

CITY OF BURLINGAME

ZONING REGULATIONS



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**CODE OF
ZONING REGULATIONS
for the
CITY OF BURLINGAME, KANSAS**

**ORDINANCE NUMBER 1714
dated April 17, 1995**

INCORPORATING REVISION OF

**ORDINANCE NUMBER 1758
dated June 3, 1996**

and

**ORDINANCE NUMBER 1841
dated December 21, 1998**

(April 19, 1999)

CODE OF
ZONING REGULATIONS
for the
CITY OF BURLINGAME, KANSAS

MAYOR
William R. Kraus

CITY COUNCIL

Mike Barlow
Raymond Hovestadt
Charles Huffman
Douglas Moon
Carolyn Strohm

CITY PLANNING COMMISSION

Larry Smart, Chairman
Mike Curtis, Vice Chairman
Reggie Fosberg
Larry Morris
Leland Boyce

ORDINANCE NO. 1714

AN ORDINANCE INCORPORATING BY REFERENCE THE CITY PLANNING COMMISSION'S CODE FOR COMPREHENSIVE PLAN AND ZONING REGULATIONS.

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

SECTION 1: INCORPORATING ZONING ORDINANCE. There is hereby incorporated by reference for the purpose of regulating zoning within the corporate limits of the City of Burlingame, Kansas, that certain Code of zoning regulations and comprehensive plan prepared by the Burlingame City Planning Commission and adopted on April 17, 1995, and entitled Code of Zoning Regulations marked or stamped "Official Copy as Adopted by Ordinance No. 1714" and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of the code of regulations for zoning similarly marked, as may be deemed expedient.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage by the governing body, approval by the Mayor, and publication in the official city newspaper.

PASSED AND APPROVED this 17th day of April, 1995.

ss William R. Kraus
Mayor

ATTEST:

ss Cheryl D. Holloway
City Clerk, Burlingame, Kansas

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Purposes

An ordinance to promote the public health, safety, morals, comfort, and general welfare of the citizens of the City; to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and limit the percentage of lot occupancy and to regulate and determine the area of yards, courts and other open spaces surrounding buildings; to limit and restrict the maximum number of families which may be housed in dwelling hereafter erected or altered; and for said purpose to divide the City of Burlingame, Kansas, into districts; and prescribing penalties for the violation of its provisions.

Section 1 Definitions

For the purpose of this ordinance, certain terms and words are hereby defined. Words in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory.

ACCESSORY BUILDINGS AND USES: A subordinate building or portion of the main building, the use of which is incidental to that of the main building or to the main uses of the premises. An accessory use is one which is incidental to the main use of the premises.

ALLEYS: A public or private thoroughfare which affords only a secondary means of access to property abutting thereon.

APARTMENT: A room or suite of rooms in a multiple dwelling or where more than one living unit is established above nonresidential uses, intended or designed for use as a residence by a single family including culinary accommodations.

APARTMENT HOUSE: See Dwelling, Multiple.

BASEMENT: A building story having part, but not less than one-half (1/2), of its height below grade, and which is intended as the lower floor of a conventional dwelling unit, as opposed to the structural walls of an earth sheltered dwelling unit.

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 or more persons, but not exceeding twenty persons.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

BUILDING INSPECTOR: The person or persons designated to administer this zoning ordinance, whether such, person or persons be entitled City Administrator, Building Official, Building Inspector, Administrative Official, City Clerk or Zoning Official.

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

CELLAR: A story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.

DISTRICT: A section or sections of the City of Burlingame 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: Any building or portion thereof which is designed and used exclusively for residential purposes.

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

DWELLING, TWO-FAMILY: A building having accommodations for and occupied by two or more families.

FAMILY: One or more persons occupying premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, or hotel as herein defined.

FILLING STATION: Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a public garage, the premises are classified as a public garage.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four 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 or more motor-driven vehicles.

GRADE:

- (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

- (b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.
- (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by The City Engineer.

HOME OCCUPATION: Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a name plate nor more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, there is no commodity sold upon the premises, except that which is prepared on the premises, no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional persons for consultation or emergency treatment, but not for the general practice of his profession.

HOTEL: A building used as abiding place of more than twenty persons who are for compensation lodged with or without meals.

HOUSE TRAILER AND/OR CAMPER: "House trailer" means a vehicular, portable dwelling unit designed especially for short term occupancy, such as: travel trailers, campers, converted buses and other similar units whether self-propelled, pulled or hauled and which are designed primarily for highway travel without a special permit; and/or does not comply with all the requirements of the minimum housing code as a dwelling unit.

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

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

LOT: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building together with its accessory buildings, the open spaces and parking spaces required by this ordinance, and having its principal frontage upon a street or upon an officially approved place.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

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

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

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 of Osage County; or a parcel of land, the deed to which was recorded in the Office of the Register of Deeds of Osage County prior to the adoption of this ordinance.

MANUFACTURED HOME: Manufactured home means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.) and the Federal standards issued pursuant to that Act.

MOBILE HOME: A structure, transportable in one or more sections, and which is customarily built on a permanent chassis and designed to be used as a living unit or dwelling, with or without permanent foundation, and when connected to utilities includes plumbing, heating and electrical systems. This does not include any structure which is hereinabove described as a manufactured home and is subject to the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.) established pursuant to 42 U.S.C. 5403.

MODULAR HOME: Those homes commonly called modular homes which the manufacturer certifies are constructed in accordance with a nationally recognized building code, meaning structures transportable in one or more sections, which are not constructed on a permanent chassis and which are designed to be used as dwellings on permanent foundations when connected to required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

MOBILE AND/OR MANUFACTURED HOME SPACE: That area of land set aside for use by one mobile or manufactured home, including the open spaces around said mobile or manufactured home.

MOBILE AND/OR MANUFACTURED HOME PARK: A tract of land containing drives utilities and other supporting elements and devoted to the purpose of accommodating four (4) or more mobile or manufactured homes on a permanent or semi-permanent basis.

NONCONFORMING USE: Any building or land lawfully occupied by a use at the time of passage of this ordinance of amendment thereto, which does not conform

after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is situated.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

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

ROOMING HOUSE: See Lodging House.

STREET: All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public or private easement therefore.

STORY: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof which has the line of intersection of roof decking, and wall face not more than three feet above the top floor level, and in which space not more than sixty percent of the floor area is finished off for use.

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

STRUCTURE: Anything constructed or erected, the use of which required permanent location on the ground or attached to something having a permanent location on the ground, including but without limiting, the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

STRUCTURAL ALTERATIONS: Any change in the supporting member of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

YARD: An open space on the same lot with a building, unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

VISION CLEARANCE AREA: A triangular area on a lot, at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines extending from the corner intersection of the lot lines. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two (2) sides and

extending between points measured fifty (50) feet each direction from the intersection of the street centerline. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection with the line between the street centerline points. The vision clearance area shall contain no plantings, walls, structures or temporary or permanent obstructions exceeding three and one half (3 1/2) feet in height measured from the top of the curb or in case there is no curb, the grade at the centerline of the street shall be used as a reference point.

YARD FRONT: A yard extending across the front of a lot between the side yard lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projection of the usual steps, unenclosed balconies or open porch.

YARD, REAR: A yard extending across the rear of a lot, measured between the side lot lines, and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

YARD, SIDE: A yard between the main building and the side line of the lot, and extending from the front lot line to the rear yard line.

