

ARTICLE III

GENERAL PROVISIONS

PART 1. ACTIVITIES GOVERNED BY THESE REGULATIONS

3-101. Territorial Application of Regulations. The provisions of these regulations shall apply to structures and land in the City of Manhattan. All property within the City shall comply with all applicable provisions of these Zoning Regulations.

3-102. Exemptions. The following structures and uses shall be exempt from the provisions of these regulations:

- (A) Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water operated or maintained by public utility but not including substations located on or above the surface of the ground. Provided that, infrastructure relating to personal wireless telecommunications services, as defined in Article XII, Telecom Structures, is regulated by Article XII and the relevant requirements of these regulations.
- (B) Railroad tracks, signals, bridges and similar facilities and equipment used in the operation of the railroad and located on railroad rights-of-way.

PART 2. DISTRICTS, ZONING MAPS AND BOUNDARIES

3-201. Establishment of Districts.

- (A) All property within the City of Manhattan shall be zoned as one or more of the following districts:
 - (1) RS. Single-Family Residential Suburban District: A district designed for single-family dwellings at a density no greater than one (1) dwelling unit per 20,000 square feet.
 - (2) R. Single-Family Residential District: A district designed for single-family dwellings at a density no greater than one (1) dwelling unit per 10,000 square feet.
 - (3) R-1. Single-Family Residential District: A district designed for single-family dwellings at a density no greater than one (1) dwelling unit per 6,500 square feet.
 - (4) R-2. Two-Family Residential District: A district designed for single-

- family and two-family dwellings at a density no greater than two (2) attached dwelling units per 7,500 square feet.
- (5) RM. Four-Family Residential District: A district designed to promote a medium density mixture of single-family, two-family and small multi-family residential developments, with a maximum of four (4) dwelling units per structure on a single lot and at a density no greater than four (4) dwelling units per 9,000 square feet.
 - (6) R-3. Multi-family Residential District: A district designed primarily for multiple-family residences at a density no greater than one (1) dwelling unit per 1,000 square feet.
 - (7) R-4. General Residential District: The R-4 Residential District is designed to provide a district which is identical in density to the R-1 District, but provides for site built dwellings, residential-design manufactured homes, manufactured homes, and mobile homes, all on individually owned lots.
 - (8) R-5. Manufactured Home Park District: A district designed to accommodate manufactured and mobile homes in a manufactured home park.
 - (9) UO. University Overlay District: A district designed to provide for the establishment of the types of uses which ordinarily locate close to a University, but which might not be located on University property. The University Overlay District regulations are to be applied in combination with any residential district.
 - (10) U. University District: The University District is designed to permit the establishment of uses normally associated with a University, or other educational institution, and to give these activities more flexibility than within other districts, while providing a landscape buffer from adjoining zoning districts and public streets.
 - (11) TNO. Traditional Neighborhood Overlay District. The TNO District is intended to conserve the traditional character of the older neighborhoods through Compatibility Standards. The Compatibility Standards require that new infill residential buildings, and additions or modifications to existing residential buildings, incorporate basic design and site layout elements characteristic of homes in the traditional neighborhoods. The TNO is used in conjunction with an underlying residential district.
 - (12) M-FRO. Multi-Family Redevelopment Overlay District. The Multi-Family Redevelopment Overlay is designed to ensure that multiple-

family infill development is functionally integrated into surrounding areas and compatible with the traditional character of the older neighborhoods of Manhattan. The intent is to provide a framework within which higher density housing can be built, while being sensitive to surrounding neighborhoods and the public streetscape with regard to design and site layout. The M-FRO is used in conjunction with the underlying R-3, Multiple-Family Residential District.

