

ZONING REGULATIONS

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AN ORDINANCE ADOPTING BY REFERENCE A COMPREHENSIVE ZONING CODE AND SUBDIVISION CODE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES WITHIN THE CITY OF KINSLEY, KANSAS. AS PREPARED AND PUBLISHED IN BOOK FORM FOR THE KINSLEY PLANNING COMMISSION PURSUANT TO K.S.A., 12-707 THROUGH 12-715, AS AMENDED; REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM AND REGULATING AND RESTRICTING THE DENSITY OF POPULATING, DIVIDING THE CITY INTO DISTRICTS FOR SUCH PURPOSES, ADOPTING A ZONING MAP OF THE CITY OF KINSLEY, KANSAS, AS DELINEATED ON THE OFFICIAL ZONING MAP, SHOWING BOUNDARIES THEROF AND DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ZONING APPEALS, PROVIDING FOR AN ADMINISTRATOR AND THE DUTIES OF THE ADMINISTRATOR, DESCRIBING DUTIES OF THE PLANNING COMMISSION AND THE BOARD OF ZONING APPEALS; PROVIDING PROCEDURE FOR PLAT APPROVAL, PROVIDING FOR FILING FEES; PROVIDING STANDARDS FOR DEVELOPMENT OF LAND, PROVIDING FOR VARIANCES FROM SAID REGULATIONS AND ORDINANCES AND PROVIDING FOR CHANGES AND AMENDMENT TO SAID ORDINANCE; AND PROVIDING FOR PENALTIES FOR VIOLATION OF ITS PROVISIONS, AND A MEANS OF ENFORCEMENT.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF KINSLEY, KANSAS:

Section 1. That there is hereby approved and incorporated by reference for the City of Kinsley, Kansas, Zoning and Subdivision Regulations as prepared and published in book form for the Kinsley Planning Commission and entitled, "KINSLEY ZONING ORDINANCE" and "SUBDIVISION REGULATIONS" with said regulations to be combined in one book entitled "KINSLEY ZONING AND SUBDIVISION REGULATIONS" and the same is hereby declared adopted by reference as fully as if set out herein.

Section 2. That there is further herein incorporated by reference, and adopted, an Official Map defining the boundaries of zones and showing the district boundaries and the classification of such districts, which map shall be marked "Official Zoning Map" and shall be filed with the City Clerk to be open for inspection and available to the public

ZONING REGULATIONS

ARTICLE I.

THE ORDINANCE

1.10 Title

These regulations, including the district map(s), the Flood Boundary and Floodway Map dated March 1, 1978 and the Flood Insurance Rate Map dated March 1, 1978 made a part thereof, shall be known and be cited as the Zoning Ordinance for the City of Kinsley, Kansas, and shall repeal and replace Ordinance No. 877 and 359.

1.20 PURPOSE

The purpose of the zoning regulations is to designate, regulate and restrict the location and use of buildings, structures and land for residence, commerce, trade, industry or other uses; to regulate and limit the height, number of structures and size of yards and other open spaces and to regulate and limit the density of population, and for said purposes to divide the City of Kinsley into zones of such number, shape and area as may be deemed best suited to carry out these regulations; to provide for the enforcement thereof. Further, such regulations are deemed necessary in order to encourage the most appropriate use of land; to conserve and stabilize the value of property, to provide adequate open spaces for light and air, and to prevent and fight fires, to prevent undue concentration of population, to lessen congestion on streets; to facilitate provision of community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; and to protect and promote health, safety, and the general welfare; in accordance with the Kinsley Community Plan.

1.30 INTERPRETATION

In interpretation and application, these provisions are held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare, and shall not be deemed or constructed to repeal, amend, modify, alter, or change any other rules, regulations, or ordinance or any part or parts thereof not specifically repealed, amended, modified, altered or changed herein, except wherever the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

These regulations are not intended to interfere or abrogate or annul any easement, covenant, or other agreement between parties, and when this section imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or require larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements the provision of these regulations shall control.

1.40 ESTABLISHMENT OF DISTRICTS

In order to classify and regulate the locations of buildings and uses of premises for the general welfare the city and adjacent areas are divided in the following zones:

"A-1"	Agriculture District
"R-1"	Single Family Residential District
"R-2"	Multiple Family Residential District
"MH-1"	Mobile Home Park District
"MH-2"	Mobile Home Subdivision District
"C-1"	Central Commercial District
"C-2"	Highway Commercial District
"I-1"	Light Industrial District
"I-2"	Heavy Industrial District

These zones are hereby established, and the boundaries thereof are shown upon the Zoning District Map on file with the City Clerk's office.

1.41 SPECIAL DISTRICTS

"F" Flood Plain District

1.50 OFFICIAL ZONING MAP

The Zoning Map is made a part of this Section. The map shows the location and boundaries of the various zones established by this Section. This map shall be known, cited and referred to as the Official Zoning Map of Kinsley. Said map together with notations, references and other information shown thereon shall be as much a part of this Section as if the matters and information set forth by said map were all fully described herein.

Such map shall be marked "official copy incorporated by resolution of the Governing Body of Kinsley the 24th day of March, 1983," and filed in the office of the City Clerk or such other public office as may be designated by the Governing Body of Kinsley to be open to inspection and available to the public at all reasonable business hours.

1.60 KEEPING THE MAP

The Kinsley Planning Commission shall keep a true and correct copy of the current official Zoning map at the office of the City Clerk to be open to inspection and available to the public at all reasonable business hours.

1.70 VALIDITY

Should any section, subsection, clause, or provision of this ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions; it being hereby expressly declared that this Section, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

1.80 ZONING JURISDICTION

These regulations shall apply to all structures and land within the corporate limits of the City of Kinsley, Kansas, as presently exists or are hereafter established.

at all reasonable business hours.

Section 3. That the Zoning and Subdivision Regulations and Map herein adopted by reference shall govern all land use and improvements in the City of Kinsley, Kansas, placed thereon as herein provided from the effective date of this Ordinance.

Section 4. That a public hearing required by Kansas law was duly held on March 11, 1983 by the Kinsley Planning Commission, and a full and complete discussion of said Zoning and Subdivision Regulations was had at said meeting; and that the Zoning and Subdivision Regulations herein adopted are a true and correct copy of those Regulations as adopted by the Kinsley Planning Commission.

Section 5. That not less than three copies of the Zoning and Subdivision Regulations in book form marked "Official Copy as Incorporated by Ordinance No. 963" and to which there shall be a published copy of this Ordinance attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours.

Section 6. The owner or agent of a building or premises in or upon which a violation of any provisions of the Zoning and Subdivision Regulations herein adopted by reference 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 other person who commits, takes part, or assists in any violation, or who maintains any building or premises in or upon which violation has been committed, or shall exist shall be punished by a fine not to exceed \$100.00 for each offense. Each and every day that such violation continues shall constitute a separate offense and in case any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any structure or land is used in violation of these Regulations, the appropriate authorities of the City of Kinsley, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or

proceedings 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 such building, structure, or land.

Section 7. That any provision of this Ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 8. That any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 9. That this Ordinance shall take effect from and after its passage and upon being published in the official city paper.

Approved by the City Commission of the City of Kinsley, Kansas,
this 24th day of March, 1983.

SEAL:

Attest:

Elizabeth A. Brown

City Clerk

Swane Rudman

Mayor

ARTICLE II: DEFINITIONS

2.01 DEFINITIONS GENERALLY

All words used in the present tense shall include the future and all words in the singular number shall include the plural, the word "building" includes the word "structure;" and the word "shall" is mandatory and not directory.

2.02 ACCESSORY BUILDING

A detached subordinate building, located on the same lot with the major building, the use of which is secondary to the main building or to the main use of the premises.

2.03 ACCESSORY USE

A use customarily incidental and accessory to the principal use of a lot or a building or other structure located upon the same lot as the accessory use.

2.04 ACTUARIAL RATES

Actuarial Rates or "risk premium rates" are those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.

2.05 ADMINISTRATIVE OFFICES

The administrator, officer, agent or employee to whom the functions and powers of these regulations are delegated.

2.06 AGRICULTURAL USE

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal poultry husbandry, and the necessary accessory uses for packing, processing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agriculture activities.

2.07 ALLEY

Any public right-of-way which affords a secondary means of access to lots abutting thereon.

2.08 APARTMENT HOUSE

A room or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family.

2.09 BASEMENT

A space wholly or partly underground, and having more than one half of its total usable space below building grade.

2.10 BOARDING HOUSE

A building or a place, other than a hotel, where by prearrangement and for compensation, lodging and meals for a definite period are provided for (3) three or more persons; and are not to be considered overnight accommodations.

2.11 BUILDING

A structure having a roof supported by columns or walls, creating an enclosure and providing shelter or protection for persons, animals or property.

2.12 BUILDING, HEIGHT OF

The vertical distance between the ground level (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 between eaves and ridge of gable, hip, curved and gambrel roofs.

2.13 CELLAR

That portion of a building between a floor and ceiling which is wholly or mostly below grade and so located that the vertical distance from grades to floor below is equal to or greater than the vertical distance from grade to ceiling. A cellar is not a story.

2.14 CHANNEL

A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus is that water which is flowing within limits of a defined channel.

2.15 CHURCH

An establishment, the principal purpose of which is religious worship, but which may include such accessory uses in the main structure or in separate buildings, as Sunday School rooms, assembly rooms, kitchen, and library.

2.16 CITY COMMISSION

The Governing Body of the City of Kinsley.

2.17 COMMERCIAL USE

The use of land or buildings for the carrying on of trade and/or commerce for the purpose of providing substance or profit and into which enter the elements of bargain and sale, barter, or exchange.

2.18 COMMISSION, PLANNING

The City Planning Commission of the City of Kinsley, Kansas.

2.19 COUNTY COMMISSIONERS, BOARD OF

The Governing Body of Edwards County, Kansas.

2.20 DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

2.21 DISTRICT

A portion of the territory of the County or City within which certain uniform regulations and requirements or various combinations thereof, apply.

2.22 DWELLING

A building or structure built or used for residential purposes.

2.23 DWELLING UNIT

One or more rooms used for occupancy by one family and providing living, sleeping and cooking facilities.

2.24 DWELLING, TWO FAMILY OR DUPLEX

A residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

2.25 DWELLING, MULTIPLE

A building or portion thereof, containing three or more dwelling units with separate housekeeping and cooking facilities for each. The term includes lodging and rooming houses, but does not include hotels, motels, and tourist courts.

2.26 FARM DWELLING

A building or portion thereof, which is designated and used exclusively for residential purposes by those owning or performing farming operations on the premises, a member of the family thereof, or persons employed thereon, and of the family thereof.

2.27 FAMILY

One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over four (4) persons.

2.28 FENCE

A device capable of deterring the flow of traffic or visual circulation.

2.29 FLOOD

A temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of runoff or surface waters from any source.

2.30 FLOOD ELEVATION DETERMINATIONS

A determination of the water surface elevations of the 100-year flood: that is, the level of flooding that has a one per cent chance of occurrence in any given year.

2.31 FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the Flood Insurance Study had delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

2.32 FLOOD INSURANCE STUDY (FIS)

The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

2.33 FLOOD PLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.

2.34 FLOOD PROTECTION SYSTEM

Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal engineering standards.

2.35 FLOOD PROOFING

Any combination of structural and non-structural additions, changes of adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

2.36 FLOODWAY

The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water

surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

2.37 FLOODWAY FRINGE

The area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one per cent chance of flood occurrence in any one year).

2.38 FRONTAGE

The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

2.39 GARAGE, PRIVATE

A detached accessory building or a portion of the principal building, used primarily for the storage of passenger vehicles or trailers by the families resident upon the premises. Except on farms, such garage shall not be used for the storage of more than one commercial vehicle of greater than one and one-half ton rated capacity per family resident upon the premises.

2.40 GARAGE, PUBLIC

A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles or trailers, except that a structure or part thereof, used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels and oils are not sold and motor-driven vehicles are not equipped, repaired, or hired, shall not be deemed to be a public garage.

2.41 GARAGE STORAGE

A building or portion thereof, designed or used exclusively for housing four or more motor-driven vehicles, other than truck and commercial vehicles, pursuant to previous contract or arrangement.

2.42 HABITABLE FLOOR

Any floor used for living, which includes working, sleeping, eating, cooking or recreation or combination thereof. A floor used only for storage purposes is not a "Habitable Floor."

2.43 HEIGHT, MAXIMUM

A horizontal plane above and parallel to the average finished grade of the entire zoning lot at the height shown in the district regulations. No part of any structure shall project through such plane except:

1. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks and similar roof structures needed to operate and maintain the building on which they are located;

2. Flag poles, television and radio aeri-als, water towers and tanks, steeples and bell towers, carillons, monuments, cupolas, broadcasting and microwave transmitting and relay towers and electric transmission line towers.

2.44 HOME OCCUPATION

Any activity which results in a product or service not used in its entirety by the family group, which is carried on in a residence, meeting all of the following criteria:

- (a) The use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- (b) The use is conducted entirely within a dwelling and is carried on by the inhabitants thereof, and not more than one employee.
- (c) The use does not substantially change the character of the dwelling or adversely affect the uses permitted in the residential district; and no home occupation shall be permitted which is objectionable, due to noise, dust, smoke, or odor, or other causes.
- (d) Not more than one-quarter of the area of one floor of the principal structure is used for such use.
- (e) The entrance to the space devoted to such use is from within the building and there is no external evidence of the home occupation.
- (f) No sign not in conformity with the provisions of the sign regulations is used.
- (g) No commercial type vehicle shall be parked on the property, other than a pick-up or van type truck of not more than one and one-half ton rated capacity.

2.45 HOTEL

Any building or portion thereof, having a common entrance, lobby, halls, stairs or elevators, which is designed or used to offer for hire by the general public, rooms for temporary lodging of transient guests and in which no provisions are made for cooking in the individual rooms or apartments.

2.46 HOUSE TRAILER

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 are designed primarily for highway travel without a special permit.

2.47 INDUSTRIAL USE

An activity of production, assembly, fabrication, warehousing, or wholesaling whose emissions of odor, noise, dust or glare are such that they would be noxious to adjacent higher uses unless separated by controls, barriers or distance.

2.48 INSTITUTIONS

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

2.49 INSTRUMENT RUNWAY

A runway equipped or to be equipped with a precision electronic navigation aide or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

2.50 JUNK YARD

A lot, land, structure or portion thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material, or for the collecting, dismantling, storage and salvage of machinery or vehicles not in running condition and the sale of parts.

2.51 KENNEL

Any place where four or more domestic animals over six months of age are boarded, bred and/or offered for sale.

2.52 LANDING AREA

The area of the airport used for landing, taking off or taxiing of the aircraft.

2.53 LODGING OR ROOMING HOUSE

A building or place where lodging is provided by pre-arrangement for definite periods, for compensations, for four or more persons in contrast to hotels open to transients.

2.54 LOT

- (1) A parcel of real property as shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the Register of Deeds of Edwards County; or
- (2) An area or parcel of land used or capable of being used for a building with yards or other open spaces required by these regulations or other regulations, provided such area or parcel contains not less than the prescribed minimum square footage required in the zone in which it is located, and which abuts at least one public street, an alley, or a private easement for purposes of access from a street.

2.55 LOT, CORNER

A lot situated at the intersection of two or more streets, having an angle of intersection of not more than one hundred and thirty-five degrees.

2.56 LOT, DEPTH

The horizontal distance between the front and rear lot lines measured in the mean distance of the side lot lines.

2.57 LOT, INTERIOR

A lot other than a corner lot.

2.58 LOT LINES

The boundary line of a lot.

2.59 LOT, WIDTH

The horizontal distance between side lot lines measured at the building line.

2.60 MAP, ZONING

The map or maps delineating the location and boundaries of zones, as described in these regulations, and includes such other maps and amendments as may hereafter be adopted in accordance with the provisions of this ordinance.

2.61 MOBILE HOME

Mobile Home means a vehicle used or constructed to permit being used for conveyance upon the public streets and highways and duly licenseable as such, and constructed in such a manner as will permit occupancy for human habitation, dwellings or sleeping places for one or more human persons, provided contrivances used or intended to be used generally for living and sleeping quarters and which are capable of being moved by their own power, towed or transported by another vehicle, provided that this definition shall not apply to any vehicle lawfully operated upon fixed rails, nor shall this definition apply to a structure which would otherwise be a mobile home if the following conditions were not met: (1) only principle structure on the lot, (2) the wheels are permanently removed and the structure is attached to a permanent foundation which meets the set back requirements, (3) is skirted where appropriate, (4) the structure and land are held in common ownership and attached to the available city utilities, (5) the owner petitions that the entire structure be appraised and assessed as real estate. Mobile home structures which meet these requirements will be considered dwellings for permanent use in R-1 and R-2 zones. The certificate of occupancy will allow 60 days for completion of these requirements by the owner and, in the event all conditions are not met, the certificate of occupancy will be revoked.

2.62 MOBILE HOME PARK

A tract, site or plot of land of not less than one (1) acre in size under one ownership whereupon a minimum of four (4) mobile homes as herein defined are placed, located or maintained or intended to be placed, located or maintained for dwelling purposes.

2.63 MOBILE HOME SPACE

A plot of ground within a mobile home park which is designated to accomodate one mobile home and which provides service facilites for water, sewage and electricity.

2.64 MOBILE HOME STAND

An area within a mobile home development which is improved to provide adequate support for the placement of one mobile home, including its enclosed extensions or structural additions.

2.65 MOBILE HOME SUBDIVISION

"Mobile Home Subdivision" means a parcel (or contiguous parcels) of plotted land, having a minimum gross area of two (2) acres, which has been divided into two or more lots for sale and the placement of mobile homes.

2.66 MODULAR HOME

(Is considered a conventional type single-family dwelling). Any prefabricated structure, used for dwelling purposes moved on to a site in essentially complete constructed condition, in one or more sections and, when completed, is a single-family unit on a permanent foundation, attached to the foundation with permanent connections. Does not include double-wide mobile homes.

2.67 MOTEL

A building or group of buildings containing individual sleeping or living units, designed for use overnight or for short periods by automobile tourists or transients, with attached garage or parking space located conveniently to each unit.

2.68 NEW CONSTRUCTION

New construction means those structures where new construction or substantial improvement of which is begun after December 31, 1980 or the effective date of the FIRM, whichever is later.

2.69 NONCONFORMING USE

A use which lawfully occupied a building or land on March 31, 1983 (date), and which does not conform with the use regulations of the zone in which it is located.

2.70 NONCONFORMING BUILDING

Any building which is lawfully used at the time of the effective date of these regulations, but which does not conform with the use of regulations of the district in which it is located.

2.71 NURSING HOME CONVALESCENT HOME

A licensed dwelling where persons are housed or lodged and furnished with nursing and convalescent care for a fee.

2.72 OCCUPY, OCCUPANCY, OR OCCUPIED

The use of any house, mobile home, or house trailer by any person for living, sleeping, cooking or eating purposes for any period of four or more consecutive days.

2.73 OVERLAY DISTRICT

A district which acts in conjunction with the underlying zoning district or districts.

2.74 PARKING LOT

An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or semipublic use.

2.75 PARKING SPACE

A permanently surfaced area of not less than two hundred (200) sq. feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right of way.

2.76 PLANNED UNIT DEVELOPMENT (P.U.D.)

A development which allows diversity in the relationship of various buildings, structures, uses, and open spaces in planned groupings while insuring substantial compliance to the district regulations and other provisions of this ordinance. The P.U.D. possible facilities encourages innovation, variety, modern design and the most efficient land use.