Section 2 Districts and Boundaries

In order to classify, regulate and restrict the location of trades, residences and the location of buildings designed for specified uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the lot area, and to regulate and determine the areas of yards, and other open spaces, within and surrounding such building, the City of Burlingame, Kansas, is hereby divided into districts, which there shall be five (5) in number, known as:

- R Single Family Dwelling District
- R-2 Multiple Family Dwelling District
- M Mobile Home/Manufactured Home District
- C Commercial District
- I Industrial District

The boundaries of the districts are shown upon the map which is attached hereto and made a part of this ordinance, which map is designated as the "district map". The district map and all notations, references, and other information shown thereon and attested by the City Clerk are a part of this ordinance and have the same force and effect as if the district map and all the notations, references, and other information shown thereon and attested by the City Clerk were fully set forth or described herein, the original of which the district map is properly signed by the Mayor and attested by the Mayor and attested by the City Clerk, and is on file with the City Clerk of the City of Burlingame, with this ordinance. Whenever any street, alley, or other public way is vacated by official action of the governing body of the City of Burlingame, the zoning district adjoining each side of such street, alley or area included in the vacation shall then and hence forth be subject to all appropriate regulations of the extended districts. All territory which may hereafter be annexed to the City of Burlingame shall be immediately placed and continued in the "R" Single-Family Dwelling District until otherwise changed by ordinance as provided in Section 17 of this ordinance; provided, however, that territory which may hereafter be annexed may be immediately placed in a district other than the "R" Single-Family Dwelling District when such other district classification either is approved by both the City Planning Commission and the City Council prior to such annexation ion, or is approved by, the favorable vote of four- fifths (4/5) of all members of the City Council when disapproved by the City Planning Commission. All of said approvals shall be by resolution, except as hereinafter provided.

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except for a purpose perm1tted in the district in which the building or land is located.

2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit therein established for the district in which the building is located.
3. No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which the building is located.
4. The minimum yards and other open spaces, including lot area per family, required by this ordinance for each and every building existing at the time of passage of this ordinance or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building nor shall any lot be reduced beyond the district requirements of this ordinance.
5. Every building hereafter erected, or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in Sections 14 and 15 of this ordinance.
6. Every building hereafter erected, or structurally altered shall be in conformity with the current version of the Uniform Building Code and such additional standards as required by the City Inspector and/or City Engineer in conflict with any and all safety standards.

Section 3
"R" Single Family Dwelling District

The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the District Regulations in the "R" Single Family Dwelling District.

1. Use Regulation: Any building or premises shall be used only for the following purposes:
 - (a) Single family dwellings.
 - (b) Parks, playgrounds, and community buildings owned or operated by a public agency.
 - (c) Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school or public high school and having no rooms regularly used for housing or sleeping purposes.
 - (d) Churches, but any church that is on a new site shall provide off-street parking space upon the lot or within two hundred (200) feet thereof which space is adequate to accommodate one (1) car for every ten (10) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School and other special rooms.
 - (e) Accessory buildings and accessory uses, customarily incident to the above uses (not involving the conduct of a business) including a private garage, the use of a lot or portion thereof for a vegetable or flower garden, but not on a commercial basis for resale or wholesale. Any storage or accessory building larger than one hundred twenty (120) square feet must be compatible with the main structure and neighborhood in design, construction material, and size. An accessory building that is not a part of the main structure shall be located not less than twenty-five (25) feet from the front lot line or not less than ten (10) feet from the front of the main structure when an existing structure has a fifteen (15) foot setback. Accessory uses shall also include church or public building, bulletin boards and temporary signs pertaining to the lease, hire or sale of a building or premises not exceeding ten (10) square feet in area.
 - (f) Moved-in buildings, provided, however, that said buildings shall conform to all the provisions of this ordinance together with fire, safety and health regulations and all other pertinent ordinances of the City of Burlingame, Kansas, and the laws of the State of Kansas, and said

moved-in buildings shall conform with the neighboring property to the extent that said buildings shall not devalue surrounding property. The determination as to whether or not said moved-in buildings devalue surrounding property shall be determined by the Board of Zoning Appeals.

- (g) Such other use as the Governing Body of the City of Burlingame may in its discretion authorize either by a special temporary permit not exceeding one year; or a special permit for a specific purpose after conducting a public hearing thereon with due notice, thereof by publication in the official city paper at least one week prior thereto.
2. Height Regulation: No building shall exceed two (2) stories above ground level nor shall it exceed thirty-five (35) feet in height from ground level to its highest point.
 3. Area Relation:
 - (a) There shall be a front yard having a depth of not less than fifteen (15) feet. Where lots have a double frontage the required front yard shall be provided on both streets. Where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance need not be reduced to less than thirty-five (35) feet; except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.
 - (b) There shall be a side yard on each side of a building having a width of not less than eight (8) feet; except as may be otherwise provided herein wherever a lot of record existing at the time of the passage of the Ordinance has a width of fifty (50) feet or less, the side yard on each side of a building may be reduced to a width of not less than 10% of the width of the lot, but in no instance shall it be less than three (3) feet.
 - (c) Except as herein otherwise provided there shall be a rear yard having a depth of not less than thirty (30) feet; provided further, however, that in those situations in which a corner lot, as platted, is included in the tract of land on which the single dwelling or other permissible building is to be located, there shall be a rear yard of not less six (6) feet in depth.
 - (d) Every lot or tract of land shall have an area of not less than seventy-five hundred (7500) square feet.

4. Parking Space Regulations:

- (a) Every lot or tract of land which is the site of a dwelling unit shall have an off-street parking space hundred (200) square feet.
- (b) Every church, school building, or other auditorium have one parking space for every ten (10) seats, which parking space shall be within one thousand (1,000) feet of said building.

Section 4
“R-2” Multiple Dwelling District

The regulations set forth in this section, or set forth elsewhere in this Ordinance when referred to in this section, are the District Regulations in the "R-2" Multiple Dwelling District.

1. Use Regulations: A building or premises shall be used only for the following purposes:

Multiple dwellings; boarding and lodging houses; nonprofit religious, educational and philanthropic institutions, but not penal or mental treatment, institutions hospitals, but not animal or mental hospitals; private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is service, customarily carried on as a business; accessory buildings and uses customarily incident to any of the above uses, including storage garages, where the lot is occupied by a multiple dwelling, hospital or institutional building. If a storage garage is not part of the main building it shall be located not less than sixty (60) feet from the front line and not less than five (5) feet from any side street line.

2. Parking Space Regulations: Where a lot is occupied by a two family or multiple dwelling, there shall be provided accessible parking space on the lot adequate to accommodate one car for every dwelling unit provided in the main building.
3. Height Regulations: No building shall exceed two and one-half (2 1/2) stories above ground level nor shall it exceed thirty-five (35) feet in height from ground level to its highest point.
4. Area regulations:
 - (a) Front Yard: The front yard regulations are the same as in the "R" Single Family Dwelling District,
 - (b) Side Yard: The side yard regulations for buildings not exceeding two and one-half (2 1/2) stories in height are the same as those in the "R" Single Family Dwelling District.
 - (c) Rear Yard: The rear yard regulations for buildings not exceeding two and one-half (2 1/2) stories in height are the same as those in the "R" Single Family Dwelling District.
5. Intensity of Use: All dwellings hereinafter erected in "R-2" Multiple Dwelling District shall be located upon lots containing the following areas: A lot on which there is erected a two family dwelling shall contain an area of not less

than 7500 square feet per family; a lot on which there is erected a multiple dwelling shall contain an area of not less than 3750 square feet per family for each family on the ground floor, except that this regulation shall not apply to dormitories or rooming and lodging houses where no cooking is done in individual rooms or apartments; where a lot has less area than herein required and was of record at the time of the passage of this Ordinance, that lot may be used only for single family dwelling purposes, or for any other nondwelling use permitted in this Section.