- (13) C-1. Restricted Business District: A district designed to provide for non-retail commercial, and business and professional activities adjacent to arterial and collector streets. This district is intended to be compatible with adjacent residential districts.
- (14) C-2. Neighborhood Shopping District: A district designed to provide for a broad range of retail shopping facilities and services located to serve one or more residential areas.
- (15) C-3. Aggieville Business District: A district designed to provide for a relatively broad range of retail shopping facilities and services which primarily consist of specialty shops and stores.
- (16) C-4. Central Business District: This district is the primary commercial center of the community and is designed to provide for a broad range of retail shopping facilities, services, and cultural activities.
- (17) C-5. Highway Service Commercial District: A district designed to provide for businesses offering accommodations, supplies or services to motorists, and for certain specialized activities which require access to major streets and highways.
- (18) RDO. Redevelopment District Overlay: This district is designed to be used in combination with the C-5, Highway Service Commercial District, to provide for highway service and central business district uses in a pattern that is compatible to the character of the C-4 Central Business District.
- (19) C-6. Heavy Commercial District: A district designed to provide for commercial uses which allow for the sale and/or service of heavy equipment or products.
- (20) I-1. Research Park District: A district designed to allow for research facilities which will be maintained in an attractive, landscaped setting.
- (21) I-2. Industrial Park District: A district designed to allow a broad range of manufacturing and research activities in a large lot industrial park setting.

- (22) I-3. Light Industrial District: A district designed to allow manufacturing, processing, assembly and non-retail service activities.
- (23) I-4. Heavy Industrial District: A district designed to allow industries involved with the basic manufacturing and processing of raw materials which are apt to have an extensive impact on the surrounding area. I-4 Districts should be separated from residential districts and more restricted business districts by intervening or restrictive industrial or commercial zones. This district is intended to provide for activities that are incompatible with residential and retail commercial areas.
- (24) I-5. Business Park District: A district designed to encourage administrative, research and assembly activities in a setting that is compatible with surrounding or abutting residential districts. The district should generally be located along major streets and can be used as a transitional zone between residential areas and other districts.
- (25) PUD. Planned Unit Development District: A district which may be established pursuant to the provisions of Article IX of these regulations to provide a custom zoning district for a specific site.
- (26) LM-SC. Light Manufacturing - Service Commercial District: A district designed to promote and encourage diverse economic growth through coordinated and efficient use of land, and collocation of light industrial, and highway service commercial activities.
- (27) AO. Airport Overlay District: A district intended to promote the use and development of land in a manner that is compatible with the continued operation and utility of the Manhattan Municipal Airport so as to protect the public investment in, and benefit provided by the facility to the region.
- (28) FW. Floodway District: All areas located along or adjacent to the channel of a river or watercourse, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (29) FF. Floodway Fringe District: All areas located outside of the Floodway District that are within the 100 year flood boundary.
- (30) CTPO. Corporate Technology Park Overlay District: The Corporate Technology Park Overlay District is designed to provide a broader range of permitted land uses and support services than the underlying Industrial Zoning accommodates and to increase flexibility in tenant size. The CTPO is used in conjunction with the underlying Industrial

Zoning classification (I-3 or I-5 District), as well as the AO, Airport Overlay District, in the Corporate Technology Park.

3-202. Zoning Map.

- (A) The boundaries of the districts listed in Section 3-201 are as indicated on the Official Zoning District Map of the City of Manhattan, which is on file in the office of the Zoning Administrator and identified on its face as part of these zoning regulations. Said Zoning District Map, with all notations, references and other matters shown thereon, is as much a part of these zoning regulations as if such notations, references and other matters were specifically set forth herein.
- (B) The Official Zoning District Map includes the Official Flood Plain Map as described in Section 10-102(A) and the Official Manhattan Municipal Airport Zoning Map as described in Section 11-104.

3-203. Boundaries. In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (A) The district boundaries are the center lines of streets or alleys, unless otherwise indicated; and where the designation of a boundary line on the zoning map coincides with the location of a street or alley, the center lines of such street or alley shall be construed to be the boundary line of such district.
- (B) Where the district boundaries do not coincide with the location of streets or alleys, but do coincide with lot lines, such lot lines shall be construed to be the boundary of such district.
- (C) Where the district boundaries do not coincide with the location of streets, alleys or lot lines, the district boundaries shall be determined by the use of the scale shown on the zoning map.
- (D) When a lot held in one ownership on the effective date of these regulations is divided by a district boundary line, the entire lot shall be construed to be within the district in which the majority of the lot is located.