2.77 PLOT PLAN

A scaled drawing of a lot, tract or parcel of land, and the adjacent and surrounding areas, showing the information necessary to explain graphically the intended use or layout of the parcel of land.

2.78 REGULATORY FLOOD ELEVATION

Elevation indicated on the FIRM as the elevation of 100-year flood.

2.79 REGULATORY FLOOD PROTECTION ELEVATION

An elevation one foot higher than the water surface elevation of the regulatory flood.

2.80 RESTAURANT

A public eating establishment in which the primary function is the preparation and serving of food on the premises.

2.81 SCHOOL, PRIVATE

A school utilized for the education of people which is not open to the general public but has a curriculum similar to that of public schools.

2.82 SCHOOL, PUBLIC

Any school utilized for the general public education of people.

2.83 SERVICE STATION

A facility to supply motor fuel and oil to motor vehicles, and including a grease rack, minor tire and battery servicing and sales of motor vehicle accessories.

2.84 SIGN

Any writing (including letters, words, or numerals) pictorial representation (including illustrations or decorations), emblems (including devices, symbols, or trademarks), flag, banner, streamer, pennant, strings of lights, or display calculated to attract the attention of the public, or any other figure of similar character which is a structure or a part thereof.

The term "sign" shall not include:

- (1) Any directional, warning or information sign required or authorized by law which is erected by federal, state, county, or municipal officials;
- (2) Any official notices issued by a court or public body or office and posted in the performance of a public duty;
- (3) Danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety;
- (4) House numbers;
- (5) "No Trespassing," "No Parking" and similar warning signs.
- (6) Temporary political campaign signs.

2.85 STORY

A space in a building between the surface of any floor and the surface of the floor next above, or if there be no floor, then the space between such floor and the ceiling or roof above.

2.86 STORY, HALF

A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

2.87 STREET

A country road, state highway, public road, street or alley, or private thoroughfare which affords primary access to abutting property.

2.88 STREET LINE

The boundary line between a public street and the abutting property.

2.89 STRUCTURE

A walled and roofed structure including a gas or liquid storage

tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.

2.90 STRUCTURAL ALTERATIONS

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; any substantial change in the roof or in the exterior walls, excepting from this definition such alterations as may be required for the safety of the building.

2.91 SUBSTANTIAL DEVELOPMENT

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure either, (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.

2.92 TOURIST OR TRAILER CAMP

Any area, tract, site, or plat of land whereupon camping type or travel type mobile units are placed on a temporary basis. This camp shall provide a minimum of fifteen (15) spaces.

2.93 TRAILER

Any structure used for living, storage or business, having no established permanent foundation other than wheels or jacks and capable of being moved to another location without special equipment or effort.

2.94 YARD

An area as established by the district regulations. In each zone established by this title and as elsewhere defined herein, there shall be maintained certain "yard" areas. No building, structure or improvement, or use of premises shall be erected, constructed, converted, established, altered or enlarged unless conforming to or maintaining the least depth dimension or having the least depth in feet which is enumerated after the words "front yard," "rear yard" and "maximum total side yard," enumerated in this ordinance between the property lines and the required building lines.

2.95 YARD, FRONT

An open space extending the full width of the lot, between a building

and the front lot line, extending the full width of the lot (except for any portion thereof which overlaps a street side yard), unoccupied and unobstructed from the ground upward except specified elsewhere in these regulations.

2.97 YARD, SIDE

An open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in these regulations.

2.98 100-YEAR FLOOD

The base flood having a one per cent chance of annual occurrence.

ARTICLE III: ZONING DISTRICTS

3.10 "A-1" AGRICULTURAL DISTRICT

3.11 PURPOSE

This district is intended to conserve and promote the preservation of productive agricultural areas and through the control of density, land use, and land coverage, to discourage the effects of urban sprawl into the rural areas.

3.12 PRINCIPAL PERMITTED USES

The following uses shall be allowed in the A-1, Agricultural District:

- (A) Agriculture uses;
- (B) All accessory agricultural structures;
- (C) Farm dwellings;
- (D) Storage of farm machinery and implements, but not a commercial activity;
- (E) Home occupations;
- (F) Riding stables;
- (G) Dog kennels;
- (H) Churches.

3.13 CONDITIONAL USES

The following uses are exceptions to the principal permitted uses, are compatible to and may be located in the A-1, Agricultural District if approved by the Planning Commission, after application as set forth and are subject to all other applicable state and local regulations.

- (A) Aviation fields, airports;
- (B) Cemeteries;
- (C) Extraction and production of natural resources providing these operations are conducted in accordance with the requirements of the State of Kansas and provided further that upon abandonment of these operations, the land shall be returned as nearly as practicable to its original condition;
- (D) Electric and telephone substations and distribution centers, gas regulator stations and pumping stations.
- (E) Private non-commercial recreation areas including country clubs, swimming pools, golf courses, but not including commercial miniature golf, golf driving ranges, motorized cart tracks or similar activities;
- (F) Public park and recreation areas, owned and operated by a public agency;
- (G) Reservoirs, wells, towers, filter beds, or water supply plants;
- (H) Sanitary land fill;
- (I) Schools, public and private;
- (J) Roadside sale of goods produced on a farm;
- (K) Campgrounds, subject to the following regulations:
 - 1) Campgrounds shall be utilized only for the accommodations of camping trailers, tents, and other similar camping vehicles, and under no circumstances shall a campground be utilized for the occupancy of mobile homes.
 - 2) The tract to be used for a campground shall not be less than two acres in area.
 - 3) The applicant for a campground shall prepare or cause to be prepared a preliminary campground plan, drawn to a scale of not less than 1" = 100', and three (3) copies of said plan shall be submitted to the Board for their review and recommendations. Such plans shall comply with the following minimum requirements:
 - a) Contours at intervals of one foot shall be indicated on the plan.
 - b) The campgrounds shall be located on well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - c) Campgrounds shall have a maximum density of 20 camping spaces per gross acre, and a minimum area of 1,250 square feet shall be provided for each space.
 - d) Each camping space shall be at least 25 feet wide and a minimum of 50 feet in depth.
 - e) Travel trailers shall be located on each space so as to maintain a setback of no less than 20 feet from

any public street, highway right-of-way, or property line.

- f) All camping spaces shall front on a private roadway of not less than 24 feet in width, and all roadways shall have unobstructed access to a public street.
 - g) A solid or semi-solid fence or wall at least six feet high, but not more than eight feet high, shall be provided between the campgrounds and any adjoining property which is zoned for residential purposes. In lieu of said fence or wall, a landscape buffer may be provided not less than 25 feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a camping space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner.
- 4) A service building shall be provided which shall:
- a) Be located not nearer than 25 feet from a camping space or a property line.
 - b) Be so located that any camping space which it serves shall not be more than 600 feet from the building.
 - c) Be of permanent type moisture-resistant construction to permit frequent washing and cleaning and be adequately lighted.
 - d) Have one flush-type toilet, one lavatory and one shower or bathtub for females; and one flush-type toilet, one lavatory, one shower or bathtub for males up to nine camping spaces. One additional unit of the above plumbing facilities shall be provided for each sex for each ten additional camping spaces or major fraction thereof. All lavatories, bathtubs and showers shall be connected with both hot and cold running water.
 - e) Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit in the building and provide hot water (140° F.) at a minimum rate of eight gallons per hour for the required fixture units.
 - f) Have an accessible, adequate, safe and potable water supply, and if a public water supply is reasonably available to the campgrounds, it shall be used.
 - g) Have all rooms well-ventilated with all openings effectively screened.
 - h) Have at least one water closet or other facility suitable for the cleaning and sanitizing of bedpans or other waste receptacles.
 - i) When applicable, comply with all chapters of the Building Code regarding the construction of buildings and the installation of electrical plumbing, heating, and air conditioning systems.
 - j) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants or the public or constitute a nuisance.

- 5) Upon approval of the preliminary campgrounds plan by the Board, the applicant shall prepare and submit a final plan which shall incorporate any changes or alterations requested.
- 6) Any substantial deviation, as determined by the Zoning Administrator, from the approved plan shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for re-consideration and approval by the Board prior to the issuance of a building or zoning permit.

3.14 DENSITY REQUIREMENTS

Minimum Lot Area: Three (3) acres

3.15 BULK REGULATIONS

- (A) Maximum structure height: Non-agricultural buildings shall not exceed 35 feet in height, except that public and semi-public buildings are permitted two feet of additional height for each one foot of additional building setback.
- (B) Yard Requirements:
 - 1) Minimum front yard: For non-agricultural buildings, the front yard shall be a minimum of 40 feet in depth, measured from the front lot line, except on collector streets, the minimum front yard shall be 80 feet, measured from the centerline of the street, and except on arterial streets, the minimum front yard shall be 90 feet, measured from the centerline of the street.
 - 2) Minimum side yard: All non-agricultural permitted and special uses shall provide a minimum side yard of 25 feet.
 - 3) Minimum rear yard: For non-agricultural buildings, there shall be a rear yard of not less than 40 feet.

3.16 PARKING REGULATIONS

5.12 A Residential

3.17 SIGN REGULATIONS

(See the article on Sign Regulations).

3.20 R-1 RESIDENTIAL DISTRICT

3.21 PURPOSE

This district is designed for a medium density mixture of dwellings types and to allow certain public facilities. It is intended that no uses be permitted in this district that will tend to interfere with the health, safety, order or general welfare of persons residing in the district or to devalue property for residential purposes. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

3.22 PERMITTED USES

- (A) Agriculture as defined by Article 2.
- (B) Single-family and two-family dwellings including modular homes.
- (C) Parks and playgrounds and community buildings owned by a public agency.
- (D) Public and private schools: primary, intermediate and secondary.
- (E) Churches, chapels, temples, and synagogues.
- (F) Golf courses, for daytime use only, but not including accessory club houses or golf driving ranges, pitch and putt or miniature golf courses.
- (G) Day Care homes, provided they are licensed by the State Department of Health and Environment and meet all State and local codes and regulations.

3.23 CONDITIONAL USES

- (A) Group Day Care Centers and Nursery Schools provided they are licensed by the State Department of Health and Environment and meets all State and local codes and regulations.
- (B) Swimming clubs, tennis clubs, and clubhouses accessory to golf courses.
- (C) Public buildings erected or land used by any agency of the City, County, State or Federal government.
- (D) Public utility uses as follows: electric and telephone substations and distribution centers; gas regulator stations; pumping stations; and water towers and standpipes.

3.24 LOT SIZE REQUIREMENTS (Served by public water and sewer systems)

- (A) Minimum lot area:
 - 1) Single-family dwellings and modular homes: 7,000 square feet.
 - 2) Two-family dwellings: 12,000 square feet.
 - 3) All other permitted uses: 10,000 square feet.
- (B) Minimum lot width:
 - 1) Single-family dwellings: 50 feet
 - 2) Two-family dwellings: 90 feet.
 - 3) All other permitted uses: 90 feet.
- (C) Minimum lot depth: 100 feet.

3.25 BULK REGULATIONS

(A) Maximum structure height: 35 feet.

(B) Yard requirements:

1) Minimum front yard: 25 feet, from the property line, on all sides abutting the street.

2) Minimum side yard:

---Residential buildings: At least six feet on one side and not less than six feet on the other.

---All other permitted uses: 15 feet.

3) Minimum rear yard: 25 feet.

(C) Maximum lot coverage: 35 percent.

3.30 R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

3.31 PURPOSE

This district is intended to permit various types of low density multiple dwelling units with compatible home occupations, community facilities and certain special uses, yet retain a basic residential quality. The District is not intended generally for single-family type use except as incidental to the area. All permitted and special uses shall be connected to public water and sewer facilities.

3.32 PERMITTED USES

(A) Any use permitted in the R-1 Residential District.

(B) Multiple-family dwellings.

(C) Boarding or rooming houses.

3.33 CONDITIONAL USES

(A) Any special use that may be allowed in the R-1 Residential District.

- (B) Nursing and convalescent homes.
- (C) Fraternity or sorority houses or dormitories.
- (D) Hospitals.

3.34 LOT SIZE REQUIREMENTS

(A) Minimum lot area:

- 1) Single-family dwellings: 6,800 square feet.
- 2) Two-family dwellings: 9,800 square feet.
- 3) Multiple-family attached dwelling units: 3,000 square feet per dwelling unit, but no zoning lot shall be less than 10,000 square feet.
- 4) All other permitted uses: 10,000 square feet.

(B) Minimum lot width:

- 1) Single-family dwellings: 50 feet.
- 2) Two-family dwellings: 70 feet.
- 3) Multiple-family dwellings: 90 feet.
- 4) All other permitted uses: 90 feet.

(C) Minimum lot depth: 100 feet.

3.35 BULK REGULATIONS

(A) Maximum structure height: 35 feet.

(B) Yard Requirements:

- 1) Minimum front yard: 20 feet from the property line, on all sides abutting a street.
- 2) Minimum side yard:
 - a) For all residential dwellings a side yard on each side of the lot at least six feet in width.
 - b) All other permitted uses: 15 feet.
- 3) Minimum rear yard: 25 feet.

(C) Maximum lot coverage: 40 percent.

3.40 MH-1 MOBILE HOME PARK DISTRICT

3.41 PURPOSE

This district is designed to provide low density mobile home parks which would be compatible with the character of the surrounding neighborhood and would be consistent with the future land use plan of the community.

3.42 PERMITTED USES

- (A) Mobile Home Parks
- (B) Day Care homes provided they are licensed by the State Department of Health and Environment and meets all State and local codes and regulations.
- (C) Recreation facilities such as swimming pools, tennis courts, shuffleboards, ball fields, and lakes providing boating and fishing for residents of the mobile home park to the exclusion of the general public.
- (D) Parks and Playgrounds.
- (E) Community buildings, when provided housing, recreation, sanitation or laundry facilities, or any such facilities, shall be permanent structures complying with all applicable regulations, codes and statutes regulating buildings, electric installation, plumbing and sanitation system.
- (F) Home Occupations.
- (G) Accessory buildings and uses.

3.43 CONDITIONAL USES

Group Day Care centers and nursery schools provided they are licensed by the State Department of Health and Environment and meet all State and local codes and regulations.

3.44 MOBILE HOME PARK STANDARDS AND REGULATIONS

- (A) The tract to be used for a mobile home park shall not be less than one acre in area.
- (B) The mobile home park shall be under one ownership and control, and individual occupants other than said owner, shall not purchase or own any piece, parcel, or portion of said park.
- (C) The applicant for a mobile home park shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale of not less than 1" = 100', and three (3) copies of said Plan shall be submitted to the Planning Commission for their review and recommendations. Such plans shall comply with the following minimum requirements:

3.41 PURPOSE

This district is designed to provide low density mobile home parks which would be compatible with the character of the surrounding neighborhood and would be consistent with the future land use plan of the community.

3.42 PERMITTED USES

- (A) Mobile Home Parks
- (B) Day Care homes provided they are licensed by the State Department of Health and Environment and meets all State and local codes and regulations.
- (C) Recreation facilities such as swimming pools, tennis courts, shuffleboards, ball fields, and lakes providing boating and fishing for residents of the mobile home park to the exclusion of the general public.
- (D) Parks and Playgrounds.
- (E) Community buildings, when provided housing, recreation, sanitation or laundry facilities, or any such facilities, shall be permanent structures complying with all applicable regulations, codes and statutes regulating buildings, electric installation, plumbing and sanitation system.
- (F) Home Occupations.
- (G) Accessory buildings and uses.

3.43 CONDITIONAL USES

Group Day Care centers and nursery schools provided they are licensed by the State Department of Health and Environment and meet all State and local codes and regulations.

3.44 MOBILE HOME PARK STANDARDS AND REGULATIONS

- (A) The tract to be used for a mobile home park shall not be less than one acre in area.
- (B) The mobile home park shall be under one ownership and control, and individual occupants other than said owner, shall not purchase or own any piece, parcel, or portion of said park.
- (C) The applicant for a mobile home park shall prepare or cause to be prepared a preliminary Mobile Home Park Plan, drawn to a scale of not less than 1" = 100', and three (3) copies of said Plan shall be submitted to the Planning Commission for their review and recommendations. Such plans shall comply with the following minimum requirements:

- 1) Contours at intervals of one foot shall be indicated on the plan.
- 2) The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- 3) Mobile home parks hereafter approved shall have a maximum density of seven mobile homes per gross acre, and a minimum area of 3,600 square feet shall be provided for each mobile home space.
- 4) Each mobile home space shall be at least 40 feet wide and be clearly defined.
- 5) Mobile homes shall be located on each space so as to maintain a setback of no less than 25 feet from any public street, highway right-of-way, or "MH-1" district boundary; as to maintain a setback of no less than ten feet from the edge of the park roadway or sidewalk or a rear boundary line when such boundary line is not common to any public street, highway right-of-way, or MH-1 district boundary; and as to maintain a setback of no less than five feet from any side boundary line of mobile home space.
- 6) All mobile homes shall be so located as to maintain a clearance of not less than 20 feet from another mobile home and as to maintain a clearance of not less than 20 feet between any mobile home and any appurtenance to a mobile home. No mobile home shall be located closer than 25 feet from any building within the park.
- 7) All mobile home spaces shall front upon a private roadway of not less than 24 feet in width, including curbs on each side; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to 28 feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to 36 feet. All roadways shall have unobstructed access to a public street.
- 8) Common walks shall be provided in locations where pedestrian traffic is concentrated; for example, to the entrance and to the office and other important facilities. Common walks should preferably be through interior areas removed from the vicinity of streets.
- 9) All roadways and sidewalks within the mobile home park shall be hard-surfaced and adequately lighted at night.
- 10) A community building may be provided which may include recreation facilities, laundry facilities, storm shelter, and other similar uses.
- 11) Each mobile home park shall devote a minimum of 200 square feet per mobile home space for recreational area. Individual recreational areas shall not be less than 5,000 square feet and required setbacks, roadways, and off-street parking spaces shall not be considered as recreation space. A minimum of 50% of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.
- 12) A solid or semi-solid fence or wall, minimum six feet, maximum eight feet high, shall be provided between the mobile home park district and any adjoining property or property immediately across the alley which is zoned for residential purposes other

than for mobile homes. Said fence shall be so located as to not be in violation in the intersection site triangle as defined by this regulation. (Appendix 12.10)

In lieu of said fence or wall, a landscape buffer may be provided not less than 25 feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park.

When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the owner.

- (D) A mobile home park shall not be used for other than residential purposes; mobile homes may be offered for sale in the mobile home park only by resident owners.
- (E) Upon approval of the preliminary mobile home park plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
- (F) Any substantial deviation, as determined by the Zoning Administrator, from the approved plan shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be resubmitted for reconsideration and approval by the Planning Commission and Governing Body prior to the issuance of a building or zoning permit.
- (G) An accessible, safe and potable supply of water as approved by the State Department of Health and Environment, shall be provided in each mobile home park. If a public water supply is reasonably available at the park, it shall be used.
 - 1) The size and location of water mains and fire hydrants shall be designed by a licensed professional engineer and shall be in accordance with the requirements of the agency from which the water supply is obtained.
 - 2) Individual water service connections shall be provided at each mobile home space.
 - 3) When a private water supply is provided, it shall provide an adequate water supply with minimum flow rates of four (4) gallons per minute for each additional space for the next ten spaces, and an additional one and one-half gallons per minute for each additional space for the next 25 spaces, and an additional one gallon per minute for each additional space thereafter. Said system shall provide a minimum of 20 pounds per square inch of pressure at all connections provided.
- (H) Individual sewer connections shall be provided for each mobile home space and shall be in accordance with all codes and regulations regarding such systems. If a public sewer system is reasonably available to the park, it shall be used.