Section 5
“M” Mobile Home/Manufactured Home District

The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are Mobile/Manufactured Home Regulations in the City of Burlingame, Kansas.

1. GENERAL REQUIREMENTS:

- (a) No mobile home or manufactured home constructed prior to 1976 or not constructed in compliance with the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.) shall be placed or located within the corporate limits of the City.
- (b) A manufactured home meeting the building and construction requirements and standards of the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.) as may be amended, shall be placed or located within a mobile home or manufactured home park subject only to paragraph (c) hereinafter. Any mobile home or manufactured home not on a permanent foundation must meet the following requirements:
 - (1) Stands and skirts: Each mobile or manufactured home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the mobile or manufactured home structure.
 - (2) Tie downs, roof protectors, piers and anchors: Any mobile or manufactured home placed within the City shall be secured to the ground by tie downs and ground anchors in compliance with Kansas Statutes, rules and regulations, and specifically K.S.A. 75-1226, et. seq. as may be amended, unless such mobile or manufactured home is placed on a permanent foundation.
- (c) A manufactured home may be located other than within a mobile home or manufactured home park if it is placed upon a permanent foundation and meets the following requirements:
 - (1) Minimum dimensions of 22 feet in width not including any roof overhang or porches or decks.
 - (2) A double-pitched roof with a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and is covered with material that is of normal residential use and all roof structures shall provide an eave projection of no less than six (6) inches which may include a gutter.

(3) Siding which customarily is used on site-built homes such as clapboards, simulated clapboards such as conventional vinyl or metal siding, wood, but excluding smooth, ribbed or corrugated metal or plastic panels and it is otherwise of an aesthetic and architectural appearance and standard compatible with site-built homes in the same area.

(4) Any hitch, axles or wheels must be removed.

2. Mobile and/or Manufactured Home Parks:

(a) Minimum Park Size: No mobile or manufactured home park shall have a site smaller than will accommodate four (4) mobile or manufactured homes.

(b) Minimum Space Size: Each mobile or manufactured home space within a mobile or manufactured home park shall have dimensions of at least forty-five (45) feet in width and ninety (90) feet in depth. The maximum density for mobile or manufactured home parks shall be eight (8) mobile or manufactured homes per acre.

(c) Streets and Drives: All streets and walks within a mobile or manufactured home park shall be improved to city standards for residential streets with a minimum of forty (40) feet in width and provided with night lighting using lamps spaced at intervals of not more than one hundred (100) feet. All private drives shall be surfaced with at least six inches of compacted stone and shall be not less than ten (10) feet wide.

(d) Parking: Two parking spaces for each mobile or manufactured home within a mobile or manufactured home park shall be provided within sixty (60) feet of the mobile or manufactured home. Such parking spaces shall be off the public street or private drive, and each shall not be less, than nine feet by twenty feet (9 ft X 20 ft) in size, and shall be surfaced to at least the standard set out above for drives.

(e) Open Space: Each mobile or manufactured home shall be located on the mobile or manufactured home space so that no part of one mobile, or manufactured home structure, including canopies, awnings, carports and other protrusions, is closer than seven (7) feet to another mobile or manufactured home space, or to the edge of the surface of a drive. No mobile or manufactured home shall be located closer than fifteen (15) feet to the boundary line of the home park.

- (f) Utilities Fire Protection: All liquid waste shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the Building Inspector or designated enforcement officer prior to construction. All such sewer systems and treatment facilities shall be subject to approval by the Kansas State Board of Health. All solid waste shall be disposed of by accumulation in tight containers, and removed at regular intervals by methods to be approved by the Building Inspector or designated enforcement officer. All power and telephone lines shall be underground and shall be in compliance with standards of the utility corporation involved. All water supply and distribution, shall be approved by the designated enforcement officer prior to construction and include fire protection facilities. The site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage system shall be approved by the designated enforcement officer prior to construction of streets or other portions of the park.
- (g) Plan Approval: Construction of a mobile or manufactured home park within the City of Burlingame shall begin only after a Special Use Permit has been granted by the City Council, in compliance with the zoning ordinance. No such permit shall be granted, however, until a development plan for the proposed mobile or manufactured home park has been prepared and submitted by the developer to the Planning Commission, and found satisfactory by said Commission, and further submitted to the City Council with a recommendation for approval. Such plan shall be accurately drawn, at a scale acceptable to the designated enforcement officer, and shall show the following:
- (1) Proposed street and drive pattern.
 - (2) Proposed mobile or manufactured home spaces and their approximate dimensions and, number.
 - (3) Any existing streets in or abutting the property.
 - (4) Location and size of parking spaces.
 - (5) Legal description of the tract.
 - (6) Name of the developer and property owner.
 - (7) North Point, scale and date.

The Planning Commission shall, upon, submission of three copies of the plan and an application for a Special Use Permit, publish notice and hold a hearing on the proposal, in conformance with the zoning ordinance. The decision of the commission to recommend approval or denial of the proposed mobile or manufactured home park shall be based upon the following criteria:

- (1) The proposed property will be in harmony, in general, with the Comprehensive Plan of the City.
- (2) Safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services is assured.
- (3) A safe and healthful living environment will exist for the occupants of the park.

Upon hearing and consideration of the project, the Commission shall, within reasonable time, submit its recommendation and an endorsed copy of the plans to the City Council for final action. After twelve (12) months from the date of approval of a Special Use Permit by the City Council, if the mobile or manufactured home park is not improved in accordance with the plans to the extent that all proposed utilities, surfaced drives are completed and occupied mobile or manufactured home spaces exist over at least twenty percent (20%) of the area of the approved park, the special Use Permit shall expire and further development and additional occupancy of the park shall be prohibited. All mobile or manufactured homes shall be removed within six (6) months of the date of expiration of a Special Use Permit. The owner or his agent may apply for a new Special Use Permit in the case of expiration or cancellation under procedures set out in the Zoning Ordinance.

- (h) Establishment Fee: An establishment fee of \$100.00 shall be paid by the owner of the proposed mobile or manufactured home park. Upon change of ownership new owner shall pay establishment fee of \$100.00.
- (i) Violation: The owner and/or operator of the mobile or manufactured home park shall be responsible for the conformance to all plans, codes and ordinances and any conditions set out in the Special Use Permit, and any deviation or non-performance or the occurrence of any nuisance or unhealthful or unsanitary condition, or the termination of a park operation for one year or more shall constitute grounds for the cancellation of a license or Special Use Permit, or refusal to renew a license on the part of the City Council. In addition, the City shall have

all remedial and corrective powers conveyed by the statutes of the State of Kansas.

- (j) Management: Each mobile or manufactured home park shall be operated in a sanitary, orderly and efficient manner, and shall maintain a neat appearance at all times. No damaged or deteriorated mobile or manufactured homes shall be permitted to remain, and suitable and effective rules for regulating the outside storage of equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the mobile or manufactured homes shall be established and continually enforced. All drives, playground area and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the City. All portions of the mobile or manufactured home park shall be open and accessible to fire, police and other emergency and protective vehicles and personnel, including City, County and State Inspectors.