3-204. Zoning of Streets, Alleys, Public Ways, Waterways and Railroad Rights-of-Way. All streets, alleys, public ways, waterways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting such streets, alleys, public ways, waterways, or railroad rights-of-way. Where the center line of a street, alley, public way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

PART 3. GENERAL REQUIREMENTS -- ALL ZONING DISTRICTS

- 3-301. Uses Allowed. Specifically identified permitted uses shall be allowed subject only to the further requirements of these regulations. Specifically identified conditional uses shall be allowed only after approval pursuant to Part 7 of Article XIV. Uses not specifically identified as permitted or conditional are prohibited.
- 3-302. Lot Sizes.
- (A) No structure, or part thereof, shall hereafter be built, moved or remodeled and no structure or land shall hereafter be used, occupied, arranged or designed for use or occupancy, on a zoning lot which is:
- (1) Smaller in area than the minimum lot area required in the zoning district in which the structure or land is located;
 - (2) Narrower than the minimum lot width required in the zoning district in which the structure or land is located; or
 - (3) Shallower than the minimum lot depth required in the zoning district in which the structure or land is located.
- 3-303. Bulk Regulations. Bulk regulations are expressed in terms of maximum structure height, maximum lot coverage, minimum setbacks and minimum front, side and rear yards. No structure, or part thereof, shall hereafter be built, moved or remodeled nor shall structures or land hereafter be used, occupied or designed for use or occupancy:
- (A) So as to exceed the maximum lot coverage percentage, or the maximum structure height specified for the zoning district in which the structure is located;
- (B) So as to provide any setback or front, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained.
- 3-304. Use Limitations. Use limitations are further restrictions and requirements placed upon permitted and conditional uses within each zoning district. No use hereafter established, altered, modified or enlarged shall be allowed to conflict with the use limitations for the zoning district in which such use is located. No use already established on the effective date of these regulations shall be altered, modified or enlarged without complying with the use limitations for the zoning district in which such use is located.
- 3-305. Accessory Structures or Uses. No accessory structures or uses as defined in Section 5-102, shall hereafter be built, moved, remodeled, established, altered or enlarged

unless such accessory structures or uses comply with these regulations.

- 3-306. Temporary Structures and Uses. No temporary structure or use shall hereafter be built, established, moved, remodeled, altered or enlarged unless such temporary structure or use is permitted by Section 5-201 of these regulations.
- 3-307. Home Occupations. No home occupation as defined by Section 5-302, shall hereafter be established, altered or enlarged in any residential district unless such home occupation:
- (A) Complies with the conditions and restrictions imposed by Section 5-303; and
 - (B) Is not listed as a prohibited home occupation in Section 5-305.
- 3-308. Signs. No signs shall hereafter be built, and no existing signs shall be moved or remodeled unless such sign complies, or will thereafter comply, with the restrictions imposed by Article VI.
- 3-309. Off-Street Parking and Loading. No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy unless the minimum off-street parking and off-street loading spaces required by Article VII are provided. No structure or use already established on the effective date of these regulations shall be enlarged unless the minimum off-street parking and loading spaces which would be required by Article VII are provided for the whole structure or use as enlarged.
- 3-310. Nonconformities. Nothing in Article III, Part 3 shall be deemed to prohibit those portions of uses, structures, or lots that comply with the provisions of Article VIII.

PART 4. MISCELLANEOUS REQUIREMENTS

- 3-401. Number of Structures and Uses on a Zoning Lot.
- (A) Not more than one principal structure shall be located on a residential zoning lot, except as may be permitted by Article IX, of these regulations relating to Planned Unit Development Districts, or by Article XII relating to Telecom Structures.
 - (B) In commercial or industrial districts, any number of structures or uses may be constructed or established on a single zoning lot, but no single zoning lot shall be smaller than the minimum lot area prescribed for the district in which it is located.
- 3-402. Platted Building and Setback Lines. If a recorded subdivision plat, properly adopted under the regulations in existence at the time of adoption, imposes a building or setback line for a lot which is less than the minimum setback or front yard required

by the applicable section of these regulations, then, the minimum setback or minimum front yard shall be the setback or yard as reflected on the recorded plat.

3-403. Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum setback and minimum side and rear yards that would otherwise be required for said zoning lots shall be provided and maintained unless some other provision of these regulations requires or permits a different minimum setback, front, side or rear yard. The front, side and rear yards shall not be required on zoning lots used for garden purposes without structures, or on zoning lots used for open public recreation areas.