- 1) All sewage systems shall be designed by a licensed professional engineer and shall be submitted to the appropriate governing body for their approval.
 - 2) When the sewer of the park is not connected to a public sewer, a sewage treatment plant or sewage disposal system approved by the Health Officer or the engineer having jurisdiction, shall be provided.
- (I) All electrical distribution systems, plumbing systems and telephone service systems to each mobile home space, except outlets and risers, shall be underground.
- (J) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in any other residential district.
- (K) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
- (L) Anchors and tie-downs shall be placed near each corner of the mobile home unit on the end of the cross membrane and at a point of its maximum width. Each tie-down shall be able to sustain a minimum tensile strength of 2,800 pounds.
- (M) All mobile homes shall be equipped with skirts on all sides; such skirts to be harmonious to the mobile home structure.
- (N) Fuel Gas. Provisions relating to fuel gas for parks and camps shall be as follows:
- 1) Liquefied petroleum gas. When liquefied petroleum gas is used, containers for such gas shall not hold more than twenty-five gallons (25 gals.) water capacity; shall be the liquefied petroleum gas containers approved by the Interstate Commerce Commission for its intended purpose; and shall be integrally attached to the mobile home or house trailer in a manner approved by the Liquefied Petroleum Gas Association, Inc. In the absence of the heretofore mentioned installation, aboveground or underground containers may be connected to mobile homes if such containers are located on a firm fire resistive base no closer than ten feet (10') to a mobile home or building. Such containers shall be connected to a mobile home as required by this code for any permanent structure and shall be equipped with an excess flow valve at the discharge valve of the container. Gas lines shall be buried a minimum of eighteen inches (18") below grade from the container to a point at or below the mobile home.
 - 2) Natural Gas. Natural gas may be connected to mobile homes or house trailers under the following conditions:
 - a) All gas lines supplying mobile homes or house trailers shall be of adequate size to provide a sufficient supply of gas that will allow all appliances in the mobile home or house trailer to operate at their normal rate of capacity.

- 1) All sewage systems shall be designed by a licensed professional engineer and shall be submitted to the appropriate governing body for their approval.
 - 2) When the sewer of the park is not connected to a public sewer, a sewage treatment plant or sewage disposal system approved by the Health Officer or the engineer having jurisdiction, shall be provided.
- (I) All electrical distribution systems, plumbing systems and telephone service systems to each mobile home space, except outlets and risers, shall be underground.
 - (J) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light on any property located in any other residential district.
 - (K) The mobile home stand shall be provided with anchors and tie-downs such as cast-in-place concrete "dead men," eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
 - (L) Anchors and tie-downs shall be placed near each corner of the mobile home unit on the end of the cross membrane and at a point of its maximum width. Each tie-down shall be able to sustain a minimum tensile strength of 2,800 pounds.
 - (M) All mobile homes shall be equipped with skirts on all sides; such skirts to be harmonious to the mobile home structure.
 - (N) Fuel Gas. Provisions relating to fuel gas for parks and camps shall be as follows:
 - 1) Liquefied petroleum gas. When liquefied petroleum gas is used, containers for such gas shall not hold more than twenty-five gallons (25 gals.) water capacity; shall be the liquefied petroleum gas containers approved by the Interstate Commerce Commission for its intended purpose; and shall be integrally attached to the mobile home or house trailer in a manner approved by the Liquefied Petroleum Gas Association, Inc. In the absence of the heretofore mentioned installation, aboveground or underground containers may be connected to mobile homes if such containers are located on a firm fire resistive base no closer than ten feet (10') to a mobile home or building. Such containers shall be connected to a mobile home as required by this code for any permanent structure and shall be equipped with an excess flow valve at the discharge valve of the container. Gas lines shall be buried a minimum of eighteen inches (18") below grade from the container to a point at or below the mobile home.
 - 2) Natural Gas. Natural gas may be connected to mobile homes or house trailers under the following conditions:
 - a) All gas lines supplying mobile homes or house trailers shall be of adequate size to provide a sufficient supply of gas that will allow all appliances in the mobile home or house trailer to operate at their normal rate of capacity.

- b) Where a gas utility company supplies gas to individual mobile homes or house trailers the service line to the mobile home or house trailer shall be sized as required by the utility serving the same and a meter loop shall be made in accordance with the requirements of said utility company.
- c) All gas lines including gas service lines serving the mobile home or house trailer shall be buried not less than eighteen inches (18") below grade to a point at or below the mobile home or house trailer and otherwise be installed in accordance with the code of the city.
- d) For each individual mobile home or house trailer there shall be a gas stop cock and an American Gas Association approved flexible connector.

(O) Register. Rules and regulations pertaining to a register kept for each mobile home and house trailer within the park and camp shall be as follows:

- 1) It shall be the duty of a person operating each park and camp to keep a register containing a record of all mobile home and house trailer owners and tenants located within each park and camp. The register shall contain the name and address of each occupant, the make, model, year and manufacturer of each mobile home or house trailer; the dates of arrival and departure of each mobile home or house trailer. The person operating each park or camp shall keep the register available for inspection at all reasonable hours by law enforcement officers, assessor, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The original records of the register shall not be destroyed for a period of three (3) years following the date of registration.
- 2) It shall be the responsibility of the person operating each park and camp to notify the inspection officer of damage exceeding one hundred dollars (\$100) by fire or storm to any mobile home or house trailer in his park or camp. The inspection officer shall compile all such information into categories of losses and their causes, as nearly as can be determined for future reference.

(P) Alterations and Additions. Provisions relating to alterations and additions to mobile homes and trailer houses shall be as follows:

- 1) Alterations and additions to mobile homes which are affected by provisions herein, within or to a park and facilities, shall be made only after application to the inspection officer and in conformity with all of the sections of this code.
- 2) No additions of any kind shall be built onto or become a part of any mobile home or house trailer.

EXCEPTION: Accessory structures not exceeding an area of three hundred square feet (300 sq. ft.), carports and residential

patio structures may be attached to or become a part of a mobile home if such structure complies in all respects to the applicable provisions of the building code of the city and with the written approval of the inspection officer.

Skirting of mobile homes is permissible only with noncombustible material; however, skirting shall not permanently attach the mobile home to the ground, providing a harborage for rodents or create a fire hazard.

- 3) Every mobile home regulated by this article shall be anchored to the ground by a method approved by the inspection officer. This anchorage shall be adequate to withstand the minimum horizontal wind and uplift pressures as set forth in the building code of the city for permanent structures. This regulation shall apply to all new mobile home parks and individual installations, and shall also thereafter apply whenever a mobile home is moved in, relocated or replaced in existing parks, and furthermore, compliance shall be attained on all mobile homes.
- 4) A mobile home or house trailer shall not be permanently attached to the ground or placed on a concrete or masonry foundation unless it is otherwise converted to a building complying in all respects to the provisions of the code of the city for a permanent structure.
- 5) The provisions of this article shall not affect any mobile home situated in the city at the time of taking effect of this code if the same is placed on a permanent foundation. (Ord. 826, Sec. 21)

(Q) Penalty. Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the city jail for a period of not exceeding one (1) year or by both such fine or imprisonment. Each day that a violation of this article occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation. (Ord. 826, Sec. 22)

3.45 COMPLIANCE

The mobile home park shall be in compliance with this article and all other regulations and the site shall be in conformance with applicable regulations of the locality and State.

3.46 PARKING OR STORING

A mobile home may be parked in the mobile home park, providing that it shall not be a nuisance and does not constitute a fire hazard, and further providing said mobile home is not offered for sale by other than the resident owner.

3.47 UNUSED MOBILE HOME PARK

Whenever a property zoned "MH-1," ceases to be used for such purposes for a period of two years, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former District Zoning.

3.48 PARKING REGULATIONS (See article on Parking and Loading Regulations)

3.49 SIGN REGULATIONS (See article on Sign Regulations)

3.50 MH-2 MOBILE HOME SUBDIVISION DISTRICT

3.51 PURPOSE

This district is intended as a medium density area of individually owned lots for locating all types of mobile homes with or without permanent foundations and connected to public water and sewer facilities.

3.52 PERMITTED USES

- (A) Mobile home subdivisions provided that they are platted in accordance with the adopted Subdivision Regulations.
- (B) Churches, synagogues, and other similar places of worship.
- (C) Public and parochial schools.
- (D) Home Occupations.
- (E) Accessory buildings and uses.
- (F) Day Care Homes provided they are licensed by the State Department of Health and Environment and meet all State and local codes and regulations.

3.53 CONDITIONAL USES

Any uses permitted in the R-1 Residential District.

3.54 LOT SIZE REQUIREMENTS

- (A) Minimum lot area: 6,000 square feet.
- (B) Minimum lot width: 50 feet.
- (C) Minimum lot depth: 100 feet.

3.55 BULK REGULATIONS

- (A) Maximum structure height: 35 feet.
- (B) Yard Requirements:
 - 1) Minimum front yard: 25 feet from the property line, on all sides abutting a street.
 - 2) Minimum side yard: Six (6) feet.
 - 3) Minimum rear yard: twenty-five (25) feet.
- (C) Maximum lot coverage: 40 percent.

3.56 USE LIMITATIONS

- (A) A mobile home subdivision shall have a minimum gross area of two acres.

(B) A mobile home subdivision must be on land platted for each lot in accordance with the adopted Subdivision Regulations.

(C) Only one mobile home shall be permitted on each lot.

3.57 PARKING REGULATIONS

(See the article on Parking and Loading Regulations).

3.58 SIGN REGULATIONS

(See the article on Sign Regulations).

3.60 C-1 CENTRAL COMMERCIAL DISTRICT

3.61 PURPOSE

This district is intended to group the main retail merchandising activities into a concentrated area serving the general shopping needs of the City and its trade area. Related activities which are compatible and strengthen the business area are included. All uses must be connected to a public water and sewer facility.

3.62 PERMITTED USES

- (A) Animal hospitals limited to the care, treatment, and grooming of dogs, cats, and other small animals, where all activities take place within a completely enclosed building.
- (B) Automobile salesrooms, used car lots, garages, and service stations.
- (C) Business and professional offices and financial institutions.
- (D) Bus station and taxicab stands.
- (E) Churches, chapels, temples, and synagogues.
- (F) Commercial recreational activities.
- (G) Department stores.
- (H) Establishments employing not more than five persons in service and construction businesses working on the premises such as plumbing and electrical work, watch and shoe repairing and barber and beauty shops.
- (I) Hotels and theaters.
- (J) Mortuaries and funeral homes.
- (K) Multiple-family dwelling units constructed in conjunction with and above the first floor of business establishments.
- (L) Newspaper and publishing offices with printing as an accessory use.
- (M) Private and public assembly halls and fraternal organizations.
- (N) Public buildings erected on land used by any agency of the City, County, State or Federal government.

- (O) Restaurants, private clubs and taverns.
- (P) Retail businesses.
- (Q) Shops employing not more than five persons for manufacturing items which are sold at retail on the premises.
- (R) Other uses which in the opinion of the Planning Commission are in keeping with the intent of Section 3.61 and compatible with the uses permitted in Subsection 3.62.

3.63 CONDITIONAL USES

- (A) Storage warehouses.

3.64 LOT SIZE REQUIREMENTS

- (A) Minimum lot area: None required.
- (B) Minimum lot width: 25 feet.
- (C) Minimum lot depth: 75 feet.

3.65 BULK REGULATIONS

- (A) Maximum structure height: 45 feet.
- (B) Yard requirements:
 - (1) Minimum front yard: None.
 - (2) Minimum side yard: None, but if there is one provided, it shall not be less than five feet.
 - (3) Minimum rear yard: None, but if there is one provided, it shall not be less than five feet.
- (C) Maximum lot coverage: A building, structure, or use may occupy all that portion of the lot not otherwise required for the yard regulations.

3.66 USE LIMITATIONS

- (A) All business, service, storage and display goods shall be located within a completely enclosed structure, except:
 - (1) Automobiles and recreational trailers for sale, both new and used:
 - (2) Open display and sales area equivalent to not more than five percent of the total floor area of the business establishment. This shall apply to include sidewalk sales.

3.67 PARKING REGULATIONS
(See article on Parking and Loading Regulations)

3.68 SIGN REGULATIONS
(See article on Sign Regulations)

3.70 C-2 HIGHWAY COMMERCIAL DISTRICT

3.71 PURPOSE

This district is designed to provide to those businesses which draw their customers from motorists on the highway and at the same time serve a local need for retail and service businesses. Such businesses would not generally locate in the Central Business District because of their size and outdoor activities or operate as a home occupation.

3.72 PERMITTED USES

- (A) Any use permitted in the C-1 Central Business District except multiple-family dwellings, but including drive-in restaurants.
- (B) Business, technical or trade school.
- (C) Car washes.
- (D) Commercial recreation centers such as for bowling, miniature golf, roller skating, and amusement rides.
- (E) Construction and agricultural equipment sales and services.
- (F) Contractor shops.
- (G) Garden stores.
- (H) Gift and souvenir shops.
- (I) Marine supplies and sales.
- (J) Medical clinics.
- (K) Mobile home and trailer sales and supplies.
- (L) Motorcycle sales and services.
- (M) Self-service laundries or dry cleaning establishments.
- (N) Service and fraternal clubs and lodges.
- (O) YWCA, Boy Scout and other similar groups.
- (P) Motels.
- (Q) Any other retail or service business not specifically listed above is permitted if in the opinion of the Planning Commission it complies with the intent of Section 3.70 is compatible with the uses listed, and meets the lot size and bulk regulations herein.

3.73 CONDITIONAL USES

- (A) Animal hospitals, provided that all pens shall be in an enclosed structure when located within 300 feet of a residential district.
- (B) Drive-in theaters.
- (C) Utility substations.

3.74 LOT SIZE REQUIREMENTS

- (A) Minimum lot area: 10,000 square feet.
- (B) Minimum lot width: 75 feet.
- (C) Minimum lot depth: 100 feet.

3.75 BULK REGULATIONS

- (A) Maximum structure height: 35 feet.
- (B) Yard requirements:
 - (1) Minimum front yard: 35 feet, except that motor vehicles, mobile homes, trailer equipment, and boats stored or displayed in the open shall be located not less than ten feet from the front property line.
 - (2) Minimum side yard: None, but if a side yard is provided, it shall not be less than five feet.
- (C) Maximum lot coverage: 50 percent.

3.76 USE LIMITATIONS

- (A) No new structure shall be used for residential purposes except for the use of the owner or operator of the business located on the premises or a watchman or custodian, except that accommodations may be offered to transient public by motels and hotels.

3.77 PARKING REGULATIONS

(See article on Parking and Loading Regulations)

3.78 SIGN REGULATIONS

See article on Sign Regulations)

3.80 I-1 LIGHT INDUSTRIAL DISTRICT

3.81 PURPOSE

This district is designed for light industrial uses which do not require large amounts of land, generate modest noise and vibration, and are not objectionable to residential areas.

amounts of traffic, are consistent with the capacity and availability of public and private services, create limited nuisance effects in the way of smoke, dust, glare, vibration or sounds; and does not encourage the intermixing of residential uses.

3.82 PERMITTED USES

- (A) Agricultural feed and grain manufacture, storage, and sales.
- (B) Agriculture.
- (C) Assembly, manufacture or repair of electrical and mechanical appliances, instruments, and the like.
- (D) Building material production, storage and sales including manufactured housing.
- (E) Clothing and textile manufacture.
- (F) Construction and agricultural equipment distribution, repair, storage, and sales.
- (G) Construction contractor's office, equipment and storage area.
- (H) Food manufacture, distribution and storage.
- (I) Furniture manufacture and repair.
- (J) Greenhouses.
- (K) Laundry, dry cleaning and dyeing works.
- (L) Manufactured products such as: bags, bicycles, brooms, brushes, cosmetics, drugs, jewelry, paint, paper goods, plastics, shoes, sporting and office equipment, and the like.
- (M) Metal fabrication and assembly.
- (N) Printing and publishing companies.
- (O) Research laboratories.
- (P) Sign shops and service.
- (Q) Transportation storage, bus and trucking area.
- (R) Wholesale businesses, storage warehouses and the like.
- (S) Other industrial uses not specifically listed above are permitted if they are of the same general characteristics as may be determined by the Planning Commission.

3.83 CONDITIONAL USES

- (A) Concrete and asphalt mixing plants.
- (B) Home Occupations (For watchman or custodian only).
- (C) Salvage yard for automobiles and other materials.

3.84 LOT SIZE REQUIREMENTS

- (A) Minimum lot area: 5,000 square feet.
- (B) Minimum lot width: 50 feet.
- (C) Minimum lot depth: 100 feet.

3.85 BULK REGULATIONS

- (A) Maximum structure height: 35 feet exclusive of grain elevators.
- (B) Yard requirements:
 - (1) Minimum front yard: 25 feet on all sides abutting a street.
 - (2) Minimum side yard: No minimum requirement, but if a side yard is provided, it shall be not less than ten feet.
 - (3) Minimum rear yard: No minimum requirement, but if a rear yard is provided, it shall not be less than ten feet.
- (C) Maximum lot coverage: 75 percent.

3.86 USE LIMITATIONS

- (A) No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises. (For remodeling nonconforming residential structures, see Subsection 6.10.)
- (B) There shall be no emission of dust, noise, odor, or vibration which shall be detectable as a nuisance beyond the property line.

3.87 PARKING REGULATIONS

5.12 B Industrial

3.88 SIGN REGULATIONS

(See article on Sign Regulations)

3.90 I-2 HEAVY INDUSTRIAL DISTRICT

3.91 PURPOSE

I-2 INDUSTRIAL DISTRICT

This district is intended for basic or medium sized industries which are not otherwise provided for in other districts and which are not considered compatible with residential and commercial activity, but could in some limited way be provided for. Care must be taken in determining their location due to the nature and intensity of the potential uses which may create obnoxious or hazardous environmental conditions and overburden the capacity of public services to perform their function.

3.92 PERMITTED USES

- (A) Any use permitted in the I-1 Industrial District.
- (B) Other industrial uses of a more intensive type not previously provided for which in the opinion of the Planning Commission can by adhering to these regulations, provide acceptable environmental conditions at selected locations.

3.93 USES NOT PERMITTED

- (A) Acid manufacture.
- (B) Distillation of bones.
- (C) Explosives manufacture or storage.
- (D) Fat rendering.
- (E) Garbage, offal or dead animal incineration or reduction.
- (F) Glue manufacture.
- (G) Petroleum refinery.
- (H) Smelting of base metals.
- (I) Stockyards.
- (J) Wholesale storage of gasoline and other petroleum products.
- (K) Other uses which in the opinion of the Planning Commission may be considered noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, vibration, or cause safety hazards.
- (L) Feedlots.

3.94 CONDITIONAL USES

- (A) Any special use that may be permitted in the I-1 Industrial District may also be permitted in the I-2 Industrial District.

3.95 LOT SIZE REQUIREMENTS

- (A) Minimum lot area: 10,000 square feet.
- (B) Minimum lot width: 50 feet.
- (C) Minimum lot depth: 100 feet.

3.96 BULK REGULATIONS

- (A) Maximum structure height: 45 feet, exclusive of grain elevators.
- (B) Yard requirements:
 - (1) Minimum front yard: 25 feet on all sides abutting a street.
 - (2) Minimum side yard: No minimum requirement, but if a side yard is provided, it shall not be less than ten feet.
 - (3) Minimum rear yard: No minimum requirement, but if a rear yard is provided, it shall not be less than 20 feet.
- (C) Maximum lot coverage: 60 percent

3.97 USE LIMITATIONS

- (A) No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- (B) There shall be no emission of dust, odor, or vibration which shall be considered as a nuisance beyond the property line. No use shall be permitted or operated that produces a noise level greater than that noise level produced by the average traffic in the area.