3. Permits for Placement of Mobile or Manufactured Homes:

Any person desiring to have a mobile or manufactured home placed within the corporate limits of the City of Burlingame, Kansas, must prior to such placement obtain a permit from the City. A permit application must be submitted to the City Clerk of the City of Burlingame, Kansas. Said application shall be in the form approved by the City Clerk and shall contain the following information:

- (a) Legal description of the property upon which the mobile or manufactured home will be placed.
- (b) A list of all those persons who are owners of record of said real estate.
- (c) A statement describing the utilities that will be required to be placed on said property and a statement as to the accessibility as to sanitary sewer service.
- (d) Whether or not the mobile or manufactured home will be placed on a permanent foundation.
- (e) Dimensions of the mobile or manufactured home space to be used for the mobile or manufactured home.

In addition to the information contained in the application there shall be attached to the application the following:

- (a) A drawing showing the manner in which the mobile or manufactured home will be placed on the property with distances from property lines and location of various utility hookups.
- (b) A color photograph of the mobile or manufactured home.
- (c) Proof of ownership by those persons named in the, application as being owners of record of the mobile or manufactured home.
- (d) Date of manufacture of the manufactured or mobile home and a statement or certificate that it meets the standards of the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.) as amended and regulations issued pursuant thereof.

Upon submission to the City Clerk of the application, the City Clerk shall refer the application to the Building Inspector and/or Planning Commission for compliance with the City's zoning regulations and ordinances. If the permit is denied then the applicant may request a review of the application before the Board of Zoning Appeals. The mobile or manufactured home shall be established in accordance with said permit within six months, or the permit shall become invalid.

If after the approval of a mobile or manufactured home permit the mobile or manufactured home is removed from mobile or manufactured home space, then before a mobile manufactured home can be placed upon the same mobile or manufactured home space, a new application for a permit be submitted to the City.

If a mobile home or manufactured home is destroyed by fire or elements normally referred to as Acts of God subsequent to the issuance of a mobile or manufactured home space permit for that mobile or manufactured home, then application shall be waived for the placement of another mobile or manufactured home upon the same space if the placement occurs within 180 days.

Each mobile or manufactured home space not within a mobile or manufactured home park shall be of a minimum, dimension of 150 feet in length and 50 feet in width and provide for a minimum distance of 8 feet between any part of the mobile or manufactured home and its appurtenances and any adjoining property line except for the front property line which shall provide a minimum distance of 25 feet from the front property line. Each such mobile or manufactured home space shall further provide for adequate space to permit off street parking for at least two vehicles and all driveways and parking areas shall be surfaced with cement, asphalt or gravel of a minimum depth of 6 inches.

4. Mobile Homes and Trailers as Non-residential Structures:

One or more mobile or manufactured homes or trailers may be used without obtaining a permit as a temporary office or other non-residential structure on the site of a construction project, provided such structure is removed upon completion of the project. With approval of the plans by the City Council, mobile structures may also be used, without a permit, as temporary classroom facilities in connection with public schools, or private schools with equivalent curriculum. The City Council may require removal of such mobile or manufactured homes for cause within ten (10) days upon written notice.

5. Campers and House Trailers:

Campers and house trailers may be parked and occupied in a campground or trailer park provided that such campground or trailer park is in conformance with zoning and other ordinances of the City. Provided further, campers are permitted to be parked in areas other than campgrounds for storage purposes or occupied on a temporary basis in residential areas for a period not to exceed seven (7) days.

6. Prohibited Placement of Mobile or Manufactured Homes Campers and House Trailers:

Unless otherwise provided herein, the placement of mobile or manufactured homes, campers, or house trailers within the corporate limits of the City of Burlingame, Kansas, for residential or non-residential use is prohibited, except for purposes of sale by a licensed dealer.

7. Compliance with Zoning Requirements:

The location of a mobile or manufactured home park, campground, or subdivision or the placement of a mobile or manufactured home shall be limited to such areas within the City in compliance with existing zoning ordinances.

Section 6
“C” Commercial District

The regulations set forth in this section are the regulations in the "C" Commercial District.

1. A building or premises shall be used only for the following purposes, unless permitted as hereinafter provided.
 - (a) Bank
 - (b) Barber Shop, Beauty Parlor, or similar personal service shops
 - (c) Bicycle, Motorcycle, and Automobile sales and repair shops
 - (d) Bowling Alley
 - (e) Cleaning Establishments and Laundries
 - (f) Community Parking Lot
 - (g) Custom Dressmaking, Millinery, Tailoring, Shoe Repairing, Household Utility Articles or similar trade
 - (h) Filling Station, Garage and Equipment Repair Shop
 - (i) Hospital and Clinic for animals but not kennel
 - (j) Launderette
 - (k) Medical and Dental Clinic
 - (l) Nursery and Greenhouse
 - (m) Office
 - (n) Photographer
 - (o) Restaurant and other food service
 - (p) Shop for repair of electrical, TV and radio equipment and other similar commodities
 - (q) Store or Shop for the conduct of retail business
 - (r) Car wash

- (s) Theater
- (t) Undertaking Establishment
- (u) Accessory buildings and uses customarily incident to the above uses

Provided however, that the Governing Body of the City of Burlingame, Kansas, may upon the recommendation of the City Planning Commission permit uses not specifically enumerated herein, provided said uses permitted by the Governing Body are consistent with the uses specifically enumerated herein, and are not harmful to the general welfare of the surrounding neighborhood.

2. Height Regulations: Any height regulation deemed necessary in this zone shall be for the present determined by the City Planning Commission, having regard to existing conditions.
3. Area Regulations: Area regulation shall likewise be within the judgment of the City Planning Commission having regard to existing conditions; provided, however, that for every lot in said "C" Commercial District there shall be a setback as determined by the Planning Commission from every street.
4. Parking Space Regulations:
 - (a) Hospitals, clinics, doctors' offices and welfare institutions, shall have one parking space for five hundred (500) square feet of gross floor area.
 - (b) A business with more than five (5) employees shall provide off street parking for them.
 - (c) Buildings used for purposes other than retail selling shall have one parking space for every two persons employed therein, unless additional parking spaces are required because of gross floor area.
5. Site Plan Requirements:
 - (a) No building permit shall be issued for any commercial use in "C" District except where such building or use is in conformity with a site plan approved by the Planning Commission.
 - (b) The site plan (map) required to be submitted by the applicant shall show:

- (1) The parcel in relation to adjacent parcels and uses, railroads, streams, drainage and water courses, street rights-of-way and intersections and all adjacent structures, buildings, uses and vacant parcels.
 - (2) A detailed map of the parcel showing the location, dimensions, and access thereto; all site improvements, including proposed grades, walkways, driveways, lights, fences, walls, signs, drainage facilities or structures, benches and landscaped areas, including trees and other plants; and all other structures and improvements other than the natural state of the land.
- (c) Upon review, the Planning Commission shall consider the site plan in relation to the provisions and requirements of the Burlingame Zoning Ordinance; the relationship between the arrangement of the proposed structures and the structures on the adjacent parcels of land; the convenience and safety of the parking and loading areas, the interior circulation system and access to public streets; the adequacy of lighting, landscaping, screening and, buffering features to screen adjacent residential areas and streets from any potential nuisance features of the use of the parcel and such other criteria as relate to the health, safety and welfare of the City and its residents.
- (d) In all "C" and "I" Districts, the following conditions and limitations shall apply:
- (1) All business, manufacturing, warehousing, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential zone by sight obscuring fence or by sight obscuring vegetation permanently maintained at least six (6) feet in height.
 - (2) Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
 - (3) Motor vehicle, boat or trailer rental, sales or storage lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape area.
 - (4) Yards abutting or across a street from a residential district shall be continuously maintained in lawn or other landscaping unless screened from the residential district as provided elsewhere in this ordinance.