3-404. Restrictions on Allocation and Disposition of Required Yard or Open Space.

- (A) No part of the lot area, or of a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area or of a yard, or open space, or off-street parking or loading space required for any other structure or use, except as specifically provided herein.
- (B) All of the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with these regulations shall be located on the same zoning lot as such structure or use.
- (C) No part of the lot area or of the yard, other open space, or off-street parking or loading space provided in connection with any structure or use (including, but not limited to, any structure or use existing on the effective date of this ordinance or of any amendment thereof) shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for equivalent new construction.

3-405. Permitted Structures in Required Yards. The following structures shall be allowed in required yards:

- (A) Terraces, steps, ramps, landings and decks, provided that no part of such structure is over thirty (30) inches in height above the ground on which the structure is located. However, such structures may include handrails over thirty (30) inches in height as may be required by building code regulations.
 - (1) In front yards, these structures may be located as close as fifteen (15) feet to the front lot line.
 - (2) In side yards, these structures may be located as close as three (3) feet to the side lot line.
 - (3) In rear yards, these structures may be located as close as ten (10) feet to

the rear lot line.

- (B) Arbors and trellises.
- (C) Flagpoles, provided that no portion of the flag extends beyond the property line.

3-406. Structures Exempt from Height Requirements. The following appurtenances are exempted from height requirements in any district except the Airport Overlay (AO) District.

- (A) Chimneys, flues, stacks.
- (B) Cupolas.
- (C) Elevator Enclosures.
- (D) Fire Escapes.
- (E) Telecom Structures, as defined by Article XII of these regulations, shall comply with the height requirements of Section 12-110 (A).
- (F) Monuments for public purposes.
- (G) Skylights.
- (H) Steeples and bell towers.
- (I) Television and radio antennas.
- (J) Ventilators.

3-407. Unbuildable Residential Zoning Lots. A single family or duplex structure or addition thereto, may be erected on an unbuildable lot in districts where such use is permitted, provided that:

- (A) The lot has been platted and recorded at the Riley or Pottawatomie County Register of Deeds prior to 1969; and,
- (B) The lot meets the minimum lot width and depth requirements of the zoning district in which the lot in question is located; and,
- (C) The new dwelling is constructed on the lot in conformance with these regulations except that the front yard setback which makes the lot unbuildable, is hereby reduced to fourteen (14) feet.

- 3-408. Access to Commercial and Industrial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any commercial or industrial district, except as provided by these regulations.
- 3-409. Annexed Land. All land which may be hereafter annexed to the City of Manhattan shall, simultaneous with the annexation, be zoned following the procedures required by law.
- 3-410. Lot Size Requirements and Bulk Regulations for Public Utility Facilities. Notwithstanding any other provision of these regulations, none of the following public utility or public service uses shall be required to comply with the lot size requirements and bulk regulations of the zoning district in which they are located:
- (A) Electric and telephone substations and distribution systems.
 - (B) Gas regulator stations.
 - (C) Poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of electricity, gas or water.
 - (D) Pumping stations.
 - (E) Radio and television towers.
 - (F) Telecom Structures, as defined by Article XII of these regulations, shall comply with the lot size requirements of Section 12-109 and the bulk regulations of Section 12-110.
 - (G) Transformer stations.
 - (H) Water towers or standpipes.
- 3-411. Vision Clearance Triangles.
- (A) A Vision Clearance Triangle is defined as a three (3) dimensional volume located within the area formed by the intersection of two streets, a street and an alley, a street and a railroad, a street and a private drive, an alley and a sidewalk, or a private drive and a sidewalk, in which:
 - (1) the base of the volume is a triangle, the measured sides of which are the closest right-of-way lines in the case of streets or alleys, the closest edge of the travelway in the case of private drives or sidewalks, or the closest edge of the bed of a railroad; and the third side is a line connecting the end points of the measured sides; and