3.98 PARKING REGULATIONS

(See article on Parking and Loading Regulations)

3.99 SIGN REGULATIONS

(See article on Sign Regulations)



3.94 CONDITIONAL USES

- (A) Any special use that may be permitted in the I-1 Industrial District may also be permitted in the I-2 Industrial District.

3.95 LOT SIZE REQUIREMENTS

- (A) Minimum lot area: 10,000 square feet.
(B) Minimum lot width: 50 feet.
(C) Minimum lot depth: 100 feet.

3.96 BULK REGULATIONS

- (A) Maximum structure height: 45 feet, exclusive of grain elevators.
(B) Yard requirements:
(1) Minimum front yard: 25 feet on all sides abutting a street.
(2) Minimum side yard: No minimum requirement, but if a side yard is provided, it shall not be less than ten feet.
(3) Minimum rear yard: No minimum requirement, but if a rear yard is provided, it shall not be less than 20 feet.
(C) Maximum lot coverage: 60 percent

3.97 USE LIMITATIONS

- (A) No new building shall be used for residential purposes except that a watchman or custodian may reside on the premises.
(B) There shall be no emission of dust, odor, or vibration which shall be considered as a nuisance beyond the property line. No use shall be permitted or operated that produces a noise level greater than that noise level produced by the average traffic in the area.

3.98 PARKING REGULATIONS

(See article on Parking and Loading Regulations)

3.99 SIGN REGULATIONS

(See article on Sign Regulations)

ARTICLE IV: SPECIAL DISTRICTS

4.10 FLOOD PLAIN DISTRICT

4.11 STATUTORY AUTHORIZATION

The Legislature of the State of Kansas has in KSA 12-705,707, 710, 734 and 735, delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City Commission of Kinsley, Kansas, ordains as follows.

4.12 FINDINGS OF FACT

- (A) **Flood Losses Resulting From Periodic Inundation:**
The flood hazard areas of Kinsley, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (B) **General Causes of These Flood Losses:**
These flood losses are caused by (1) The Cumulative effect of obstruction in floodways causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.
- (C) **Methods Used to Analyze Hazards:**
This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of inter-related steps.
- 1) Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent chance of occurrence in any

(B) The Enforcement Officer:
The City Manager of the City is hereby duly designated Enforcement Officer under

(C) Rules for Interpretation of District Boundaries:
The boundaries of the floodway and flood districts shall be determined by scaling the official zoning map. Where interpretation of the exact location of the boundaries of the floodway on the official zoning map, as for example, there may be a conflict between a mapped boundary and the official zoning map, the Enforcement Office shall make the interpretation. In such cases where the interpretation of Zoning Appeals will resolve the dispute, the flood elevation for the point in question shall be a factor in locating the district boundary. A person contesting the location of the boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical

(D) Compliance:
No development located within known floodway or flood district in the City shall be located, extended, conveyed, or altered without full compliance with the floodway and other applicable regulations.

(E) Abrogation and Greater Restriction:
It is not intended by this ordinance to abrogate or impair any existing easements, covenants, or other restrictions. However, where this ordinance imposes a greater restriction, the provision of this ordinance shall prevail. Any provision inconsistent with this ordinance are hereby abrogated to the extent of the inconsistency only.

(F) Warning and Disclaimer Liability:
The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Floods may occur on rare occasions or the flood may be caused by man-made or natural causes, such as debris, which is restricted by debris. This ordinance does not restrict land uses permitted within such floodway or floodway flooding or flood damages. This ordinance is not intended to be the part of the City of

4.15 DEVELOPMENT PERMIT

(A) Permit Required:

No person, firm or corporation shall make any substantial improvement or cause the reconstruction of any building or structure without first obtaining a separate permit for building or structure.

(B) Administration:

1) The City Manager is hereby appointed to implement the provisions of this ordinance.

2) Duties of the City Manager shall be limited to:

- a) Review all development permits to assure they are reasonably safe from flood damage and meet the requirements of this ordinance.
- b) Review permits for proposed development to assure all necessary permits have been obtained from Federal, state, or local government agencies which prior approval is required.
- c) Notify adjacent communities and the State Water Resources prior to any proposed alteration of a watercourse, and shall provide notification to the Federal Government.
- d) Assure that maintenance is provided for any existing or relocated portion of said watercourse and that flood carrying capacity is not reduced.
- e) Verify and record the actual elevation (above mean sea level) of the lot (or portion thereof) of all new or substantial improvements.
- f) Verify and record the actual elevation (above mean sea level) to which any new or substantially improved structures have been elevated.
- g) When flood-proofing is utilized for any structure the City Manager shall require the applicant to employ a registered professional engineer to design the flood-proofing.

(C) Application for Permit:

To obtain a permit, the applicant shall submit in writing on a form furnished for that purpose an application shall:

- 1) Identify and describe the work to be done.
- 2) Describe the land on which the work is to be done, lot, block tract and house and provide a description that will readily identify the building or work.

4.16 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two floodway overlay districts (FW) and a floodway overlay district (FF) identified in the Flood Insurance Study Floodway Map(s). Within these districts all standards of this ordinance and those standards of any other zoning district will be prohibited. These zones are identified with the numbered and unnumbered A Zones as shown on the official FIRM and identified in the Flood Insurance Study by the Federal Insurance Administration.

4.17 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND FLOODWAY OVERLAY DISTRICT

- (A) No permit for development shall be granted for substantial improvements and other improvements, including placement of mobile homes within all unnumbered A zones unless the conditions of this Section are met.
- (B) All areas identified as unnumbered A zones are subject to inundation of the 100-year flood; however, if the elevation was not provided. The unnumbered A zones are subject to all development provisions of this ordinance. Flood Insurance Study data is not available for these areas. Utilize any base flood elevation data available within its area of jurisdiction.
- (C) New construction, subdivision proposals, prefabricated buildings, placement of mobile homes and developments shall require:
 - 1) Design or anchorage to prevent floatation or movement due to flooding.
 - 2) New or replacement water supply systems be designed to minimize or prevent flood waters into the systems and sewer systems into flood waters, and on-site systems be located so as to avoid flood damage.
 - 3) New development and substantial improvements be constructed with construction materials and utility lines resistant to flood damage, and b) construction practices that will minimize flood damage with economic practicability.

- 6) Storage and Material Equipment:
 - a) The storage and processing of materials during time of flooding buoyant, flammable, or otherwise hazardous could be injurious to human, animals, and property, is prohibited.
 - b) Storage of other material or equipment if not subject to major damage shall be anchored to prevent flotation or displacement of the area within the time available.
- 7) Subdivision proposals and other projects shall be required to assure that (a) all projects shall be with the need to minimize flood damage to utilities and facilities, such as sewer, gas, and water systems are located, elevated, protected, or eliminate flood damage, (c) adequate measures shall be so as to reduce exposure to flood damage for development of five acres or more, and (d) include within such proposals the

4.18 FLOODWAY FRINGE OVERLAY DISTRICT

- (A) Permitted Uses:
Any use permitted in Section 4.19 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 4.19 are met.
- (B) Standards for the Floodway Fringe Overlay District:
 - 1) Require new construction or substantial reconstruction of residential structures to have the basement elevated to or above the flood protection elevation.
 - 2) Require new construction or substantial reconstruction of non-residential structures to have the basement, elevated to or above the flood protection elevation, or together with attendant utilities to be flood-proofed up to that level.
 - 3) Within Zones AO all new constructions of residential structures shall have the basement, elevated above the flood protection elevation, or above the depth number specified in the FIRM. Non-residential structures, with attendant utility and sanitary facilities shall be flood-proofed to or above the depth number specified in the FIRM.
 - 4) For new mobile home parks, mobile home parks shall be subject to the same, and for new mobile home parks shall be subject to the same.

- mobile homes less than 50 feet additional ties per side.
- (iii) All components of the anchor of carrying a force of 4800
 - (iiii) Any additions to mobile home
- b) Stands or lots are elevated on c so that the lowest floor of the or above the regulatory flood el
 - c) Adequate surface drainage and ea is provided.
 - d) In the instance of elevation on enough to permit steps, pier fou stable soil no more than ten fee reinforcement is provided for piers

4.19 FLOODWAY OVERLAY DISTRICT

(A) Permitted Uses:

Only uses having a low flood-damage potential. Flood flows shall be permitted within the extent that they are not prohibited and provided they do not require structural materials or equipment. No use shall be above the levels of the regulatory flood elevation to the standards of Section 4.17 and 4.18.

- 1) Agricultural uses such as general farming and forestry.
- 2) Residential uses such as lawns, gardens, etc.
- 3) Non-residential areas such as loading docks and landing strips.
- 4) Public and private recreational uses such as archery ranges, picnic grounds, parks, and preserves. Placement of mobile homes in floodway, except in existing mobile home subdivisions.

4.20 VARIANCE

- (A) Where by reason of exceptional narrowness of topography, or other extraordinary condition of a specific piece of property, the application of any provision of this ordinance would be peculiar and exceptional hardship upon

- 1) The structure is listed on the National Places or the State Inventory of Historic Places and is restored or reconstructed.
- (B) Variances shall not be issued except upon a showing of (a) a sufficient cause, (b) a determination that the variance would result in exceptional circumstances, and (c) a determination that the variance will not result in increased flood heights, additional safety, extraordinary public expense, or fraud on or victimization of the public, or local or state laws or ordinances.
- (C) Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum requirements of this ordinance to afford relief.
- (D) A community will notify the applicant to locate a structure at an elevation level which will result in increased actuarial coverage. The Applicant will provide written acknowledgment of such notification.
- (E) An application for a variance shall be processed in accordance with Article IX, Section 9.18 (A).
- (F) A public hearing shall be scheduled for each request, by the Board of Zoning Appeals, in accordance with Article IX, Section 9.18 (B).

4.21 NON-CONFORMING USE

A structure or the use of a structure or the use of a structure before the passage or amendment of the ordinance shall conform with the provisions of this ordinance, subject to the conditions stated in Article IX, Section 9.18 (A).

4.22 AMENDMENTS

- (A) The regulations, restrictions, and conditions of this ordinance may from time to time be amended or repealed to reflect any and all changes in the Flood Disaster Protection Act of 1973. No such action may be taken until a public hearing thereon, at which parties shall have an opportunity to be heard.

ARTICLE V: OFF-STREET PARKING AND LOADING

5.10 OFF-STREET PARKING

5.11 OFF-STREET PARKING

In any applicable zoning district, all structure uses established hereafter shall provide access to parking in accordance with the following regulations. If an existing structure or use is expanded, access to parking shall be provided in accordance with the regulations for the area or capacity of such expansion.

(A) General Provisions

- 1) Utilization: Required accessory off-street parking facilities provided for the uses herein shall be used solely for the parking of motor vehicles and shall be subject to the condition of patrons, occupants, or employees of such uses.
- 2) Parking space dimension: A required off-street parking space shall be at least eight feet, six inches wide and at least 19 feet in length, exclusive of drives or aisles, ramps, or columns.
- 3) Access: Each required off-street parking space shall be directly upon an aisle or driveway of adequate design as to provide safe and efficient vehicular access to such parking space.
- 4) Open and enclosed parking: Off-street parking, whether open to the sky or enclosed in buildings and carports containing off-street parking, shall be subject to the yard requirements of the district in which located.
- 5) Design and maintenance:
 - a) Design: Off-street parking spaces shall be designed with such design standards relating to stall depth, driveway width, island width, and ingress and egress as may be established from time to time by the Municipality. Off-street parking spaces may be open to the sky or enclosed.
 - b) Surfacing: All open off-street parking spaces and required parking spaces accessory to a residential dwelling, shall be graded and paved with an asphalt, concrete or oil surface meeting the specifications of the Municipality.

- d) Lighting: Any lighting used to parking areas shall be directed properties in such a way as not residential use.
 - e) Repair and Service: No motor v service of any kind shall be pe with any off-street parking fac
 - f) Computation: When determinatio street parking spaces required in a requirement of a fractiona one-half shall be counted as on
 - g) Collective provisions: Off-str for separate uses may be provid total number of spaces so furni the sum of the separate require and provided that all regulatio of accessory parking spaces in are adhered to.
 - h) Location: All parking spaces or uses shall be located on the structure or use served unless permit is obtained.
 - i) Employee parking: Parking spa basis shall be based on the ma on duty or residing, or both, time.
- 6) Plans and Approval Required: Plan design of all required off-street shall be submitted and approved by prior to issuance of a zoning perm any parking layout, the Zoning adm himself that the spaces provided a design criteria. All required off shall be clearly marked.

5.12 REQUIRED SPACES

Off-street parking spaces accessory to the shall be provided as follows:

(A) Dwelling and lodging uses:

- 1) Residential dwellings: At least dwelling unit.
- 2) Multiple-family dwellings: At lea per unit except in housing for the

- 6) Mobile Home Parks: At least one parking space for each mobile home plus one additional space for every ten mobile homes.
- 7) Mobile Home Subdivision: At least one parking space for each dwelling unit.

(B) Business and Industrial Uses:

- 1) Automobile, truck, trailer and mobile home rental lots: One parking space for each 100 square feet of open sales lot area devoted to the sale and rental of said vehicles, plus one parking space for each service bay and employee.
- 2) Post Offices, business and professional offices: One parking space for each 300 square feet of floor area plus one parking space per two employees.
- 3) Bowling Alleys: Four parking spaces for each lane.
- 4) Funeral homes and mortuaries: One parking space for each ten seats based upon the designed maximum seating capacity plus one additional parking space for each service bay.
- 5) Furniture and appliance stores, housewares stores, furniture repair shop: One parking space for each 250 square feet of floor area.
- 6) Manufacturing, production, processing, assembly, cleaning, servicing, testing or repair shops: One parking space per 100 square feet of floor area for each product or product line.
- 7) Medical and dental clinics or offices: One parking space for each 100 square feet of floor area.
- 8) Restaurants, night clubs, taverns and bars: One parking space for each 2.5 seats based on the designed seating capacity; provided, however, that such establishments shall have a minimum of at least ten parking spaces.
- 9) Retail stores and financial institutions: One parking space for each 250 square feet of floor area.
- 10) Service stations: One parking space for each service bay plus two spaces for each service bay.
- 11) Theaters, auditoriums, and places of public assembly: One space for each four seats.

(C) Other Uses:

- 1) Churches: One parking space for each 100 square feet of the maximum designed seating capacity.
- 2) Laundromats: One space for each ten machines.
- 3) Nursing homes, rest homes, etc.: One parking space for each ten beds.

ARTICLE VI: NONCONFORMING USES

6.10 NONCONFORMING USES

6.11 MAY BE CONTINUED

The following lawful uses of land may be c

- (A) A use of land which existed prior to the original zoning ordinance dated _
- (B) A use of land existing at the time of land to the City.
- (C) A use of land existing at the time an the zoning regulations of the City wh to a more restricted district.

Although any such use does not conform to Regulation. However, if such nonconforming conforming use to which the land may be ch for a period of one year or more, then any premises shall be only in accordance with applicable zoning regulations of the City. homes, the period will be six (6) months.

The lawful use of a building located upon vided in Section 6.12 below, may be contin does not conform with the provisions of th the City and such use may be continued thr no structural alterations are made therein by law or regulation. If no structural al such building, a nonconforming use of the to another nonconforming use of the same c classification. The foregoing provisions uses of buildings which may be made noncon amendment or change of the zoning regulati

6.12 MAY NOT BE CONTINUED

- (A) Whenever a nonconforming use of a bu to a more conforming use, such use sh changed to a less conforming use.

The decision of the appraiser shall be final shall be binding upon all concerned for the purpose of whether the damaged property may be restored. The appraisal shall be paid by the property owner.

(C) The nonconforming use of a building or premises of dismantling or wrecking automobiles or other kind, or for the purpose of storing junk, scrap material; including dismantled and wrecked automobiles, vehicles, or other types of open storage, anywhere in other than "1-2" Heavy Industrial District shall be discontinued within one year from the effective date of the zoning ordinance and the buildings or premises thereafter demolished or dismantled in the district in which such building is located.

(D) Signs which exist at the time of passage of the ordinance but which are not in conformance with the ordinance shall be discontinued and the sign shall be removed within six months after the effective date of the zoning ordinance.

(E) Non-conforming mobile homes, if destroyed or damaged by a similar non-conforming mobile home if destroyed or damaged within six (6) months.

- (F) A mobile home or house trailer may be located in a mobile home park, mobile home subdivision or mobile home park for a period not to exceed 30 days, when a permit is issued in accordance with Section 7.20 (G).
- (G) Any person desirous of locating a mobile home or house trailer in accordance with Section 7.20 (F), shall apply to the Governing Body for a temporary permit. The application shall be in writing, signed by the applicant, and shall contain the following: the name, address and telephone number of the applicant, the location and legal description of the mobile home or house trailer is requested, and the applicant shall provide all other applicable information.
- 1) Those applications requested in accordance with Section 7.20 (F) shall give the reason such a permit is applied for, and shall give the number of days the mobile home or house trailer is intended to be located. The event shall exceed thirty (30). The application shall be accompanied by a plot plan drawn to scale showing the legal description and boundaries of the property, the location of existing buildings, and the location of the mobile home or house trailer will be located.
 - 2) No more than one mobile home shall be located on a tract for which a permit is issued.
 - 3) A mobile home or house trailer must be located at least fifteen (15) feet from any other structure on the property line. The required distance shall be measured from the point on the property line nearest the mobile home or house trailer to the point on the property line or structure of the mobile home.
 - 4) The mobile home or house trailer shall be provided with available water, sewer and electrical connections shall be in accordance with the Health and Safety Regulations of the City of Kinsley.
 - 5) The planning commission may extend the permit for not longer than 30 days subject to the approval of the adjacent property owners.

7.30 HOME OCCUPATIONS AUTHORIZATION

Home occupations that are customarily incidental to the use of a residential building shall be permitted provided the residential appearance of the building is maintained and no traffic or parking problems are created, and

- 3) Artists, sculptors and authors or co
- 4) Office facilities for architects, en
real estate or insurance agents, bro
similar professions.
- 5) Ministers, rabbis, priests.
- 6) Office facilities for salesmen, sale
manufacturer's representatives.
- 7) Home crafts, such as model making, r
work, cabinet making, etc.
- 8) Boarding homes for children and day
- 9) Barber and beauty shops.
- 10) Worm ranching.

B) Home Occupations Prohibited-Permitted i
example, shall not in any event be deemed

- 1) Funeral homes.
- 2) Restaurants.
- 3) Tourist homes.
- 4) Renting of trailers or equipment.
- 5) Medical or dental clinics or hospitals.
- 6) Animal kennels or hospitals.
- 7) Small grocery stores.
- 8) Auto and other vehicle repair.
- 9) Massage parlors.