- (5) Access points from a public road to properties in the "C" and "I" districts shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
 - (6) All materials including wastes shall be stored and all grounds shall be maintained on a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.
 - (7) The emission of odorous gasses or matter in such quantities as to be readily detectable at any point beyond the property line of the use creation the odors is prohibited.
 - (8) All noises and noise causing activity shall be muffled, where necessary, so that it does not exceed the limits imposed by the Federal Occupational Safety and Health Administration and State regulations.
 - (9) Any vibration caused by industrial or manufacturing activity shall be at a level that does not exceed the limits of the Federal Occupational Safety and Health Administration and State regulations.
 - (10) The discharge of air contaminants (gasses, smoke, and/or particulate matter) shall not exceed the levels imposed by the Federal Environmental Protection Agency and State regulations.
 - (11) Any operation or activity producing intense glare shall not exceed the limits imposed by the Federal Occupational Safety and Health Administration and State regulations.
- (e) In considering the site plan, the Planning Commission may impose, in addition to the regulations and standards expressly specified in this Ordinance, other conditions found necessary to protect the interests of the surrounding property and the City as a whole; to prevent nuisance conditions from arising; and to preserve the overall residential character and quality of the City.
 - (f) The Planning Commission shall review and approve, disapprove or approve with conditions, the site plan within forty-five (45) days after its submission by the applicant for a building permit. If the City Planning Commission recommends against such plan, the resolution approving such plan shall not become effective except by the favorable vote of

four-fifths (4/5) of all the members of the Governing Body of the City of Burlingame, Kansas. Buildings or land may be used only in accordance with the plans approved as above provided, and may be amended only by the same procedure by which they were approved. Approved plans shall be completed within a period of not more than one year, unless a greater period of time of completion of the plans is stated in the resolution or approval.

- (g) No changes may be made in the approved site plan or during construction following issuance of a building permit, except upon application to the City of Burlingame in accordance with the following procedure:
 - (1) Minor changes in the location, siting and height of buildings or structures or the placement of trees, lights and landscaping materials may be authorized by the City Building Inspector if required by engineering or other circumstances not foreseen at the time the site plan was initially approved; if conditions and requirements imposed by the Planning Commission are maintained; and if the purposes of this section are satisfied. If in the judgment of the City Building Inspector, the proposal constitutes a major change, it must be approved in accordance with the procedure outlined in Section (2) below.
 - (2) All other changes (major changes) in use, rearrangement of lot, blocks, building, the provision of open space, buffering and screening, increasing the floor area of buildings, changes in street design and provision for utilities and public facilities, and all other changes in the approved site plan must be approved by the Planning Commission upon submittal of the appropriate maps and plans showing the change and a statement indicating the need for the change. The Planning Commission shall review the application for change in accordance with the procedures and standards for initial site plan approval.

Section 7
“I” Industrial District

The regulations set forth in this section are the regulation of the "I" Industrial District.

1. Use Regulation: Any building or premises may be used for any industrial purpose not in conflict with any Ordinance of the City of Burlingame or the laws of the State of Kansas, and which do not in any way constitute a nuisance, hazard, or inconvenience to the public; except that the following uses shall not be permitted.
 - (a) Acid manufacturing
 - (b) Alcohol manufacturing
 - (c) Ammonia, bleaching, powder and chlorine manufacturing
 - (d) Animal glue sizing or gelatin manufacturing
 - (e) Asphalt manufacturing
 - (f) Blast furnaces and boiler works
 - (g) Brick or tile manufacturing
 - (h) Cement, lime, gypsum or plaster of paris
 - (i) Disinfectant manufacturing
 - (j) Distillation of bones
 - (k) Explosives manufacturing
 - (l) Fat rendering
 - (m) Fertilizer manufacturing
 - (n) Forge plants
 - (o) Garbage, dead animal, reduction or dumping
 - (p) Gas manufacturing
 - (g) Junk, iron, or rag storage or manufacturing

- (r) Glue manufacturing
- (s) Metal smelting or foundry
- (t) Open storage yards of salvage or junk manufacturing
- (u) Petroleum or petroleum product refining
- (v) Stockyards
- (w) Feed lots
- (x) Tanning, storage or curing of skins
- (y) Manufacturing or storage of items of an explosive or of an inflammable nature or which have an offensive odor, and in general those uses, which may be obnoxious or offensive by reason of odor, dust, smoke or noise.
- (z) Wholesale storage of liquefied petroleum gases

2. Parking Space Regulations: Industrial buildings with a gross floor area of twenty-five hundred (2,500) square feet or more and with more than five (5) employees, shall have one (1) parking space for every two (2) employees.
3. Area Regulations: There shall be a front yard having a depth of not less than fifteen (15) feet along with side and rear yard setbacks of not less than fifteen (15) feet for every tract in the "I" Industrial District.

"This yard is to be properly landscaped, maintained and free of obstruction. It is not to be used for parking, storage, warehousing, or other such use not consistent with site plan design. Yard area is to be interrupted only by such structures as listed in Section 7, Subsection 4(b) (2) and approved by the Planning Commission as necessary element of site plan."

4. Site Plan Requirements:
 - (a) No building permit shall be issued for any industrial use in "I" District except where such building or use is in conformity with a site plan approved by the Planning Commission.
 - (b) The site plan (map) required to be submitted by the applicant shall show:
 - (1) The parcel in relation to adjacent parcels and uses, railroads, streams, drainage and water courses, street rights-of-way and

intersections and all adjacent structures, buildings, uses and vacant parcels.

- (2) A detailed map of the parcel showing the location, dimensions, and access thereto; all site improvements, including proposed grades, walkways, driveways, lights, fences, walls, signs, drainage facilities or structures, benches and landscaped areas, including trees and other plants; and all other structures and improvements other than the natural state of the land.
- (c) Upon review, the Planning Commission shall consider the site plan in relation to the provisions and requirements of the Burlingame Zoning Ordinance; the relationship between the arrangement of the proposed structures and the structures on the adjacent parcels of land; the convenience and safety of the parking and loading areas, the interior circulation system and access to public streets; the adequacy of lighting, landscaping, screening and buffering features to screen adjacent residential areas and streets from any potential nuisance features of the use of the parcel; and such other criteria as relate to the health, safety and welfare of the City and its residents.
- (d) In all "C" and "I" Districts, the following conditions and limitations shall apply:
- (1) All business, manufacturing, warehousing, service, repair, processing, storage or merchandise display on property abutting or facing a lot in a residential district shall be conducted wholly within an enclosed building unless screened from the residential zone by sight obscuring fence or by sight obscuring vegetation permanently maintained at least six (6) feet in height.
 - (2) Openings to structures on sides adjacent to or across a street from a residential district shall be prohibited if such access or openings will cause glare, excessive noise or other adverse effects on residential properties.
 - (3) Motor vehicle, boat or trailer rental, sales or storage lots shall be drained and surfaced with crushed rock or pavement except in those portions of the lot maintained as landscape area.
 - (4) Yards abutting or across a street from a residential district shall be continuously maintained in lawn or other landscaping unless screened from the residential district as provided elsewhere in this ordinance.