- (2) the height of the volume begins two and one half (2 1/2) feet above the base and extends to ten (10) feet above the base.
- (B) In all residential districts, the measured sides of the Vision Clearance Triangle shall be no less than thirty (30) feet in length, except as set forth in (D).
- (C) In zoning districts other than residential, the measured sides of the Vision Clearance Triangle shall be no less than fifteen (15) feet in length, except as set forth in (D).
- (D) Where an alley or private drive intersects with a sidewalk or a street, the measured sides of the Vision Clearance Triangle shall be no less than ten (10) feet in length.
- (E) It shall be unlawful to construct, erect, place, grow, park, maintain or allow to be constructed, erected, placed, grown, parked or maintained, any structure, wall, sign, vegetation or obstruction of any kind within the Vision Clearance Triangle, except that trees are allowed within the Vision Clearance Triangle if their branches are pruned at the trunk to a height of at least ten (10) feet above the adjacent ground level, provided the number and arrangement of the tree trunks do not significantly block vision across the area, and except that a support column not over twelve (12) inches in diameter may be permitted.

3-412. State or Municipally Owned and Operated Public Utilities and Public Facilities.

- (A) Any public utility, or facility, owned and operated by either the State or a Municipality is hereby authorized as a permitted use in any zoning district, subject to the remaining provisions of this section.
- (B) The term "State" shall mean the State of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof. The term "Municipality" means any county, township, city, school district or other political or taxing sub-division of the State, or any agency, authority, institution or other instrumentality thereof.
- (C) If any such utility or facility is specifically listed as a permitted or conditional use in Article IV of these regulations, the owner of any such utility or facility that is proposed to be constructed or expanded may choose to either proceed pursuant to this section, or may comply with sections of these regulations applicable to the uses set forth in Article IV. Other than this Section, no provision of these regulations, except those provisions generally applicable to all regulations herein, such as provisions dealing with interpretation or enforcement of these regulations, shall apply to the construction or expansion of any utility or facility that proceeds pursuant to this section.
- (D) The proposed construction or expansion of any public utility or facility,

subject to this section, shall not proceed until such is authorized by an ordinance adopted by the Governing Body. The adoption of such an ordinance shall not be considered to be an amendment to the zoning regulations, nor shall it be considered to be a rezoning of the property involved. Requests for the adoption of such an ordinance shall be submitted by the owner of such utility or facility to the Zoning Administrator on forms provided by said Zoning Administrator. The request shall include documents and evidence, as required by staff, the Planning Board or the Governing Body, such as an appropriate site plan, sufficient for the Planning Board and Governing Body to evaluate the factors set forth in Section (F).

- (E) Upon receipt of such a request, the Zoning Administrator shall schedule a public hearing on said request in front of the Manhattan Urban Area Planning Board. Notice of such public hearing shall be given pursuant to Section 15-202 of these regulations, as though such request were an amendment to the zoning of said property. Thereafter, the Manhattan Urban Area Planning Board shall proceed to conduct such public hearing on said request.
- (F) At the conclusion of the hearing required by the preceding section, the Manhattan Urban Area Planning Board shall forward their recommendation on the request to the Governing Body. Such recommendation shall include all factors and reasons the Planning Board relies upon to support such recommendation. In arriving at such recommendation, the Planning Board shall balance the public interests to be served by the construction or expansion of the utility or facility, as opposed to the impact upon interests intended to be protected by these zoning regulations. In balancing such interests, the Planning Board shall consider factors, such as:
 - (1) The nature and scope of the municipality or state agency making the request; and,
 - (2) The function of the utility or facility; and,
 - (3) The extent of the public interest to be served by the utility or facility; and,
 - (4) The effect that regulation of the construction, or expansion, either by the imposition of requirements necessary to mitigate impacts or by a complete denial, will have upon the municipality's, or state agency's, ability to efficiently, economically and prudently meet the public interests they are serving; and,
 - (5) The impact that construction or expansion of the utility or facility will have upon legitimate interests of that portion of the community in which it is proposed to be located; and,