7.40 SIGNS

7.41 INTENT AND PURPOSE

It is the intent and purpose of these regula
or define the allowable uses of the several
the district regulations appearing elsewhere

7.42 USE REGULATIONS

Any sign shall, by definition, be a structure
structure shall be used for sign purposes exc
districts listed in the Sign Use Regulations
signs legally existing at the time of passage
remain in use under the conditions of legal
Section 6.12 (D). Signs in legal nonconforma
moved, lighted, or reconstructed; however, th
display shall not be restricted except as pro
effective date of this Regulation, no sign sh
constructed or otherwise installed without
permit and a sign permit shall be legally

7.43 CLASSIFICATION OF SIGNS

(A) Functional Types:

- 1) Advertising Signs: A sign which directs the public to any goods, merchandise, service, entertainment or amusement which is bought or sold, furnished, elsewhere than on the premises where or to which it is affixed.
- 2) Bulletin Board Signs: A sign that identifies an institution or organization on whose premises it is located and which contains the name of the institution and the name or names of persons connected with it. Such sign may also present a greeting. Such sign may also present a greeting.
- 3) Business Sign: A sign which directs attention to a business, profession or profession conducted, or to products or services sold or offered upon the premises where the sign is located, or to which it is affixed.
- 4) Construction Sign: A temporary sign identifying the architects, engineers, landscapers and similar artisans involved in the construction of a structure, complex or project on the premises during the construction period and only on the premises where the construction is taking place.
- 5) Identification Sign: A sign giving the name of a building, business, development or project. Such signs may be wholly or partly devoted to a recognized symbol.
- 6) Name Plate Sign: A sign giving the name of the owner or occupant of a building on the premises where it is located, and where applicable, the address.
- 7) Real Estate Sign: A sign pertaining to the sale or lease of one or more lots or tracts of land on which the sign is located.

(B) Structural Types:

- 1) Awning, Canopy or Marquee Sign: A sign painted on, or attached to, an awning, canopy or marquee. No such signs shall project above, beyond or from the awning, canopy or marquee.
- 2) Ground Sign: Any sign placed upon, or attached to, the ground, independent of the building or structure.

- 5) Wall Sign: A sign fastened to or placed on a building or structure in such a manner that it becomes merely the supporting structure above the ground surface, and which does not project more than 12 inches from such building.
- 6) Roof Sign: A sign totally supported by a building structure. Roof signs shall not project more than 12 inches beyond the face of the building.

7.44 GENERAL STANDARDS

(A) Gross Area of Sign:

The entire area within a single continuous boundary at the extreme limits of the sign, exclusive of the area in which it is mounted or from which it is suspended, the side of a sign is utilized as a sign, shall be included in the gross area computed and shall be counted as a portion of the gross area. On lots where more than one sign is located, the gross area of all the signs shall not exceed the gross area permitted by this regulation.

For computing the gross area of any wall sign, the area of letters mounted or painted on a wall shall be deemed to be the area of the smallest rectangle which will encompass all of the letters.

(B) Sign Height:

Sign heights shall be measured from the base of the sign to the highest elevation of the sign.

(C) Illuminated Signs:

A sign designed to give forth artificial light or to reflect light derived from any source.

- 1) Illuminated signs shall be designed so that the light is directed away from any residential dwelling. No illuminated sign located on a lot shall be visible across the street from any residential dwelling. No illuminated sign shall be illuminated between the hours of 10:00 p.m. and 5:00 a.m.
- 2) Lighted signs in direct vision of the driver shall not be in red, amber or green illumination.

(D) Flashing or Moving Signs:

sign if the lighting changes are limited indicating the time and/or temperature frequent than every 15 seconds.

(E) Accessway or Window:

No sign shall block any required accessway

(F) Signs on Trees or Utility Poles:

No sign shall be attached to a tree or utility pole on public or private property.

(G) Metal Signs:

Signs constructed of metal and illuminated with internal wiring or electrically-wired accessories attached to a metal sign shall maintain a clearance of nine feet. Accessory lighting fixtures on a frame sign shall also maintain a clearance of nine feet.

No metal ground sign shall be located within four feet horizontally of electric wires in free air carrying more than 48 volts, whether the wires or conductors are insulated or otherwise.

(H) Traffic Safety:

1) No sign shall be maintained at any location which impairs, obscures, interferes with the operation of, or where it may interfere with, mislead or confuse any driver. Any sign located within three feet of a parking area shall have its lowest edge at least four feet above the curb level; however, signs shall not be placed so as to project over the curb. Under no circumstances shall any sign be placed in a triangular area as defined by this regulation.

(I) Setbacks:

No advertising signs shall project beyond the rear building setback lines for the district zoning regulation.

- 2) For those tracts or parcels not local street, the lineal street frontage shall be the sum of all the street frontage.

7.45 EXEMPTIONS

(A) The following signs shall be exempt from this article.

- 1) Flags or emblems of a governmental or philanthropic, educational or religious organization on private property.
- 2) Signs of a duly constituted governmental agency, traffic or similar regulatory signs, at railroad crossings and other installations, signs having to do with health, safety or fire, signs for hazardous waste disposal, signs for dumping, etc.
- 3) Memorial signs and tablets displayed on public property.
- 4) Small signs, not exceeding three square feet, displayed on private property for the use of the public, including signs to identify streets, drives, parking areas, one-way drives, entrances, and other similar signs.
- 5) Score boards in athletic stadiums.

(B) The following signs are exempt from the provisions of this Article, but shall comply with all provisions imposed by this Article:

- 1) Name plate signs not exceeding two square feet, accessory to a single-family or two-family dwelling.
- 2) Bulletin board signs not exceeding two square feet, area accessory to a church, school or other institution.

7.46 DISTRICT REGULATIONS

(A) "A-1" Agricultural District:

- 1) Functional Types Permitted:
 - a) Advertising signs
 - b) Bulletin board signs
 - c) Business signs, pertaining only to agricultural products produced on the premises or home occupations.

- c) Construction signs: 20 square feet
- d) Name plate signs: 2 square feet
- e) Real estate signs: 12 square feet
- 5) Maximum Height: 15 feet.
- 6) Required Setbacks: None, except that signs shall observe a setback of 100 feet.
- 7) Illumination: Bulletin board and signs shall do not exceed 12 square feet on one sign. Signs at hospitals, police stations, fire stations and other similar public facilities.

(B) "R-1" Residential District, "R-2" Residential District, "MH-1" Mobile Home Park District and "MH-2" Mobile Home Park Subdivision District:

- 1) Functional Types Permitted:
 - a) Business signs pertaining to a home occupation shall conform to the sign requirements of the regulation of this regulation.
 - b) Bulletin board sign.
 - c) Construction signs.
 - d) Identification signs.
 - e) Name plate signs.
 - f) Real estate signs.
- 2) Structural Types Permitted:
 - a) Ground signs.
 - b) Wall signs.
- 3) Number of Signs Permitted: One sign per lot.
- 4) Maximum Gross Area:
 - a) Business signs - home occupation signs: 6 square feet
 - b) Bulletin board and identification signs: 12 square feet
 - d) Construction signs: 20 square feet
 - e) Real estate signs: 6 square feet. Signs for the sale of lots and/or houses located on said development. Signs shall be removed at the end of three years or when the house has been sold, whichever occurs sooner.
- 5) Maximum Height: 15 feet.
- 6) Required Setback: No sign shall be placed closer to the front property line than 1/2 the distance from the front property line to the rear property line.
- 7) Illumination: Bulletin boards and signs shall be indirectly illuminated with incandescent lighting.

- 2) Structural Types Permitted:
 - a) Awning, canopy or marquee signs.
 - b) Ground signs.
 - c) Pole signs.
 - d) Wall signs.
- 3) Number of Signs Permitted: One permanent sign per building, excluding windows and doors on more than 100 feet.
- 4) Maximum Gross Surface Area: 25% of total building area mounted flush with the building.
- 5) Maximum Height: No sign shall project above the highest point of the roof of the building in which it is located.
- 6) Required Setback: None
- 7) Illumination: Illuminated signs shall be permitted.

(D) "C-2" Highway Commercial District:

- 1) Functional Types Permitted:
 - a) Advertising signs.
 - b) Bulletin board signs.
 - c) Construction signs.
 - d) Business signs.
 - e) Identification signs.
 - f) Name plate signs.
 - g) Real estate signs.
- 2) Structural Types Permitted:
 - a) Awning, canopy or marquee signs.
 - b) Ground signs.
 - c) Pole signs.
 - d) Projecting signs.
 - e) Roof signs.
 - f) Wall signs.
- 3) Number of Signs Permitted:
 - a) Awning, canopy or marquee signs: One per building with limitations.
 - b) Ground signs and pole signs: Two per building.
 - c) Projecting signs: One per zoning lot.
 - d) Roof signs: One per zoning lot.
- 4) Maximum Gross Surface Area: 25% of total building area mounted flush with the building.
- 5) Maximum height: Thirty feet (30')
- 6) Required Setback: None unless it is hazardous to traffic.
- 7) Illumination: Illuminated signs shall be permitted.

- 2) Structural Types Permitted:
 - a) Awning, canopy or marquee signs.
 - b) Ground signs.
 - c) Pole signs.
 - d) Projecting signs.
 - e) Wall signs.
 - f) Roof signs.
- 3) Number of Signs Permitted: Two per z
- 4) Maximum Gross Surface Area: 2 square
of street frontage, provided no single
surface area of 400 square feet.
- 5) Maximum Height:
 - a) Roof and wall signs: 30 feet above
of the structure on which the sign
 - b) All other signs: 30 feet.
- 6) Required Setback: None, unless it is
hazardous to traffic.
- 7) Illumination: Illumination signs shall

ARTICLE VIII: ADMINISTRATION

8.10 ADMINISTRATION

8.11 OFFICE OF THE ZONING ADMINISTRATOR

City Manager, or his designated appointee shall
Administrator.

8.12 DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator, or his duly designated
deputy, shall enforce these regulations, and
and in furtherance of said authority, he shall

- (A) Approve and issue all zoning permits and
and make and maintain records thereof.
- (B) Conduct inspections of buildings, structures
to determine compliance with the provisions
- (C) Receive, file, and forward to the Board
the records and applications for all applications
conditional uses.
- (D) Maintain permanent and current records of
including but not limited to all zoning
conditional uses, variances, appeals and
and records of hearings thereon.
- (E) Maintain for distribution to the public
the zoning map(s), the compiled text of
and any rules of the Board of Zoning Appeals
charged to defray the cost of printing
- (F) Provide such clerical and technical assistance
required by the Planning Commission and
Appeals and other agencies and officials
their duties relating to these regulations

8.13 DUTIES OF THE CLERK

and proposed structures on the land, and as may be required by the Zoning Administrator for the enforcement of these regulations. Applications for zoning permits located in a commercial or industrial district shall be accompanied by a drawing which shows the location of streets, streams and other significant features of the proposed site.

One copy of such drawings shall be retained by the Zoning Administrator as a public record.

- (C) Issuance - A zoning permit shall be either issued by the Zoning Administrator within ten days after the receipt of the application thereof or within such further period as may be specified by the applicant. When the Zoning Administrator issues a zoning permit, he shall advise the applicant of the reasons for the refusal.
- (D) Period of Validity - A zoning permit shall be valid for a period of 180 days after the date on which it is issued until the completion of construction, building, moving, remodeling, or other work on the structure is commenced or a use is commenced. If the structure or work is abandoned or suspended for any 180-day period after a permit is issued, then application must be made for a new permit.

8.15 OCCUPANCY CERTIFICATE

No structure or addition thereto constructed, built, reconstructed or altered after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant for more than 180 days after the effective date of these regulations shall be used for any purpose. No change of use of any land or structure shall be changed to any other use unless an occupancy certificate shall first have been obtained from the Zoning Administrator certifying that the proposed use or structure complies with all the provisions of these regulations.

- (A) Application - Every application for a zoning permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where a zoning permit is required shall be filed with the Zoning Administrator in such form and contain such information as may be required by the Zoning Administrator.

ARTICLE IX: BOARD OF ZONING APPEALS

9.10 BOARD OF ZONING APPEALS

9.11 AUTHORIZATION

A Board of Zoning Appeals shall be established as a Board of Zoning Appeals Body as prescribed by law and hereinafter in this article. This Board shall be referred to as the "Board".

9.12 MEMBERSHIP

The Board shall consist of five members all of whom shall be residents of the Municipality and shall serve for a term of three years. No member shall hold any other public office or be employed by the Municipality; however, a member of the Planning Commission shall be a member of the Board shall be appointed by the Government. The first appointed shall serve respectively for one, two, and three years or until their respective successors are appointed. The first, second, and third member succeeding the first five members appointed shall serve for one, two, and three years respectively. Any member appointed to fill an unexpired term, shall serve for the remainder of that term, not to exceed three years. In the event, however, that the member of the Board is also a member of the Planning Commission or a member of the Board is also a member of the Planning Commission, his membership on the Board shall terminate at the same time as his membership on the Planning Commission. Vacancies upon the Board shall be filled by the Government for the term of the member whose office has become vacant. The Government as is provided for the appointment of such members. The Board shall have the power to remove any member of the Board for cause after a public hearing.

The Board shall annually elect one of its members as its president. The Board may also select from among their members such other officers as the Board shall consider necessary. The Board shall also shall appoint a secretary, who need not be a member of the Board, to maintain its records and keep minutes of all meetings of the Board.

9.13 JURISDICTION

The Board shall have the following jurisdiction:

- (A) To hear and decide appeals subject to the standards set out in Section 9.17 where

(C) To hear and decide applications for conditional use permits in the manner and subject to the procedure set out in Section 9.19.

(D) To hear and decide all matters referred to the Board. A majority is required to pass by these regulations.

9.14 MEETINGS

All meetings of the Board shall be held at the office of the Board and at such other times as the Board may determine.

9.15 HEARINGS AND RULES

All hearings that these regulations require shall be open to the public. Any person may appear at a hearing, either in person or by a duly licensed attorney. The Board shall keep minutes of the evidence presented, findings of fact by the Board, and the vote of each member upon each question, or if absent, indicating such fact. The Board shall also keep minutes of all hearings and other official actions. Every resolution, order, requirement, decision or determination shall be filed without unreasonable delay with the Board and shall be open to public inspection during regular business hours. The Board shall adopt and print its rules, which shall not be in conflict with the provisions of these regulations or any applicable Kansas statutes.

9.16 FINALITY AND JUDICIAL REVIEW OF DECISIONS

All decisions and findings of the Board, or the Board's denial of an application for a conditional use permit, shall be final decisions, and shall, in all instances, be subject to judicial review. Any person, or department or agency, aggrieved by any decision of the Board may appeal to the District Court having jurisdiction, stating that such decision is illegal in whole or in part on the grounds of the illegality and asking for a writ of certiorari. A petition shall be presented to the Court within 30 days of the date of filing the decision in the office of the Board.

9.17 APPEALS

An appeal from a decision of the Zoning Ad

copy of each to the secretary of the Board shall contain the following information as well as the information as may be prescribed by rule:

- 1) The particular requirements of these regulations which prevent the proposed use or construction.
 - 2) The characteristics of the subject property which require compliance with said requirements of these regulations.
 - 3) The reduction of the minimum requirements which would be necessary to permit the proposed construction.
 - 4) The particular hardship which would be caused by the requirements of these regulations with respect to the subject property.
- (B) Hearing and Notice - The Board shall select the date and place for the hearing. Notice, including the date of such hearing shall be given in the manner prescribed on appeals by Section 9.17(C). Such notice shall include the date, time and place of the hearing, the description of the property involved, and the relief sought. Any interested party may appear at the hearing in person by agent, or by attorney.
- (C) Authorized - Variances from the provisions of these standards shall be granted by the Board only in accordance with the standards set out in Section 9.18(D), and only in the following instances and in no other instances:
- 1) To vary the applicable lot area, lot width or lot depth requirements.
 - 2) To vary the applicable bulk regulations including height, lot coverage and minimum yard requirements.
 - 3) To vary the applicable off-street parking and loading requirements.
 - 4) To vary the regulations relating to the repair, relocation or destroyed nonconforming structure or use of a structure.
- (D) Standards:

- 1) The Board shall not grant a variance unless, in each case, it makes specific written findings of fact based upon the particular evidence presented.

- c) The strict application of the provisions from which a variance is requested will cause hardship upon the property owner represented;
 - d) The variance desired will not adversely affect the public health, safety, morals, order, convenience, appearance, or general welfare; and
 - ✓ e) Granting the variance desired will not be contrary to the spirit and intent of these regulations.
- 2) In determining whether the evidence supports the variance by Section 9.17(D)(1), the Board shall consider the evidence demonstrates that:
- a) The particular physical surroundings, shape, and condition of the specific property involved create a practical difficulty or unnecessary hardship for the owner, lessee, or occupant, as distinguished from the convenience, if the provisions of these regulations are enforced;
 - b) The request for a variance is not based on the desire of the owner, lessee, occupant or the value of the property;
 - c) The granting of the variance will not be detrimental or injurious to other property or improvement in the neighborhood where the subject property is located; and
 - d) The proposed variance will not impair the appearance or air to adjacent property, substantially increase the danger to public safety, or substantially diminish the property values within the neighborhood.
 - e) Relaxation of any standard through the variance is a minimum necessary to accomplish the purpose of the regulations.

(E) Conditions and Restrictions - In granting a variance, the Board may impose such conditions, safeguards, and restrictions as may be necessary to be benefitted by the variance as may be necessary to reduce the standards set out in Section 9.18(D) to reduce the substantially injurious effect of such variance upon the neighborhood, and to carry out the general purpose of the regulations. Failure to comply with any of the conditions placed on a variance shall constitute a violation of the regulations.

(F) Decisions and Records - The Board shall render a decision on an application for a variance without unreasonable delay.

is started. The Board may grant a permit not exceeding 180 days each, upon application without notice or hearing.

9.19 CONDITIONAL USES

The Board may, authorize, as an exception to the regulations, the establishment of those conditions expressly authorized to be permitted as a conditional use in a particular zoning district or in one or more zoning districts. A conditional use shall be authorized as an exception to grant such conditional use and unless such grant is otherwise provided for in the regulations, the Board shall be subject to the applicable provisions of these regulations.

(A) Application - An application for a conditional use shall be filed with an application for a zoning permit, shall not duplicate with the Zoning Administrator who shall delay a copy of each to the Secretary of the Board. Each application shall contain the following information, as such additional information as may be required by the Board:

- 1) A statement or diagram showing compliance with the conditions or requirements imposed upon the conditional use by the applicable district regulations or Section 9.17(D) if applicable.
- 2) A statement as to why the proposed conditional use will not cause substantial injury to the value of the property in the neighborhood.
- 3) A statement as to how the proposed conditional use will be designed, arranged and operated in relation to the development and use of neighboring property with the applicable district regulations.
- 4) Present data in support of the standards set forth in Section 9.18(C).

(B) Hearing and Notice - A hearing on the application and notice thereof given as specified under Section 9.17.

(C) Standards for Permits - The Board shall not grant a conditional use permit unless it shall, in each specific case, make written findings of fact directly based upon the evidence presented to it, which support or

- 4) The location and size of the condition and intensity of the operation involved in connection with it, and the location of the conditional use with respect to streets giving access to the conditional use will not dominate the surrounding area so as to prevent development and use in accordance with the applicable zoning ordinance. In determining whether the condition is appropriate to the immediate neighborhood, consider:
 - a) The location, nature and height of walls and fences on the site, and
 - b) The nature and extent of landscaping on the site.

- 5) Off-street parking and loading areas in accordance with the standards set forth in these regulations, and such areas will be separated from adjoining residential uses and located so as to protect residential uses from any injurious effects.
- 6) Adequate utility, drainage, and other services shall have been or will be provided.
- 7) Adequate access roads or entrance roads shall be provided and shall be so designed to protect the surrounding area and to minimize traffic congestion in streets and alleys.

(D) Conditions and Restrictions - In granting a conditional use, the Board may impose such conditions, safeguards and restrictions on the premises benefitted by the conditional use as are necessary to comply with the standards set out in these regulations or to minimize any potentially injurious effects of the conditional uses upon other property in the neighborhood. The general purpose and intent of these regulations shall be observed.

(E) Decisions and Records - The Board shall maintain a record containing specific findings of fact on each application for conditional use without unreasonable delay. A hearing and, in all cases, within 45 days of the date of the hearing. The Zoning Administrator shall maintain a record of all actions of the Board with respect to conditional uses.