- (5) Access points from a public road to properties in the "C" and "I" districts shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
 - (6) All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.
 - (7) The emission of odorous gasses or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.
 - (8) All noises and noise causing activity shall be muffled, where necessary, so that it does not exceed the limits imposed by the Federal Occupational Safety and Health Administration and State regulations.
 - (9) Any vibration caused by industrial or manufacturing activity shall be at a level that does not exceed the limits of the Federal Occupational Safety and Health Administration and State regulations.
 - (10) The discharge of air contaminants (gasses, smoke, and/or particulate matter) shall not exceed the levels imposed by the Federal Environmental Protection Agency and State regulations.
 - (11) Any operation or activity producing intense glare shall not exceed the limits imposed by the Federal Occupational Safety and Health Administration and State regulations.
- (e) In considering the site plan, the Planning Commission may impose, in addition to the regulations and standards expressly specified in this Ordinance, other conditions found necessary to protect the interests of the surrounding property and the City as a whole; to prevent nuisance conditions from arising; and to preserve the overall residential character and quality of the City.
 - (f) The Planning Commission shall review and approve, disapprove or approve with conditions, the site plan within forty-five (45) days after its submission by the applicant for a building permit. If the City Planning Commission recommends against such plan, the resolution approving such plan shall not become effective except by the favorable vote of four-fifths (4/5) of all the members of the, Governing Body of the City of Burlingame, Kansas. Buildings or land may be used only in accordance with the plans approved as above provided, and may be

amended only by the same procedure by which they were approved. Approved plans shall be completed within a period of not more than one year, unless a greater period of time of completion of the plans is stated in the resolution or approval.

- (g) No changes may be made in the approved site plan or during construction following issuance of a building permit, except upon application to the City of Burlingame in accordance with the following procedure:
 - (1) Minor changes in the location, siting and height of buildings or structures or the placement of trees, lights and landscaping materials may be authorized by the City Building Inspector if required by engineering or other circumstances not foreseen at the time the site plan was initially approved; if conditions and requirements imposed by the Planning Commission are maintained; and if the purposes of this section are satisfied. If in the judgment of the City Building Inspector, the proposal constitutes a major change, it must be approved in accordance with the procedure outlined in Paragraph (2) below.
 - (2) All other changes (major changes) in use, rearrangement of lot, blocks, building, the provision of open space, buffering and screening, increasing the floor area of buildings, changes in street design and provision for utilities and public facilities, and all other changes in the approved site plan must be approved by the Planning Commission upon submittal of the appropriate maps and plans showing the change and a statement indicating the need for the change. The Planning Commission shall review the application for change in accordance with the procedures and standards for initial site plan approval.

Section 8 Non-Conforming Uses

1. The use of land for storage purposes and for advertising signs and bulletin boards, which does not conform to the provisions of this Ordinance, shall be discontinued within one year (1) from the date of the approval of this Ordinance, and the use of land for storage purposes and advertising signs and bulletin boards which becomes nonconforming by reason of a subsequent change in this Ordinance, shall also, be discontinued within one (1) year from the date of the change.
2. The lawful use of a building existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a higher classification. Whenever a nonconforming use has been changed to a higher classification or to a more conforming use, such use shall not be changed to a lower classification.
3. Whenever the use of a building becomes a nonconforming use through a change in the zoning ordinance or district boundaries, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a higher classification.
4. In the event that a nonconforming use of any building or premises is discontinued, or its normal operation stopped, for a period of six (6) months, the use of the same shall thereafter conform to the use permitted in the district in which it is located.
5. No existing building devoted to a use not permitted by this Ordinance in the district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building is located.
6. When a building, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, to the extent of more than sixty (60) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.
7. Notwithstanding any other provision of this Code, if any mobile home or manufactured home occupying a lot or tract of land upon the effective date of this section as a non-conforming use is subsequently removed, then another mobile home or manufactured home meeting the minimum

requirements of (A) constructed after 1976 and meeting the construction requirements and standards of the National Manufactured Home Construction and Safety Standards (24 CFR 3280 et. seq.), and (B) replacement mobile home or manufactured home cannot be an older model than the mobile home or manufactured home being replaced, may be moved back on to the same location if located thereon within six months of the removal of the previous manufactured home or mobile home. Before such placement of a manufactured home upon the vacated lot or tract, the owner thereof shall file with the City Clerk a permit application with information indicating compliance with this section. The application shall then be submitted to the planning and zoning commission for review and approval or denial.

This provision allowing for the replacement of a mobile home or manufactured home upon a lot as a non-conforming use shall only be permitted and applicable if at the time of the replacement the ownership of the lot and the mobile home being replaced and the replacement mobile home remain the same.

Any mobile home or manufactured home placed upon a lot in accordance herewith shall meet the requirements of Section 5(1) (a) and (b) of these regulations regarding skirting, tie-downs and structural quality. Any violation of this section shall be subject to the penalty provision of Section 19 Penalties.

Section 9 Additional Use Regulations

The Governing Body of the City of Burlingame may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Ordinance, and may also permit an increase in the height of such buildings.

1. Any public building erected or used by any department of the City, County, State or Federal Government.
2. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools.
3. Hospitals and institutions, including education, religious and philanthropic institutions; provided, however, that such buildings occupy not over forty percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property and provided further, that the buildings shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height, and that adequate off-street parking space will be provided.
4. Cemetery.
5. Community building or recreation field.
6. Airport or landing field.
7. Greenhouses and nurseries, including floral, garden and gift shops customarily operated in conjunction with greenhouses and nurseries providing no displays of products other than nursery stock be allowed outside the building.
8. Roadside stands and recreational activities for temporary or seasonal periods.
9. Radio towers and broadcasting stations.
10. Extraction and storage of sand, gravel, dirt or other raw materials.
11. Parking lots on land not more than three hundred (300) feet from the boundary of a "R-2" "C", or "I" district, provided that:
 - (a) No parking spaces shall be provided or maintained in the required front yard for the district where located.

- (b) The parking area is used for passenger vehicles only, and in no case for sales, repair work, storage, dismantling, or servicing of any vehicles, equipment, materials or supplies.
 - (c) No signs or advertising of any character shall be allowed except for traffic directional signs painted on the pavement.
 - (d) A permanent brick or masonry wall or ornamental fence or hedge (as determined by the Governing Body) not less than four (4) feet nor more than six (6) feet high is provided along all front yard lines and along all side or rear lot lines where such lines adjoin property used for other than commercial or industrial purposes.
 - (e) The parking area and connecting driveways are surfaces with concrete, asphalt concrete, asphalt or any other type of permanent, dust free paving, and the parking area and the connecting driveways are maintained in good condition and free of all weeds, dust, trash and other debris; provided, however, that the Governing Body may waive this requirement with respect to any parking area abutting upon any unpaved street or alley, but may require the said parking area to be surfaces as provided above whenever the abutting unpaved street or alley is paved.
 - (f) If lighting facilities are provided, they shall be arranged so as to reflect or direct light away from the adjacent residential district.
 - (g) Required front yards shall be landscaped and maintained in good condition and free of all weeds, trash and other debris.
14. Signs on publicly owned land, provided that a plan showing in detail the size, location, colors, lighting and materials of such signs shall have been submitted to and approved by the City Planning Commission.
15. Clubs, lodges, and semi-public buildings.
16. Museums, provided that:
- (a) A plan showing in detail the manner in which the land is to be used, the location, size, character and appearance of the buildings and provisions for off street parking service areas and landscaping shall have been submitted to and approved by the City Planning Commission, and;
 - (b) No goods, ware or merchandise other than souvenirs and items ordinarily sold in museums shall be prepared or sold on the premises.

