Development Code shall be amended to read as follows:

**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)

**SECTION 4.** Article 3, Section 3.6.C, of the Edgerton Unified Development Code shall be amended to read as follows:

**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.
5. Sales offices.
6. Day care facilities.
7. 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)

**SECTION 5.** REPEAL OF CONFLICTING ORDINANCES. All ordinances or sections of ordinances in conflict herewith are hereby repealed.

**SECTION 6.** EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the City's official paper.

PASSED by the Council and APPROVED by the Mayor on this 14<sup>th</sup> Day of December, 2023

/s/  
DONALD ROBERTS, Mayor

ATTEST:

/s/  
ALEXANDRIA CLOWER, City Clerk

APPROVED AS TO FORM:

/s/  
LEE W. HENDRICKS, City Attorney