(F) Period of Validity - No conditional use granted by the Board shall be valid for a period longer than that specified in the date in which the Board grants the conditional use.

ARTICLE X: AMENDMENTS

10.10 AMENDMENTS

10.11 GENERAL PROVISIONS FOR AMENDMENTS

The regulations imposed and the district created by these regulations may be amended from time to time by the Planning Commission following a public hearing and the approval of the Governing Body. No such amendment shall be made in accordance with the procedures of this Article.

- (A) Proposal - Amendments may be proposed: (1) by the Planning Commission or (2) by, or on behalf of, the owner of the property only in accordance with the procedure set forth in this Article. When the Governing Body proposes an amendment, it shall submit its proposal to the Planning Commission for its review and recommendation thereon.
- (B) Application - When the owner of the property desires to file an amendment to any of these regulations in a district created thereby, an application shall be filed with the Planning Commission. The application shall be in such form and contain such information as may be prescribed from time to time by the Planning Commission, but shall in all instances contain the following:
- 1) The applicant's name and address;
 - 2) The precise wording of any proposed amendment of these regulations;
 - 3) In the event that the proposed amendment involves the zoning classification of any property:
 - a) The legal description and street address of the property;
 - b) The name and address of the owner of the property;
 - c) The present zoning classification of the property;
 - d) The dimensions of the property in square feet or acres or fraction thereof;
 - e) An ownership list of the names, addresses, and addresses of the owners of all property located within the boundaries of the property on the current tax assessment roll.

(D) Notice of Hearing - Public notice of a hearing on a zoning amendment shall be published once in the newspaper. At least 20 days shall elapse between the publication and the date set for such hearing. The notice shall state the date, time and place of the hearing and contain a statement regarding the proposed amendment or the zoning classification or zoning district of any property. If the proposed amendment changes the zoning classification of any property, or the zoning district of any zoning district, such notice shall contain a description and street address or general location of such property, its present zoning classification and its proposed classification. When a proposed amendment changes the zoning classification of specific property, the Planning Commission shall mail a written notice of the public hearing to the owner(s) of the property affected, and to the owner(s) within 200 feet of the boundaries thereof, at least 10 days prior to the date of such hearing. Failure to give such notice shall not invalidate any subsequent action of the Planning Commission. The Planning Commission may give such additional notice to other persons as it may from time to time provide.

(E) Conduct of Hearing - The hearing shall be held in accordance with the rules of the proceedings shall be preserved in accordance with such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person may appear and be heard at the hearing in person or by attorney. The Planning Commission may not approve any proposed amendment from any governmental agency, or any other person, firm or corporation unless a copy thereof shall be made available to the Planning Commission and other interested person(s) prior to the hearing.

The Planning Commission may make recommendations for zoning amendments to specific properties which are less restrictive than that of the land described in the public hearing. Such recommendations shall give all or any part of the land described in the public hearing of lesser change than that set forth in the public hearing. A recommendation for a zoning classification less restrictive than that set forth in the notice shall be made available without republication and, where necessary, shall be published unless the Planning Commission shall have a table or publication available to the public showing what zoning classifications of lesser change are available.

(F) Report by Planning Commission - Within 1
of a public hearing on a proposed amendment
Commission shall submit a report to the
copy of this report shall also be filed
the Zoning Administrator and such copies
for public inspection. A copy of the re
mailed to the owner or his designated ag
affected by the proposed amendment. Suc
a recommendation as to whether the propo
should be approved or disapproved and sp
minations on the items listed in Section
and on such other items as the Planning
consider relevant. The report submitted
shall be accompanied by a copy of the re
on the proposed amendment.

(G) Amendments to Text - When a proposed am
a change in the text of these regulation
in a change of zoning classification of
the report of the Planning Commission sh
as to the nature and effect of such prop
determinations as to the following items:

- 1) Whether such change is consistent w
of these regulations; and
- 2) Whether the proposed amendment is mad
changed or changing conditions in t
affected and, if so, the nature of
conditions.

(H) Amendments to Change Zoning Districts -
would result in a change of the zoning
specific property, the report of the PL
contain statements as to the present cl
classification under the proposed amenc
seeking such reclassification, and dete
following items:

- 1) Whether the change in classificati
with the intent and purpose of thes
- 2) Whether every use that would be per
reclassification would be compatib
mitted on other property in the im
- 3) Whether adequate sewer and water f
needed public service, exist or can

- 5) In the event that the property as recommended is not available for business or manufacturing or other such uses, particularly in the area required to provide business or manufacturing or employment opportunities;
- 6) Whether the proposed amendment would justify the application of these regulations to the subject property;
- 7) Whether the proposed amendment is made in response to or of changed or changing conditions, and if so, the nature of such changed or changing conditions;
- 8) Whether the proposed amendment would justify and further enhance the implementation of the Comprehensive Zoning Plan.

10.12 ADOPTION OF AMENDMENTS BY THE GOVERNING BODY

When the Planning Commission submits a recommendation for approval or disapproval of a proposed amendment, the Council may approve such a recommendation may either adopt or take no further action thereon, as appropriate. If the Planning Commission submits a "failure to recommend" and the Governing Body may take such action as deemed appropriate. If the Council disapproves a recommendation from the Planning Commission or disapproves, the Council shall return such recommendation to the Planning Commission with a statement specifying the reasons for disapproval. The Planning Commission, after reconsidering its original recommendations giving the reasons for its new and amended recommendations. Upon receiving such recommendations, the Governing Body may adopt or revise or amend such recommendations by ordinance, or it may take no further action thereon. If the Planning Commission fails to deliver a recommendation to the Governing Body within ten days after receiving the Governing Body's disapproval, the Governing Body shall take no further action as a resubmission of the original recommendation accordingly.

10.13 FILING OF PROTEST

If a written protest against a proposed amendment is filed with the office of the Clerk within 14 days after the date of the hearing by the Planning Commission on such amendment pursuant to the published notice, which protest is acknowledged by the owners of 20 percent or more of the area proposed to be altered or changed, or by the owners of more of the total area, excepting public streets and

ARTICLE XI: SEVERABILITY

11.10 SEVERABILITY

If any provisions of these regulations be held or otherwise invalid by any court of competent jurisdiction, such provisions shall be considered separately and the remaining provisions of these regulations, shall be completely severable from the remaining provisions of these regulations, and the remaining provisions of these regulations shall remain in full force and effect.

11.11 REPEAL

Ordinance numbers 359 and 877 are hereby repealed.

11.12 EFFECTIVE DATE

These regulations shall take effect after adoption by the Planning Commission, approval of an ordinance by the City Council incorporating these regulations by reference, and publication of the ordinance in the official city newspaper.

ADOPTED by the Kinsley City Planning Commission
day of March, 1983



Elizabeth A. Brown
Secretary

Margaret

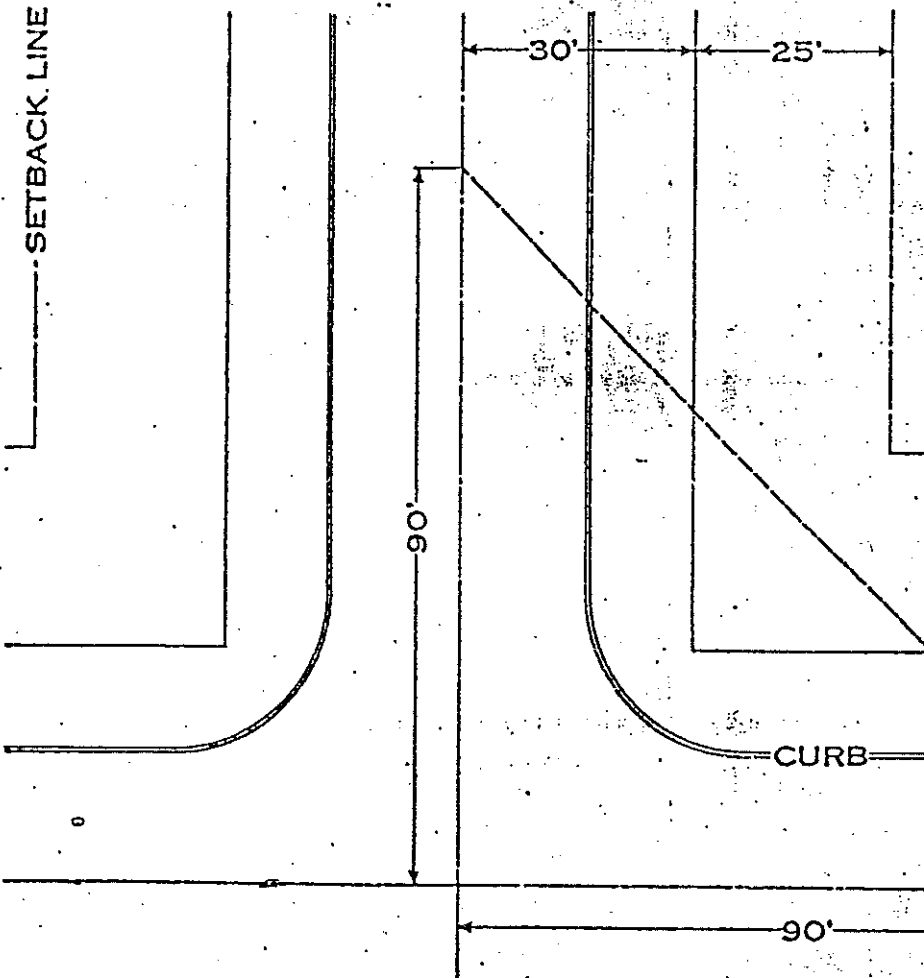
APPROVED by the City Council of the City of
24th day of March



[Signature]

SITE TRIANGLE

MINIMUM STANDARD
RESIDENTIAL & COLLECTOR STREETS



KINSLEY, KANSAS

SUBDIVISION REGULATIONS

SUBDIVISION REGULATIONS

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ARTICLE I. THE ORDINANCE

1.01 Title

These regulations shall be known and may be cited "Regulations of the City of Kinsley," and shall hereinafter be referred to as "these regulations."

1.02 Purpose and Intent

The control of land subdivision is an integral part of community development. Once land has been divided into lots and blocks, and publicly recorded, the correction of errors is difficult and costly. The purpose of these regulations is to provide for the harmonious development of the community; to provide for the proper location and spacing of building lines, open spaces, safety and recreational facilities, utilities, drainage, and for avoidance of congestion through requirements of minimum lot width, depth, and compatibility of design to require and fix the manner in which streets shall be graded and paved; to provide for the location and installation of sewer, drainage and other utility mains and pipes; and to provide for the installation of other physical improvements shall be installed; and to secure the actual construction of such physical improvements.

1.03 Jurisdiction

These regulations shall apply to all land located within the City of Kinsley, Kansas.

1.04 Applicability

The owner or owners of any land located within the City of Kinsley, Kansas, who are subdividing said land into two or more lots, tracts, or parcels or any owner of any land estate, whether park or other property intended for public use or otherwise, or owners of lots, tracts or parcels of land from which the same thereto, shall cause a plat to be made in accordance with the provisions of this ordinance, unless exempted under Section 1.05.

1.05

Exemptions

Notwithstanding the requirements of Sections regulations shall not apply in the following actions:

- (A) The division of land for agricultural purposes or tracts of five (5) acres or more, and new streets or easements of access and new streets according to the Comprehensive Plan.
- (B) A change in the boundary between adjoining lots shall not create an additional lot, unless such change is about a retraction of the zoning ordinance.
- (C) Land used for street or railroad right-of-way, easement or other public utilities subject to state or federal regulations, where no new street access is involved.
- (D) Whenever any lot, parcel or tract of land in an area governed by these regulations has been subdivided, or replatted prior to the adoption of these regulations.
- (E) Any transfer by operation of law.
- (F) Public cemeteries.

1.06

Approvals Necessary for Acceptance of Subdivisions

All plans, plats or replats of land laid out showing the streets, alleys or other portions of the subdivision dedicated for public use, or for the use of any portion of the lots fronting thereon adjacent thereto, shall be submitted to the Planning Commission for its consideration and shall be submitted to the Governing Body for its consideration and action.

1.07

Deed Restrictions

ARTICLE II. INTERPRETATION, RULES, DEFINITIONS

2.01 Interpretation

- (A) Where the conditions imposed by the provisions of these regulations are either more restrictive than comparable conditions imposed by any of any other applicable law, ordinance, or regulation of any kind, the regulations shall be more restrictive and impose higher standards shall govern.
- (B) The provisions of these regulations are abrogate any easement, covenant or other restriction provided that where the requirements of these regulations are more restrictive or impose higher standards than such easement, covenant, or other restriction, the requirements of these regulations shall govern.
- (C) A subdivision of land which was not lawful at the time of the adoption of these regulations shall not be made lawful solely by reason of these regulations.
- (D) The provisions of these regulations are additional limitations upon all other laws heretofore passed or which may be passed on any subject matter set forth in the provisions of these regulations.

2.02 Rules - The language set forth in these regulations shall be interpreted in accordance with the following rules:

- (A) The singular number includes the plural and the plural includes the singular.
- (B) The present tense includes the past and the future and the past includes the present.
- (C) The word "shall" is mandatory while the word "may" is permissive.

Alley - A strip of land along the side of or in front of a lot, intended to provide a secondary means of access to and from such lots.

Arterial Street - Any street serving major traffic which is designed primarily as a traffic carrier between various sections of a city or county, a network of through streets, and which provides access to abutting properties only as a secondary function.

Block - A tract of land bounded by streets, or streets, railway rights-of-way or waterways.

Building Setback Line (Front) - A line nearest the front of a lot or parcel of land establishing the minimum setback to be provided between the front line of a building and the line of the fronting street right-of-way.

City - The city of Kinsley officially adopting this ordinance.

Collector Street - Any street designed primarily to collect traffic from local or residential streets and carry it to the arterial street system.

Comprehensive Development Plan - Any official map or an element thereof adopted by a planning commission for the guidance of growth and improvement of a city or county, and any modifications or refinements which may be made from time to time.

County - Shall mean the County of Edwards, Kansas.

County Engineer - The officially appointed engineer of the county.

Crosswalk - A strip of land dedicated for public use across a block for the purpose of providing pedestrian access between adjacent areas.

Cul-De-Sac - A street having only one outlet and which is terminated by a vehicle turn-around at the other end.

Dead-End Street - A street having only one outlet and which is terminated at the other end.

Design Standards or Design Requirements - All the standards and requirements for the design of streets, buildings, and other structures, as established by the governing authority.

Engineer - When used in the sense as designing plat or subdivision, he shall be a professional surveyor licensed by the State of Kansas or licensed in the State of Kansas. When used in connection with or engineering any improvements either on-site or off-site, he shall be a professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

Expressway - Any divided street or highway with abutting property and which has either separate access from other public streets and highways.

Final Plat - A subdivision as it is represented by a document by drawing and writing which is prepared in accordance with these regulations to be placed on record with the County Register of Deeds.

Frontage Road - A public or private marginal road generally paralleling and contiguous to a street or highway designed to promote safety by eliminating uncontrolled access to such street or highway by providing a controlled access and egress at more-or-less uniformly spaced intervals.

Governing Body - The elected governing body of a city or town officially adopting these regulations, the City Council of Kinsley, Kansas.

Half-Street - A street bordering one or more lots of a subdivision tract to which the subdivider has reserved a portion of the ultimate and intended street width.

Improvements - All facilities constructed or to be constructed on and/or a city, township or the county within a subdivision and facilitate the use of lots or blocks for commercial or industrial purpose. Improvements include those listed in these regulations.

Local Street - Any street designed primarily for local traffic abutting property.

Lot - A portion or basic parcel of a subdivision of land intended to be the parcel by which such land is usually developed and transferred.

Lot, Double Frontage - A lot, two opposite lot upon streets which are more or less parallel.

Lot Line - The boundary line of a lot.

Lot Split - The dividing or redividing of a lot recorded plat of a subdivision into not more than two lots which meet the criteria established within the

Lot Width - The distance on a horizontal plane between lot lines of a lot, measured at right angles to the lot depth at the established building setback

Marginal Access Street - A local street which is adjacent to a limited access highway or arterial highway and provides access to abutting properties and prohibits through traffic on the limited access highway

Municipality - An incorporated city or county adopting these regulations.

Owner - Any person or persons, firm or firms, corporations, or any other legal entity having authority to be subdivided under these regulations

Planning Agency - The official planning commission of a municipality adopting these regulations, the City

Preliminary Plat - A tentative map or plan of a tract of land showing the character and general details of development.

Restrictive Covenants - Contracts entered into between owners of lots which constitute a restriction on the use of a lot within a subdivision for the benefit of proper development and provide mutual protection against undesirable uses which would tend to impair stability of values

Resubdivision - The subdivision of a tract of land which has been lawfully subdivided and a plat of such subdivision recorded. (Sometimes also referred to as a "re-

Right-Of-Way - The area between boundary lines of a lot and the easement

Screening - Decorative fencing or evergreen vegetation for the purpose of concealing from view the area or evergreen vegetation. When fencing is used, it shall be not less than six, nor more than eight feet high.

Street - The street right-of-way or easement, public or private, not the area of the paving or other improvements within the street right-of-way unless such paving or improvements are within the boundaries of such right-of-way. Such improvements shall be limited to, that which is named or commonly known as a street, avenue, road, lane, boulevard, way, etc.

Street Width - The shortest distance between the boundaries of abutting both sides of a street right-of-way.

Subdivide Land - To partition a parcel of land into two or more parcels, tracts, lots or sites for the purpose of sale, ownership or building development, whether in fee simple or when such parcel exists as a unit or contiguous parcels under single ownership.

Subdivider - The owner, or any other person, authorized by the owner, undertaking proceedings in accordance with the provisions of these regulations for the purpose of subdividing land.

Subdivision - Either an act of subdividing land or a tract of land subdivided. The term subdivision includes the process of subdividing or to the land subdivided, and includes the dedicating, vacating or reserving of public and private easements through the subdivision, regardless of the area involved or intended.

Turn-Around - An area at the closed end of a cul-de-sac within which vehicles may reverse without backing up.

ARTICLE III. ADMINISTRATION

3.01 Division of Responsibility

The administration of these regulations is vested in the following governmental bodies of the municipality:

- (A) Office of the duly appointed Administrator.
- (B) Planning Commission.
- (C) Governing Body.

3.02 Duties of the Office of the Administrator

The Administrator shall administer the provisions of these regulations and in furtherance of such authority shall:

- (A) Maintain up-to-date copy of the subdivision regulations including amendments thereto.
- (B) Assist the Planning Agency in informing applicants of the procedures and of decisions on plats.
- (C) Provide application forms to applicants and collect the fee.
- (D) Receive and transmit applications and sketch final plats to the Planning Agency.
- (E) Maintain a filing system for all applications, plats, and related materials.

3.03 Duties of the Planning Commission

The Planning Commission shall:

- (A) Review and approve, approve conditionally, or disapprove a preliminary plat.

3.04

Duties of the Governing Body

The Governing Body shall review and approve plats and, in cases of approval and where approved, dedications of streets, alleys and other public ways on such plats, and in cases of disapproval shall cause a divider in writing of the reasons for disapproval.

3.05

Filing Fees

(A) The filing fee shall be \$30.00 plus \$2.00 per lot or one based on the number of lots shown on the plat or the number of lots proposed on any plat as filed under Article 4.

(B) The filing fee for a lot-split shall be \$25.00.

(C) Cost of recording documents, publication costs and inspections are payable in advance. This will be billed to the applicant. A \$25.00 fee shall be approved by the applicant.