17. Rental of trailers, provided that:
 - (a) Such trailers are used for hauling purposes and not for living, sleeping or storage purposes.
 - (b) A permanent brick or masonry wall or ornamental fence of hedge (as determined by the Governing Body) not less than four (4) feet nor more than six (6) feet high is provided along all front yard lines and along all side or rear lot lines where such lines adjoin property used for other than commercial or industrial purposes.
18. Drive-in theaters.
19. Automobile sales, service, rental (new and used), provided, however, that a plan showing in detail the manner in which the land is to be used, the location, size, character and appearance of buildings, the provisions for building setbacks, off-street parking, service areas, screening, landscaping, signs and lighting has been submitted to the City Planning Commission and a recommendation has been forwarded from them to the City Council.
20. Multiple Family Dwellings for elderly and/or handicapped persons in "R-2" district with the following required Parking, Height, Area and Intensity Use Regulations:
 - (a) Parking Regulations: At least one half (1/2) space for each dwelling unit.
 - (b) Height Regulations: No building shall exceed eighty-five (85) feet in height.
 - (c) Area Regulations:
 - (1) Front Yard: Thirty (30) feet on all sides abutting a street.
 - (2) Side Yard: Fifteen (15) feet except there shall be an additional side yard setback of one (1) foot for each two (2) feet of building height over fifty (50) feet.
 - (3) Rear Yard: twenty-five (25) feet.
 - (4) Intensity of Use: Minimum lot area shall be five hundred (500) square feet per dwelling unit.
21. Storage Garages:

- (a) Storage garages which are designed and used exclusively for the storage of furniture, household goods, motor vehicles, recreational vehicles, boats, trailers, campers and camper tops, and related accessories, on land zoned "R-2" Multi Family; provided that no property held for resale or used primarily in the conduct of a business or commercial enterprise shall be stored therein; and provided further that;
 - (1) A plan is submitted, showing in detail the manner in which the land is proposed to be used and the location, size, character and appearance of buildings and screening proposed to be erected.
 - (2) Lighting shall be directed, away from any surrounding residential districts.
 - (3) Driveway approaches and driveways are surfaced with concrete, asphalt concrete, asphalt, or other dust free surface.
 - (4) One sign only, not exceeding five (5) square feet, shall be permitted; Rear Yard-Twenty-five (25) feet; Side Yard-Fifteen (15) feet.
 - (5) Lot coverage by the storage garage or garages shall not exceed seventy percent (70%) and
 - (6) Any special use permit issued pursuant to this paragraph 21 shall be revoked if storage of commercial or industrial property or equipment is commenced.
- 22. No special use shall be permitted unless the Planning Commission and the Governing Body finds:
 - (a) That the proposed use is compatible with that of surrounding properties.
 - (b) That adequate buffering or screening is provided for.
 - (c) That ingress and egress to the property and to improvements to be constructed upon the property is adequate; and
 - (d) That the nature and intensity of the use proposed to be made of the property complies with the provisions of subparagraph (a) hereof.
- 23. Privately owned swimming pools shall be enclosed in accordance with the fence regulations of this ordinance.

Special permits granted hereunder shall be valid only so long as the applicable provisions above are complied with, and such special permits may be revoked by the Governing Body at any time without notice in the event of noncompliance with any of said provisions.

Special permits granted hereunder may provide that the use for which the permit is granted shall be commenced within a certain specified time and/or that the permit shall expire and the use terminate at a certain specified date.

Before issuance of any special permit of any of the above buildings or uses, the Governing Body shall refer the proposed application to the City Planning Commission which Commission shall be given thirty (30) days in which, to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities or other matters pertaining to the public health, public safety and general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the City Planning Commission has been filed.

Section 10 Additional Height and Area Regulations

The district regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

Chimneys, cooling towers, elevator bulkheads, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, wireless towers or necessary mechanical appurtenances, may be erected to a height in accordance with existing or here after adopted Ordinances of the City of Burlingame, Kansas.

Accessory buildings may be built in a rear yard but such accessory buildings shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes, except by special permission for a limited time while construction of main building?

Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.

Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Building Inspector for a distance of not more than three and one half (3 1/2) feet and where the same are so placed as not to obstruct light and ventilation.

An open unenclosed porch or paved terrace may project front yard for a distance not exceeding ten (10) feet. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.

For the purpose of the side yard regulations, a two-family dwelling, or a multiple-dwelling, shall be considered as one building occupying one lot.

Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary building shall be removed upon completion of the construction work.

Where a lot or tract is used for a nonresidential purpose, more than one main building may be located upon the lot or tract, but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

No side yards are required where dwelling units are erected above commercial and industrial structures.

Buildings that are to be used for storage purposes only may exceed the maximum number of stories that are permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts.

The front yards heretofore established shall be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, the new buildings shall not be erected closer to the street than the front yard so established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
 - (a) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides, or
 - (b) Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

3. Where a building cannot be erected as close to the street as is allowed by the district regulations because of the provisions of paragraphs 1 and 2 above, the City Council upon petition signed by at least one property owner in the block affected and after report upon the same by the City Planning Commission, may establish a front yard line for the block affected as close to the street as allowed by the district regulations for that block.

Except as otherwise specifically provided for the City of Burlingame, Kansas, the following regulations shall apply to the construction of fences:

1. No fence of a height greater than three (3) feet, except wire fences and other fences in which the openings between the materials of which the fence is constructed represent more than seventy (70) percent of the total fence area, shall be constructed closer to the street than the front building line established for the district in which such fence is to be erected. Except in other yard areas it may exceed three (3) feet but not more than six and one-half (6 1/2) feet.
2. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the City Building Inspector has certified such design as not to be hazardous or dangerous to persons or animals.
3. No person shall erect or maintain any fence which will adversely affect the public health, safety and welfare of adjacent property.
4. Fences constructed upon public or parochial school grounds or in public parks and in public playgrounds, may be constructed of a height greater than three (3) feet but less than six and one-half (6 1/2) feet; provided, however, that the Governing Body of the City of Burlingame, Kansas, may, by special permit, authorize the construction of a fence higher than six and one-half (6 1/2) feet, if the construction thereof has been recommended and approved by the City Planning Commission.
5. All fences shall conform to the provisions of the building code of the City of Burlingame, Kansas.
6. When in the Building Inspector's judgment, the public health, safety and welfare will be substantially served and the adjacent property will not be damaged, the Building Inspector may vary the requirements, with respect to the construction of fences as provided for herein.
7. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision inside the defined vision clearance area (see definitions). The vision

clearance area shall consist of a triangle bounded by the street lines of such corner lots and a line joining points fifty (50) feet from the point of the street centerline intersection.

Section 11 Community Unit Plan

The owner or owners of any tract of land comprising an area of not less than ten (10) acres may submit to the City Council of the City of Burlingame, a plan for the use and development of all the tract of land for residential purposes or for the repair and alteration of any existing housing development on an area comprising ten (10) acres or more. The development or alteration plan shall be referred to the City Planning Commission for study and report. If the City Planning Commission approves the plans, they shall then be submitted to the City Council for consideration, public hearing and approval. The approval and recommendations for the City Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific plan meets the following conditions:

1. The property adjacent to the area included in the plan will not be adversely affected.
2. That the plan is consistent with the intent and purpose of this Ordinance to promote public health, safety, morals and general welfare.
3. That the buildings shall be used only for single family dwellings, two family or multiple dwellings and the usual accessory uses, such as garages, storage space or community activities, including churches.
4. That the average lot per family contained in the site will be not less than the lot area per family required in the district in which the development is located, and
5. That the buildings do not exceed the height regulations of the district in which the development is located.