- (6) If the owner of the utility or facility is the City of Manhattan, and if the facility or utility is of a type embraced within the Comprehensive Plan, whether or not it is in conformity with that Plan; and,
 - (7) Such other factors as the Planning Board deems appropriate and relevant.
- (G) The Planning Board shall not recommend approval of the request unless it determines, by a preponderance of the evidence, that the public interests to be served by the construction or expansion of the utility or facility outweigh any impact upon legitimate community interests, as such impact is mitigated by any requirements of the Planning Board.
- (H) If the Planning Board recommends approval, they shall also recommend any requirements or conditions they deem necessary to mitigate impacts caused by such use. Such requirements or conditions may include, but are not limited to, any bulk, or other requirements, which would have otherwise been applicable within the zoning district in which the proposed use is to be placed.
- (I) Upon receipt of a recommendation from the Planning Board pursuant to this section, the Governing Body shall consider the request. As a part of such consideration, the Governing Body shall schedule a public hearing on said request and notice of such public hearing shall be given in the same manner as required by Sub-Paragraph E above. In evaluating a request, the Governing Body shall consider all factors set forth in Sub-Section F and shall also consider the recommendation and reasoning of the Planning Board. The Governing Body is not bound by the recommendations of the Planning Board, nor is it obligated to return the matter to the Planning Board unless the Governing Body chooses to do so. If the Governing Body desires to approve the request, it shall do so by the adoption of an ordinance. The Governing Body shall not approve the request unless it determines, by a preponderance of the evidence, that the public interest to be served by the construction or expansion of the utility or facility outweighs the impacts upon legitimate community interests, as such impacts are mitigated by requirements of the Governing Body. The Governing Body in any ordinance approving such request may establish such conditions as it deems necessary to mitigate any impacts created by such use.
- (J) As used herein, the phrase "preponderance of the evidence" means that the issue being decided is more probably true than not true.

3-413. Architectural and Aesthetic Standards for Residential-Design Manufactured Homes. In order to be classified as a Residential-Design Manufactured Home, such home shall meet the following architectural and aesthetic standards:

- (A) The structure must have a minimum dimension of twenty-two (22) feet in

width excluding bay windows, garages, porches, patios, pop-outs and roof overhangs;

- (B) The structure must have a minimum roof pitch with a vertical rise of not less than two and one-half (2 1/2) inches for each twelve (12) inches of horizontal run;
- (C) The roof shall have an eaves projection of no less than ten (10) inches which may include a gutter. Roofing materials may be wood composition, fiberglass or asphalt shingles; clay or concrete tile; or slate; but excluding corrugated aluminum, corrugated fiberglass or corrugated metal;
- (D) The exterior siding may be wood, masonry, composition board, finished aluminum lap siding or other materials normally found on site built homes. Siding material shall extend below the top of the exterior foundation;
- (E) On level sites, the main floor shall be no greater than twenty-four (24) inches above the finished grade at the foundation. On sloping or irregular sites, the main floor at the side closest to grade level shall not be greater than twenty-four (24) inches above the finished grade at the foundation;
- (F) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the Uniform Building Code and attached permanently to the primary structure and anchored permanently to the ground; and
- (G) The home shall be installed in accordance with the recommended installation procedure of the manufacturer and the Uniform Building Code as adopted by the City. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. Either a basement or a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access, shall be installed under the perimeter of the home.

3-414. Vesting.

- (A) Amendments to Regulations After Building Permit Issued. Nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any structure in the event that:
 - (1) A valid building permit for such structure was lawfully issued prior to the effective date of these regulations, or the effective date of any amendment thereof, and
 - (2) Such permit had not by its own terms expired prior to such effective date, and

- (3) Such permit was issued on the basis of any application showing complete plans for proposed construction, and
 - (4) There has been a substantial change of position, substantial expenditure, or incurrence of substantial obligations by the permit holder in reliance on such permit, and
 - (5) Such change of position, expenditures, or incurrence of obligations were made prior to published or actual notice of a proposed amendment of these regulations which amendments would have made illegal the issuance of such permit, and
 - (6) Construction pursuant to such permit is completed prior to the expiration of such permit.
 - (7) When a structure is completed under a permit to which this applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the building permit was issued.
- (B) Single Family Residential Developments. For the purpose of single family residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five (5) years of recording a plat, the development rights in such shall expire.
- (C) No building permit shall be issued after the notice has been published concerning a proposed amendment to these regulations, or amendment to the zoning classification of a specific piece of property, unless the request complies with both the existing regulations and classification as well as the proposed amendment. This provision shall not apply to property vested pursuant to paragraph (B) above.

3-415. Occupancy of Dwelling Units, Manufactured Homes, and Mobile Homes. No more than one family shall reside in a dwelling unit, manufactured home or mobile home, except where uses, by definition, provide for more than one family to reside therein.