(D) A written receipt shall be issued to the applicant upon payment. No fee shall be required when a lot-split is owned by any agency, political subdivision or commission of any city, the county, or the state government. No fee shall be refunded when a preliminary or final plat or lot-split is approved.

3.06

Enforcement

No plat or subdivision shall be approved which does not conform to the provisions of these regulations, unless a variance is granted.

3.07

Building Permits

No building permit, zoning certificate or other approval shall be issued except those involving repairs, maintenance or alterations to existing buildings.

3.08 Violations and Penalties

Other than the exceptions detailed in Section 1.0 sell, offer for sale, or record any deed for any created by subdivision after this date. Violation a misdemeanor and be subject to a fine of not more or a sentence of not more than thirty (30) days such fine and jail term. Each day of violation shall be a separate offense.

ARTICLE IV. FILING PROCEDURE FOR PLATS

4.01 Filing of Preliminary Plat

Three (3) copies of the preliminary plat shall be filed with the Administrator and an application completed.

4.02 Filing Fee

The preliminary plat shall not be accepted for filing if a filing fee therefor has been paid by the subdivider.

4.03 Contents of Preliminary Plat

The preliminary plat shall contain the information set out in Article V. of these regulations.

4.04 Distribution and Review of Preliminary Plat

After the filing of the preliminary plat, the subdivider shall distribute copies to governmental agencies and persons receiving copies shall have fifteen (15) days to review the preliminary plat and to make their report to the Planning Commission. A lack of response shall, at the discretion of the Planning Commission, be deemed an approval.

4.05 Action by the Planning Commission on Preliminary Plat

The Planning Commission shall review the preliminary plat, consider the report and recommendations of the agencies and persons to whom the preliminary plat was distributed for review. The Planning Commission may conditionally approve the preliminary plat for the purpose of receiving information supporting the preliminary plat.

(A) The Planning Commission shall determine if the preliminary plat generally meets the design requirements of these regulations, the subdivider shall be required to submit a final plat.

- (1) The subdivider may amend the preliminary plat to incorporate such modifications and submit the same to the Planning Commission, which shall approve the same if such amendments satisfy the Planning Commission as to the suggested modifications; or
 - (2) The subdivider may reject the suggestions within the time allowed for Planning Commission action. If the subdivider refrains from taking any action thereon within the time allowed, the preliminary plat shall be deemed approved and the Planning Commission shall advise the subdivider with a written statement of the reasons for disapproval of the preliminary plat.
- (D) If the Planning Commission determines that the modifications do not satisfy the conditions of these regulations, the modifications would be too extensive or the Planning Commission disapproves the preliminary plat and immediately advises the subdivider in writing of its action and the reasons therefor within 60 days.
- (E) In any event, the Planning Commission shall approve or disapprove the preliminary plat within 60 days from the date of such plat or from the date the subdivider has submitted the required data, whichever date is later, unless the time is extended by mutual consent.
- (F) The subdivider may appeal the disapproval of the preliminary plat to the Governing Body. Such appeal shall be filed with the Administrator within 30 days of the date the Planning Commission issues its disapproval of the preliminary plat.

4.06 Failure of Planning Commission to Act on Preliminary Plat

If the Planning Commission fails to approve or disapprove the preliminary plat within 60 days after the date the subdivider has submitted the required data or from the date the subdivider has submitted the required data, whichever date is later, then the preliminary plat shall be deemed to have been approved, unless the subdivider has consented in writing to extend or waive the time.

(C) Such approval shall be effective for no more than six (6) months from the date approval was granted. If, after the application from the subdivider, the Planning Commission grants an extension of time beyond such period, and the plat has not been approved and recorded within the provisions of these regulations within such period, or any extensions granted thereafter, the plat must be resubmitted to the Planning Commission. If such plat had never been approved, except as provided herein, a fee shall be charged for such resubmission.

4.08 Final Plat

After the preliminary plat has been approved by the Planning Commission, a final plat shall be prepared and filed in accordance with the regulations of this Article.

4.09 Filing of Final Plat

The final plat on such material as may be authorized by these regulations, together with four (4) copies of the final plat, shall be filed with the Administrator within twelve (12) months after the preliminary plat is approved, accompanied by the fee for final plat approval. The administrator shall forward the final plat to the Planning Commission and to all interested governmental agencies and public utilities companies as desirable for any further recommendations. The final plat shall contain the information and data required in Article V of these regulations.

4.10 Planning Commission Action on the Final Plat

The Planning Commission shall, within sixty (60) days after the final plat has been filed, review the plat for approval or denial based on the following criteria and advise the subdivider of the results in writing:

deemed to have been approved unless the subdivi-
consented in writing to extend or waive such

4.12 Submittal to Governing Body

Before a final plat is recorded, it shall be
Governing Body for its approval and acceptance
other public ways, service and utility easement
dedicated for public use. If the Governing B
the final plat, they shall advise the subdivi
the reasons for such disapproval.

4.13 Failure of Governing Body to Act on Final Plat

The Governing Body shall either approve or dis-
plat within sixty days after it has been subm
final approval. If they fail to act on the f
sixty days, it shall be deemed to have been ap
subdivider shall have consented to extend or v
limitation.

4.14 Acceptance of Dedications by County

All final plats shall also be submitted to th
of Commissioners for their acceptance of dedic
way, easements and other public ways, outside

4.15 Recording of Final Plat

The final plat with all required signatures an
as approved by the municipality shall be recor
with the Edwards County Register of Deeds. Th
the recording fee. Approval of the final plat
Commission and the Governing Body shall be nul
plat is not acceptable for recording in the Of
of Deeds.

- (B) The approval of the Planning Commission a of such development, in separate units, i bility of the proposed sequence of develo of physical improvements, shall be secure
- (C) A final plat of at least one unit shall b approval within twelve months from the da of the preliminary plat, and final plats shall be submitted for approval within t date that the preliminary plat was approv Commission on application of the subdivic to time, grant extensions of time within final plats, provided that each such exte no more than one year.
- (D) All steps required for the approval of fi the recording thereof, shall be adhered t each unit so submitted.

4.17

Authorization for Approval of Plats for Small Tracts

Any other provision of these regulations to th standing, if a proposed plat of subdivision o with the requirements of Section 4.18 of the Planning Commission may approve a final p or resubdivision when a preliminary plat has the subdivider and a preliminary plat has not Planning Commission.

4.18

Requirements for Small Tracts

In order to qualify for approval in the manne 4.17, a proposed plat of subdivision shall co requirements:

- (A) The proposed plat of subdivision shall i six (6) acres if a residential plat, nor acres for any other type of plat.
- (B) The proposed plat of subdivision shall

(E) Submission of the filing fee as required in

(A) Final plats submitted for approval pursuant to Section 4.17 shall be filed with the Administrator so that they may be submitted for review by affected and interested governmental agencies, and public and private utilities. The Administrator may require the subdivision of topographic information listed in Article 4.17 on final plats whenever the property proposed to be subdivided is traversed by, or is adjacent to, a water course, including intermittent streams.

(B) The approval of final plats by the Planning Commission pursuant to Section 4.17 shall be subject to the approval of a final plat except insofar as the said plat has received prior approval of, or compliance with, an existing final plat.

4.20

Authorization for Approval of Lot Splits

The Planning Commission is hereby authorized to approve lot splits in accordance with the following:

(A) Application Procedures - Requests for lot splits shall be made to the Administrator by the owner of the lot, accompanied by two copies of a survey, showing the precise location of the lot thereon, and the location and dimensions of the lot. Each drawing shall include a certificate of approval as worded below.

(B) Approval Guidelines

(1) No lot split shall be approved if:

(a) A new street or alley is needed

(b) A vacation of streets, alleys, easements, or access control or easements is required

(c) If such action will result in a

- (f) If such split will result in a tract with access to a street.
 - (g) A substandard sized lot or parcel will
- (2) The Planning Commission may make such additions deemed necessary to carry out the intent and purpose of the land development regulations and Governing Board provisions may include, but not be limited to, improvements, facilities, dedication of right-of-way and enforcement of covenants for the protection of other lots in the original subdivision.
 - (3) The Planning Commission shall, in writing, either approve or without conditions or disapprove the lot split shown on the lot of application. If approved, and after all conditions are met, the Chairman of the Planning Commission shall issue a certificate of approval as shown below to be affixed to the survey:

CERTIFICATE OF LOT-SPLIT APPROVAL

STATE OF KANSAS } ss

I hereby certify that this lot-split has been approved by the _____ Planning Commission, which shall comply with the Subdivision Regulations of the State of Kansas, and is, therefore, approved for recording.

Dated this _____ day of _____, 19__.

Chairman

A copy thereof shall be filed by the Administrative official designated to issue building and/or

ARTICLE V. CONTENTS OF PLATS

5.01 Contents of Preliminary Plat

The preliminary plat shall be drawn at a scale of one inch equals 100 feet; however, areas over 100 acres shall be drawn at a scale of one inch equals 200 feet. (See Appendix A)

(A) General Information - The following general information shall be shown on the preliminary plat:

- (1) The proposed name of the subdivision shall not duplicate or resemble the name of any other subdivision within the area subject to the plat.
- (2) Date of preparation, north point, and meridian.
- (3) An identification clearly stating the purpose of the preliminary plat.
- (4) Location of the subdivision by measurement from a section corner to define the location of the tract which will be subdivided.
- (5) Names of adjacent subdivisions or, if none, the name of the owner(s) of adjacent land.
- (6) The name and address of the owner, the engineer or surveyor who prepared the plat, and the date of preparation.

(B) Existing Conditions - The following existing conditions shall be shown on the preliminary plat:

- (1) The location, width and names of all private streets within or adjacent to the subdivision with easements, railroad rights-of-way, utility features such as section lines and corner monuments, boundary lines and monuments.
- (2) The horizontal location and elevation of all existing sanitary and storm sewer lines, water mains, culverts, and other structures.

- (b) Five-foot contour intervals for 10%.
 - (c) Spot elevations where the ground crosses contours. The date of the topographic survey shall be shown including the name and description of the bench mark used in the vertical survey and the location of the monuments and survey markers.
- (4) The location and direction of all roads subject to flooding.
 - (5) Natural features such as rock outcrops, wooded areas, and isolated preserves.
 - (6) Existing use of the property including all existing structures showing their location and those that will remain on the plat is recorded.
 - (7) Boundary line of proposed subdivision and total acreage therein.
 - (8) Zoning on and adjacent to the tract.
- (C) Proposed Subdivision Plat - the following shall be included on the plat with respect to the manner in which the tract is to be subdivided and developed shall be included on the plat:
- (1) Streets, showing the location, width, and grades thereof. The preliminary plat shall show the relationship of all streets to any applicable Comprehensive Plat or any applicable Comprehensive Plat proposed, then as suggested by the zoning ordinance.
 - (2) Easements showing width and purpose.
 - (3) Lots showing approximate dimensions and proposed lot and block numbers.
 - (4) Sites, if any, to be allocated for use other than single-family dwellings.

(D) Additional Data and Information to Be Submitted with Preliminary Plat - The following data and information shall be submitted in separate statements and/or on the preliminary plat, or, if practical, the information may be shown on the preliminary plat:

- (1) A vicinity map showing existing subdivided and unsubdivided tracts adjacent to the subdivision and showing the manner in which the streets may be extended to connect with the streets of the subdivision.
- (2) Proposed restrictive covenants, if any.
- (3) A statement as to the general nature of the improvements proposed for the subdivision, and whether the subdivider intends to finance any such improvements, e.g., petition, actual monetary guarantee, etc. If other than the subdivider, the approximate time that such improvements should be indicated.

5.02 Contents of Final Plat - The final plat shall be prepared by an engineer or surveyor as defined in Article II, and shall be drawn in waterproof black ink on tracing cloth or its equivalent. Alternatively, a final plat may be prepared by a photoduplicator provided it is submitted on 0.004 inch polyester film, such as Mylar or its equivalent. The permitted size shall be 24 inches by 35 inches or smaller. Larger sizes may be accepted. The scale shall not be less than 100 feet to an inch, except that a variation in scale may be allowed when the Commission determines it is necessary for a proposed subdivision. When more than one sheet is used for a final plat, each sheet shall be numbered consecutively and each sheet shall contain a notation showing the whole number of sheets in the final plat and its relation to other sheets (e.g., sheet 1 of 10). The dimensions shall be given in feet and decimals of a foot. The final plat shall show on the face thereof: (See

- (A) The name of the subdivision.
- (B) The date of preparation, scale, north point, and controlling physical features, such as water bodies and railroads.

- (E) Tract boundary, block boundary, street and lot lines with distances and angles (and/or bearings) if these lines follow a curve (all curves must specify the central angle, the radius, points of curvature, the curve and length of intermediate tangent line). Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.
- (F) Lot lines with dimensions. Side lot lines shall be at angles or radial to street lines unless otherwise indicated. Points of deflection shall be indicated by angles and distances.
- (G) Lot numbers beginning with the number or letter of the block consecutively in each block.
- (H) Block numbers or letters continuing consecutively. No omission or duplication throughout the subdivision. Identification shall be solid, of sufficient size to stand out, and so placed as not to be confused with a figure.
- (I) The width of the portion of the streets shown on the subdivision shall be the width of any existing right-of-way.
- (J) The name of each street shown on the subdivision shall be the name of the existing street.
- (K) All easements shall be denoted by fine lines and identified, and if already on record, the location and extent of such easements. If an easement is not on record, a statement of such easement shall be included. The width of the easement with sufficient detail to be definitely with respect to the subdivision. The easement is being dedicated through the subdivision shall be properly referenced in the owner's certificate of title and identification.
- (L) Minimum building set back lines, if any.
- (M) Land parcels to be dedicated for any public use shall be distinguished from lots or tracts by a double line.

OWNER'S CERTIFICATION AND DEDICATION

STATE OF KANSAS)
COUNTY OF EDWARDS)ss

This is to certify that the undersigned is the land described in the Surveyor's Certificate; have to be surveyed and subdivided on the accompanying blocks, streets and other public ways under the name _____; that all highways, streets, alleys, public grounds as denoted on the plat are hereby dedicated for the use of the public for the purpose of constructing, maintaining, and repairing public improvements; and the land contained herein is held and shall be controlled subject to any restrictions, reservations, and covenants on file of the Register of Deeds of Edwards County, Kansas

Signed this _____ day of _____

(Owner's Signature)

(Owner)

(2) the acknowledgement of a notary in the presence of _____

NOTARY CERTIFICATE

STATE OF KANSAS)
COUNTY OF EDWARDS)ss

The foregoing instrument was acknowledged before me on this _____ day of _____, 19____, by _____
(SEAL)

My commission expires: _____

(3) A certificate signed by the engineer or surveyor for the survey and final plat. The surveyor shall not sign the plat until he has set iron pins, or bench marks set as required by law. Said signature shall be accompanied by the surveyor's seal and shall state the date the survey was made. This certificate must be in the following form:

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS)
COUNTY OF EDWARDS)^{ss}

This is to certify that this instrument was filed
Register of Deeds Office at _____ a.m. - p.m., on the
_____, 19 ____.

Register of

- (9) Subdivisions which lie outside
which requests have been made
one or more City utility servi
waiver of protest of potential
a statement reading "Owners of
subdivision do hereby bind the
protest to annexation by the C
which shall be shown on the fi
statement to be included in re
of the subdivision which must
Edwards County Register of Dee
- (10) Provision for all other certif
acceptances which are now, or
required by any statute, ordin
form of these certifications m
essary by the Municipality's l
statutory or other requirement

ARTICLE VI. DESIGN STANDARDS

6.01 Scope

All subdivision of land subject to these regulations shall conform to the design standards of this Article.

6.02 Comprehensive Development Plan

Subdivisions shall conform with the intent of the Comprehensive Development Plan.

6.03 Land for Open Space

The following conditions may be required as a condition of approval of any subdivision plat:

- (A) That the subdivider dedicate or provide for the preservation of open space areas. Such open space may be needed to preserve water-courses, drainageways, areas subject to substantial woodland, rugged topography, and other areas necessary to maintain water quality and quantity; to maintain soil stability and prevent soil erosion. In general, such land is normally considered as buildable land and should not be intensively developed in order to protect the quality of the environment. When such land is dedicated for public use, it may be used for passive recreation and hiking and bicycle trails if deemed appropriate.

6.04 Land for Public Facility Sites

Public agencies using an applicable Comprehensive Development Plan may use the following procedure for acquiring public facilities which does not preclude voluntary negotiations for land or the use of the condemnation process of the State:

- (A) The subdivider offers to sell to the appropriate public agency.

- (B) If the body receiving notice replies in desire to acquire land within the subdivision have an additional forty-five (45) days to reply to make arrangements for such land.
- (C) The time allocated for making the above extended with the mutual consent of the agency involved.

6.05 Land Subject to Flooding

- (A) No land subject to a flood having a chance one year of one percent, including but not identified by the Federal Flood Insurance having special flood hazards, shall be used for residential use or any other use which is inconsistent with such flooding except as provided for:
 - (1) If improvements or structures are constructed so as to render such land safe for intended occupancy and are made on high ground to periodic floods or which has inadequate ground and only in that event, the provisions shall not bar the approval of such improvements or structures meeting such standards. Such flood as previously defined shall not block the conveyance of flood waters. Such provisions coupled with an assumed equal conveyance on the opposite side of the flood plains or flood waters in height of the flood waters of magnitude shall require residential structures to have the first floor (including basement) above such flood level or non-residential structures to be flood-proofed to at least one foot.
 - (2) New or replacement water supply and sewerage systems shall be designed to minimize or eliminate the entry of flood waters into the systems and to prevent the systems from discharging into flood waters. It is also required that disposal systems shall be located to prevent impairment or contamination during

Streets - Layout and Design

- (A) All lots located in any subdivision shall be fronted by a public street.
- (B) The arrangement, character, extent, width and location of all streets shall conform to any applicable zoning Ordinance, Plan, and shall be considered in their relation to existing and planned streets; to reasonable circulation and drainage within the subdivision and adjoining lands; to the runoff of storm water and safety; and in their appropriate relation to the various uses of the land to be served by such streets.
- (C) Where such is not shown on a comprehensive zoning Ordinance of streets in a subdivision shall either:
 - (1) Provide for the continuation or approximation of existing principal streets in the subdivision;
 - (2) Conform to a plan for the neighborhood prepared by the Planning Commission to meet the needs of the neighborhood where topographic or other conditions require, and in conformance to existing streets in the neighborhood.
- (D) Local streets shall be laid out so that through traffic will be discouraged.
- (E) If a subdivision abuts or contains an arterial street or limited access highway or arterial street, the Planning Commission may require the subdivision to provide streets, reverse frontage lots with access to the rear, along the rear property line and screened parking areas, service alleys or such other treatment as may be necessary for adequate protection of residential property and for the separation of through and local traffic.
- (F) Street right-of-way requirements for a subdivision shall be determined by the total aggregate number of residential components for the particular system based on the total aggregated shall be in increments of 100 units, numbers only. The components involved shall be determined depending upon the urban or rural type of subdivision and the street needed based on land use, traffic

- (2) Parking lanes for on-street storage be at least eight feet in width. For purposes, up to two feet for curb or included as part of the parking lane.
- (3) Curbs shall be considered to require of construction type.
- (4) Shoulders for rural type roadways shall be four feet in width.
- (5) Border area for urban-type streets (to be as the "parking") shall be at least from the back of curb to property line. It shall be used for installation of utility traffic control devices, fire hydrants, and provide a transition area in grades between the roadway and the property adjacent. Border areas for rural type roads shall be width based on drainage needs.
- (6) Based on the above general criteria and roadways shall be calculated from lines:

Urban Type

- (a) Collector including Commercial
- (b) Local Residential including Cul-de-sacs, Single and Two-Family.
- (c) Local Marginal Access Road (Two moving lanes with no parking on one side plus seven feet of border area between curb and the main road or railroad right-of-way).
- (d) Alleys - Residential, if necessary, and Commercial

Rural Type

- (a) Collector including Industrial or Commercial Areas (Two moving lanes, shoulder, ditches and border areas).
- (b) Local Residential (Two moving lanes, shoulder, ditches and border area).