If the City Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location of the buildings to be erected in the area and the yards and open spaces contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

Section 12 Board of Zoning Appeals

Board of zoning appeals; membership, appointment, terms, vacancies, officers; rules, records, fees.

The governing body of the City of Burlingame, Kansas, which has enacted a zoning ordinance shall by ordinance create a Board of Zoning Appeals. Such board shall consist of not less than three (3) nor more than seven (7) members, all of whom shall be residents of the City, to be appointed by the Mayor by and with the consent of the City Council. None of the members shall hold any other public office of the City except that one member may be a member of the Planning Commission. The members first appointed shall serve respectively for terms of one, two and three years, divided equally or as nearly equally as possible between the members. Thereafter, the governing body of the City of Burlingame may by ordinance change the terms of said members to either three (3) or four (4) years, which ever is deemed to be in the best interest of the City. Vacancies shall be filled by appointment for the unexpired term. The members of such board shall serve without compensation. The board shall annually elect one (1) of its members as chairman, and shall, appoint a secretary who may be an officer or an employee of the City. The board shall adopt rules in accordance with the provisions of the ordinance creating the board. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the board, decision of the board and the vote upon each question. Records of all official actions of the board shall be filed in its office and shall be a public record. The governing body of the City may in the ordinance creating such board collect a fee of one hundred (\$100.00) dollars to be paid in advance by the party appealing.

Powers and duties of board; hearings, appeals; variances and exceptions.

The Board of Zoning Appeals shall administer the details of appeals from other matters referred to it regarding the application of the zoning ordinance as hereinafter provided. The board shall fix a reasonable time for the hearing of an appeal of any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the City Planning Commission.

Appeals to the board may be taken by any person aggrieved, or by any officer of the City or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefore. The officer from whom the appeal is taken, when notified by

the board or its agent, shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. The board may also, when it shall deem the same necessary, grant variances and exceptions to the zoning ordinance on the basis and in the manner hereinafter provided:

1. Variances: To authorize in specific cases a variance from the specific terms of the ordinance which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the ordinance will, in an individual case result in unnecessary hardship, and provided that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning ordinance in such district. A regrets for a variance may be granted in such case, upon a finding by the board that all of the following conditions have been met:
 - (a) That the variance requested arises from such condition which is unique to the property in question and which is not created by an action or actions of the property owner or the applicant.
 - (b) That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residences,
 - (c) That the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - (d) That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - (e) That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.
2. Exceptions: To grant exceptions to the provisions of zoning ordinance in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning ordinance, In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the zoning ordinance by the governing body, are not found to be present. In exercising the foregoing powers, the board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or

determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit. Any person, official or governmental agency dissatisfied with any order or determination of said board may bring an action in the district court of the county in which such City is located to determine the reasonableness of any such order or determination.

Section 13 Occupancy Permits

Subsequent to the effective date of this ordinance, no change in the use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new building be occupied until a Certificate of Occupancy has been issued by the Building Inspector. Every Certificate of Occupancy shall state that the new occupancy complies with all provisions of this ordinance.

No permit for excavation for, or the erection or alteration of, any building shall be issued before the application has been made and approved for a Certificate of Occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued.

A record of all Certificates of Occupancy shall be kept on file in City Hall, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such Certificate of Occupancy.

Section 14 Plats

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A record of applications and plat shall be kept in City Hall.

Section 15

Rules Where Uncertainties May Arise Concerning Boundaries and Districts

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the district map accompanying and made a part of this ordinance, the following rules apply:

1. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
2. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the district map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
3. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by use of the scale appearing on the map.

Section 16
Interpretation of Ordinance

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.

Section 17 Amendments

The Governing Body of the City may from time to time on its own motion or on petition of any party, amend, supplement, change, modify or repeal, by ordinance, the boundaries of any zoning district or the regulations or restrictions herein established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the City Planning Commission for its recommendation and report.

Any party desiring any change in zoning district boundaries as to any lot, tract or area of land shall file with the City Clerk an application upon forms provided by the City, and such application shall be accompanied by such data and information as may be prescribed by the City Planning Commission. At the time of filing said application with the City Clerk, the applicant shall provide the City Clerk with the names and addresses of all land owners, residing in, or having an office in Osage County, Kansas, of any land located within the limits of the area as to which change is requested and within 200 feet of the outer limits of said area as to which the applicant desires change of zoning.

For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the City, a fee in the amount of one hundred (\$100.00) dollars.

Promptly upon the filing of any such application, the City Clerk shall refer the application to the City Planning Commission for study and recommendation and shall report to the governing body concerning the nature of the application and the fact of its referral to the City Planning Commission.

Before the City Planning Commission shall by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary, whether initiated by the Governing Body or by others, the City Planning Commission shall hold a public hearing on such proposal and such hearing shall be held only after notice of the hearing has been given as follows;

1. One notice published as a legal notice in the official newspaper of the City of Burlingame, Kansas, said publication notice to be at least 20 days prior to the date set for said hearing.
2. A copy of said published notice mailed by first class mail, within seven (7) days after publication of said notice to all owners, whose addresses with reasonable diligence can be ascertained, residing in, or having an office in Osage County, Kansas, of land located within two hundred (200) feet of the outer limits of the area to which such proposal pertains, said list of said

owners to be determined by the records in the Office of the register of Deeds as of 8:00 o'clock A.M. on the date on which said application is filed with the City clerk. If zoning amendment to affect property adjacent to or outside the City's limits, the notice shall be extended to at least 1000 feet into the unincorporated area.

3. Provided, however, that in the event of a hearing upon any proposed adoption of the new basic zoning ordinance changing zoning district regulations, requirements and/or general provisions, but not changing zoning district boundaries, the only notice required shall be the notice published in the official newspaper, as required by subparagraph "1" of this Section.
4. In the event that a protest against amendment, supplement or change by filed in the office of the City Clerk within fourteen (14) days after said public hearing, duly signed and acknowledged by the owners of twenty (20) percent or more of any land located within two hundred (200) feet of the area proposed to be altered, then in such event such amendment shall not be passed except by at least four-fifths (4/5) vote of the Governing Body of the City.

Section 18 Enforcement

It shall be the duty of the Building Inspector of the City of Burlingame, Kansas, to enforce this Ordinance. Upon receipt of a complaint concerning a violation of this Ordinance, the Building Inspector shall investigate the alleged violation and report to the Planning Commission within 7 days. If unavailable, the Planning Commission may independently review complaints.

If a violation is determined by the Planning Commission, the Planning Commission shall report the violation to the City Council. Such determination by the Planning Commission shall be placed upon the agenda of the City Council for the next regular meeting unless a special meeting is requested under necessary circumstances. A notice of the violation shall be sent by the City Clerk to the alleged violator and placement on the City Council agenda.

Appeals from a decision of the Building Inspector or Planning may be made to the Board of Zoning Appeals as provided in Section 12 of this Ordinance. The time for appeal shall be determined from the date of the first notice sent to the violator.

Section 19 Penalties

The owner or agent of a building or premises in or upon with a violation of any provision of this Ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be punished by a fine not to exceed five hundred (\$500) dollars. Each and every day that such violation continues may constitute a separate offense.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure or land is used in violation of this Ordinance, the appropriate authorities of the City of Burlingame, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

Section 20
Validity

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 21
Conflicting Ordinances Repealed

Any ordinance or parts of ordinances and amendments thereto, in conflict herewith are hereby repealed.