**Includes four-foot shoulder in each

These widths may be modified by the on a showing that special conditions parallel drainage and roadway systems, considerations for safe and pedestrian movement, grade problems, etc. In applying these standards, must be established. Once a pattern function for a given area has been e pattern shall be followed throughout until another system can be establis collector or arterial system.

- (7) Arterial right-of-way widths shall b applicable Comprehensive Plan and wh shall not be less than 100 feet. Ro between 24-48 feet depending upon ru
- (8) For streets and roadways on the Fede system or any comparable functional design standards shall apply.
- (9) Wherever possible, there shall be an least 100 feet in length introduced curves on arterial and collector str
- (10) Streets shall be laid out so as to p

- (11) Streets shall be laid out so as to be as possible at right angles, and no other street at less than 80 degrees.
- (12) Street jogs are to be avoided on arterial streets. On local streets, center line jogs of less than 150 feet should be avoided.
- (13) Roadway Grades, wherever feasible, shall be following with due allowance for recommended curves:

Roadway Type

Arterial
Collector
Local
Marginal Access or
Frontage Road

- (14) No roadway grade shall be less than 0.5%. Greater percentages of grade may be required to provide adequate drainage.
- (15) Roadway pavement at intersections shall be following minimum radii:

Type of Roadway

Intersecting Width

Local Residential	Local Residential
Local Residential	Collector
Local Residential	Arterial
Business, Commercial or Industrial	Business, Commercial or Industrial
Collector or Arterial	Collector or Arterial

Right-of-way lines may be required at an arc having at least the same radius as the curb when normal right-of-way requirements are sufficient to allow the construction of the radii set out alone.

- (17) Cul-de-sacs in single-family residential areas shall be longer than seven times the average width of the street, whichever is less. In multiple-lot residential areas, such streets shall not exceed the width of the type streets shall have a turn-diameter of 100 feet and a street property line diameter of 120 feet, or shall have an alternate turn-diameter of 100 feet, hammerheads, etc., as providing serving the same purpose as the foregoing requirement.

For rural-type streets, a minimum street width and turn diameter of 150 feet or more may be required for protection and other equipment as shown on plans by the County Engineer.

6.08 Alleys and Pedestrian Ways

- (A) Alleys shall be provided in commercial areas where necessary, except that the Planning Agency may waive this requirement where other definite and assured provisions for service access, such as off-street loading and unloading, parking spaces consistent and adequate for the use of the alleys. Alleys in residential districts are to be avoided.
- (B) When provided, the minimum width of an alley shall be 20 feet with 22 feet needed for commercial or industrial use.
- (C) Alley intersections and sharp changes in direction shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
- (D) Dead-end alleys shall be avoided where possible. If unavoidable, such alleys shall be provided with a turn-around facility at the dead-end.
- (E) Pedestrian ways shall be at least ten feet wide and shall be enclosed by a four-foot chain link fence with top rail, or a four-foot high wall. At least four feet high shall be installed along the boundary lines to within 12 feet of the sidewalk. A sidewalk may be required along the length of the pedestrian way.

- (2) Zoning requirements as to lot sizes street parking and loading, etc.
- (3) Need for convenient access, circulation safety of street traffic.
- (4) Limitations and opportunities of topography.
- (B) A block should not exceed 1,300 feet in length in previous layout or topographic conditions. In general, blocks shall not be longer than 1,300 feet.
- (C) All blocks shall be so designed so as to provide for the best arrangement of lots, unless a different arrangement is required in order to comply with or be permitted by other regulations.
- (D) Blocks may be irregular in shape, provided that the overall pattern of blocks in the subdivision is regular and provided their design meets the requirements of the Comprehensive Plan requirements.
- (E) In extra long blocks, a public pedestrian way shall be provided to provide access to public or private buildings, schools or parks.

6.10 Lots

- (A) The lot size, width, depth, shape and minimum building setback lines shall be determined by the location of the subdivision and for the rural development and use contemplated.
- (B) Lot dimensions shall conform to the requirements of applicable zoning regulations unless higher standards are established in accordance with this subdivision.
 - (1) For all subdivisions in urbanized areas, a public water supply and sewerage system is required where service is available.

- (3) If the proposed subdivision is not connected to a public water supply or a public sewer system and intends to use an on-lot well for water supply and a septic tank system for sewage disposal, the minimum lot area requirement shall be 40,000 square feet and the minimum width of 140 feet measured at the rear back line.
 - (4) If the proposed subdivision is to be connected to a public water supply or on-lot well and is to use a lagoon system for sewage disposal, the minimum lot size shall be increased by the Planning Commission above the standards set forth in paragraphs (2) and (3) of this subsection. The nearest edge of the lagoon will be set back a minimum of 100 feet from the nearest property line.
 - (5) Notwithstanding the provisions of the preceding paragraphs (2), (3), and (4) of this subsection, the intent of these regulations to encourage the installation of public water supplies and public sewer systems wherever feasible. In order to determine the feasibility, the Planning Commission shall require the subdivider to provide certain basic engineering data and cost estimates on which to base such a determination. If, more, if on-lot water supply and sewerage systems are used, additional lot area shall be required. If the area to be subdivided has a high water table, is frequently flooded with water, or if the soil is of a type considered unsuitable based on percolation tests, the Planning Commission of the subdivider.
- (C) In those areas where there may be municipal sanitary sewer facilities anticipated in the future but which are not yet available, the Planning Commission shall require that lots be so designed and arranged that they readily be converted to urban-type building sites by replatting. When such a condition prevails, lots to be subdivided into lots so that by combining lots a building site is created initially with an area of 40,000 square feet required for on-lot wells and/or sewage treatment. The creation of such a building site through the combination of lots shall be contingent upon the establishment of restrictive covenants satisfactory to the Planning Commission.

- (E) The area of the street right-of-way shall be calculated in the area of the lot with the minimum area requirements of these regulations or other regulations applicable to the property. Lots shall be required to have more than the minimum area dimensions in this section where such greater area is required to meet the yard requirements of the regulations.
- (F) There shall be no double frontage lots for residential use (e.g., single and two-family units), except where they abut upon a limited access highway or arterial street where the topography of the land prevents reasonable subdivision into small units. Double frontage lots shall not be permitted between such lots and an abutting limited access highway or arterial street.
- (G) Reversed frontage lots shall be avoided where it is essential to provide a separation of residential use from limited access highways and arterial streets to avoid specific disadvantages of topography.
- (H) Corner lots for residential use shall have a minimum appropriate building set-back from all abutting streets.
- (I) Side lines of lots shall be at right angles to the street line, or substantially so.

6.11 Easements

- (A) Utility Easements shall be provided where necessary on rear or side lot lines and shall be a minimum width along rear lot lines and ten feet wide on side lot lines, except that easements for street lighting shall in any event be required to exceed ten feet. Utility easements, when needed for other than street lighting, shall be a minimum width as drainage may exceed ten feet.
- (B) Drainage Easements - If a subdivision is shown on a drainage course, drainage way, channel or street, the subdivision shall be shown on the drainage course, drainage way, channel or street.

Drainage easements will be vegetated with grasses or otherwise stabilized to prevent sediment movement by wind or water.

- (C) Vision triangle easements may be required to provide an open and usable vision path for vehicles approaching the intersection. Vision triangle easements shall be based on the intersection type (3-way, four-way, protected, unprotected, etc.) and street (local, collector, arterial, commercial) topography, proposed street grades (if any), and speeds contemplated for such roadways.

6.12 Business, Commercial and Industrial Subdivisions

- (A) Streets - Notwithstanding the other provisions of this chapter, the minimum width of streets in areas designed, proposed or zoned for business or industrial use may be increased by the commission to such extent as may be deemed necessary to insure the free flow of through traffic without obstruction from parked or parking motor vehicles.
- (B) Blocks intended for business, commercial or industrial use shall be designed specifically for such use and shall have adequate space set aside for off-street parking.

ARTICLE VII. IMPROVEMENT (INSTALLATION)

7.01 Subdivision Types

(A) Urban-Type Subdivisions.

- (1) All subdivisions located wholly within the limits of the City.
- (2) All subdivisions located partially within the limits of the City touching the corporate limits of the City.
- (3) All subdivisions adjoining or touching the limits of the City of land for which annexation proceedings have been filed by the City or the owner has a pending request for annexation.
- (4) All subdivisions adjoining or touching the limits of the City which has previously received final plat approval and adjoins or touches the corporate limits of the City.
- (5) All subdivisions which have or intend to have a municipal-type water supply and sewage disposal system providing all or portions of the subdivision for residential, industrial purposes, or for public use which are directly related to an urban-type subdivision. (Note: Service by a rural-type water supply system may be considered a "municipal-type" if the water supply pipes in that location permitted and the sewage disposal commensurate with urban needs.)

- (B) Rural-Type Subdivisions - All other subdivisions not contemplated by these regulations not otherwise defined as rural-type as described above.

7.02 Engineering Jurisdiction

In setting standards and specifications, approving and inspecting improvements, recommending acceptance of petition forms and establishing the amount of bond for the installation of such improvements, the appropriate company official shall be designated as responsible for the same within his jurisdiction.

than gravel or sanded surface materials are standards as described above shall be used. improvements, the entire right-of-way of road shall be graded to match the level of the road.

(B) Sidewalks shall be constructed in accordance with the standards established by the Governing Body in urban type subdivisions under the following conditions:

- (1) Although not normally required, the Planning Commission shall require sidewalks when needed to service pedestrians to schools, parks, shopping areas, or other public uses.
- (2) Sidewalks shall be constructed as near the center lines rather than curb lines.

(C) Sanitary Sewer Systems.*

- (1) Wherever sanitary sewers are to be installed in accordance with the regulations, laterals, mains, and submains shall be installed at the direction of the applicable Governing Body.
- (2) Wherever septic tank or lagoon systems are to be used on individual lots, the determination of the lot(s) and the standards for installation and operation shall be governed by the current regulations of the Department of Health and Environment or such other regulations as may be adopted by Edwards County. The regulations may require the subdivider to conduct and pay for soil percolation tests if deemed necessary. Soils information shall be obtained from Edwards County Conservation District surveys if conditions indicate more detailed data is required.

(D) Water Supply Systems - Wherever a municipal water supply or its equivalent is required to be constructed, such construction shall be in accordance with the standards of the applicable agency supplying the water. In those cases where a water supply shall be provided which meets the standards of the Department of Health and Environment or such other regulations as may be adopted by Edwards County. In those cases where a municipal-type water supply system mains shall be installed to support the use of fire hydrants as required by the applicable agency.

(E) Fire Hydrants, in accordance with the standards established by the applicable agency.

- (F) A storm sewer system shall be provided, of the sanitary sewer system, meeting all and requirements of the applicable Governing Body. All storm sewer shall be connected to any existing sewer where available, or if such connection is not available, adequate means for the discharge of such storm water shall be provided into the nearest major water body.
- (G) Street signs of such location, type and design shall be provided by the applicable Governing Body, giving consideration to the prevailing type, size and pattern of local signs in the area.
- (H) Underground wiring in urban-type residential areas shall be required, including both electric power and telephone lines, except:
 - (1) For lines rated over 12,000 volts;
 - (2) Appurtenance serving such lines which are above the ground, such as transformers and service pedestals; or
 - (3) For those proposed subdivisions or subdivisions located in areas which are served by an overhead-type of distribution system.

All such construction and installation shall be coordinated with the applicable utility. When applicable, this subsection shall be construed as requiring the installation of lines beyond the boundaries shown and contained in the preliminary plat.

- (I) Monuments shall be placed at all block corners and at points of curves in streets, and at intermediate points shall be required by the Planning Commission. Monuments (four inches long) shall be placed on all corners. Corners shall be made of iron rebars not less than 5/8 inch in diameter and not less than two feet in length. A monument shall be securely placed and set in such a manner that the monument shall be at least two inches below ground level. Bench marks may also be required of such monuments. The length as may be approved by the Governing Body.

- (K) Where required, applicable measures will be taken during construction to minimize soil erosion and wind or water. Conservation standards shall be maintained which have been adopted by the Edward Courtenay District.

7.04 Exceptions for Existing Improvements

- (A) Where the proposed subdivision is a result of the subdivision of an area presently having any or all requirements set out in Section 7.03 and where such improvements are in compliance with the requirements of said section and are in compliance with the provisions determined by the applicable Governing Body, no special provision need be made by the subdivider for such existing improvements. However, where such existing improvements do not meet the requirements of Section 7.03, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all improvement requirements of the aforesaid requirements of said Section.
- (B) Where the proposed subdivision is a result of the subdivision of an area presently abutting or containing a street of less than the minimum required street or roadway width, land shall be dedicated to the street as far as possible so as to provide for a minimum street width and an additional roadway pavement width in accordance with standards set by these regulations. The Governing Body shall determine what adjustment to minimum street widenings merge with existing streets which do not meet the minimum width at the boundary of such proposed subdivision. The minimum right-of-way and roadway width requirements may be reduced to match an existing street if the extension of such roadway is already in place at the end of the roadway in the subdivision.

7.05 Agreement and Guarantees for Installation of Requirements

Except for monuments and underground wiring, the methods shall be used by the subdivider to guarantee that all requirements required by these regulations can or will be installed in accordance with approved plans and specifications.

(2) Simultaneously with the execution of the in paragraph (1) above, the subdivider shall execute completion bond by a firm authorized with good and sufficient sureties thereon escrow account, or irrevocable letter of applicable Governing Body, in the amount as approved by the official responsible for the applicable design and construction installation of the required improvements. The financial guarantee shall be conditioned on the final plat and further conditioned upon the satisfactory installation of such improvements within two years from the date that the same are approved by the applicable Governing Body.

(3) Prior to offering any improvement to the subdivider shall furnish good and sufficient security for the indebtedness incurred for supplies, materials or engineering and professional services. All improvements shall have been paid in full and no claims for damage or suits against such improvements shall be pending against the said improvement.

(B) Petitions to the applicable Governing Body may be granted or guaranteed to the Governing Body the authority to issue such improvements at such time as they deem appropriate. The authority shall be granted only when the following conditions exist:

(1) The petitions to be secured from the applicant must be valid petitions as may be provided by law.

(2) The petitions must be approved by the applicable Governing Body concurrently with the approval of the subdivision.

(3) The initiating resolution for such improvements shall be adopted by the Governing Body concurrently with the approval of the subdivision. Soon thereafter as may be provided by law, a copy of said resolution shall be recorded in the County Register of Deeds.

(4) The initiating resolution must be recorded in the County Register of Deeds after it has been approved by the Governing Body showing that the land described therein will be liable in the future for special assessments for improvements authorized.

(D) Monuments and bench marks shall be installed before the subdivision plat is released for recording in the Register of Deeds.

(E) The subdivider shall prior to the approval of the plat submit a letter from the utility(ies) involved stating that satisfactory arrangements have been made by the subdivider guaranteeing the installation of their respective

7.06 Vacation of Undeveloped Subdivision

When no lots on a plat of subdivision have been sold, the subdivider may request the vacation of the plat prior to the time that the improvements covered by the bond are installed, and if the plat is vacated, all fiscal sureties shall be returned to the subdivider.

ARTICLE VIII. IMPROVEMENT PROCEDURES

8.01 Submission of Petitions

If petitions are submitted to meet the requirements of Section VII, the subdivider shall so indicate at the time of the submission of the preliminary plat. If the petition is authorized by the Planning Commission, petitioners shall submit the final plat for approval by the applicable

8.02 Final Improvement Plans

In all other instances when petitions have not been approved for submission as improvement guarantees, upon approval of the preliminary plat, the subdivider shall employ a licensed engineer (which may be contracted for private or governmental agency or utility), engineering drawings of the proposed required improvements containing the details specified in Section 7.03 of these regulations. All drawings shall be certified by a licensed engineer and submitted in duplicate to the Administrator for review prior to the date that approval of the final plat is required. Failure to do so will be considered automatic denial or extension of or a waiver by the subdivider of the petition for plat approval.

(A) Content - Engineering drawings for required improvements shall contain the following data and information:

(1) Plans, details, specifications and quantities for roadway and sidewalk construction, including plans, profile indicating existing and proposed elevations, including curb and sidewalk elevations when required, intersection control details, paving geometrics for each street within the cross-section of the roadway. The centerlines shall be shown to a scale of one inch equals 100 feet horizontal, and one inch equals 10 feet vertical. This information shall be shown on standard plan and profile sheets.

(2) Plans, profiles, details, specifications and cost estimates of proposed storm drainage

(5) All plans for other utilities shall be by or at the direction of the utility.

(B) Review - The applicable engineer, official responsible for determining specifications shall review all engineering drawings in the preliminary plat and determine whether such drawings are consistent with approved preliminary plat and comply with standards. If such drawings are consistent, the reviewing official shall forward to the Planning Commission, a notice that they comply. In the event that the drawings do not conform or comply, the reviewing official shall advise the subdivider of the specific manner in which the drawings do not so conform or comply, and shall correct such drawings. If such drawings are corrected, the reviewing official shall advise the Planning Commission a notice as to the conformity or noncompliance.

(C) Approval - The Planning Commission shall approve the plat only when the engineering drawings are approved or that the appropriate petitions have been properly filed.

8.03 Construction of Improvements

No improvements shall be constructed nor shall preliminary thereto be done, except as provided in the construction agreement for rural-type streets as a final plat and the engineering drawings shall have been approved and there shall have been compliance with all of the requirements relating to such guarantees as are specified in Section 7 regulations.

(A) Inspection - All improvements constructed shall be subject to inspection by the applicable engineer or official responsible for setting and enforcing the applicable design and construction of the required improvement. The cost of all inspections required by these regulations shall be charged to and paid by the subdivider. The subdivider shall give at least 48 hours notification

shall have authority to order that work shall be terminated until such necessary steps are taken to correct or deficiencies. Upon the correction of defects or deficiencies, the subdivider shall again notify the official as provided in Section 8.03 (A).

(C) Final Inspection - Upon completion of improvements within the area covered by the plat, the subdivider shall notify the official designated, who shall thereupon conduct a final inspection of all improvements installed. If the final inspection indicates that there are defects or deficiencies in such improvements installed, or if there are any deviations from the engineering plans and specifications, the subdivider shall notify the official in writing and the subdivider shall, at his sole cost and expense, correct the defects or deviations within six months of the date of notification. When such defects, deviations have been corrected, the subdivider shall notify the official that the improvements are again ready for final inspection. When the final inspection is made and before the improvements are accepted, the subdivider shall file a statement with the applicable official which is executed by the subdivider, certifying that all obligations incurred in the construction of the improvements involved have been properly paid and

(D) Report - If a final inspection indicates that the improvements as installed contain defects or deficiencies, or deviations, within the time specified in the regulations, upon submission of the subdivider's statement of obligations paid, the official shall advise the Governing Body and utility involved. If the improvements have been installed in accordance with the engineering plans and specifications, the subdivider shall pay the final plat.

ARTICLE IX. APPEALS, WAIVERS, VARIANCES AND SEVERABILITY

9.01 Appeals General

The subdivider of a proposed subdivision may made in the enforcement of these regulations trator to the Planning Commission; and by the mission to the Governing Body. In the event Body sustains the Planning Commission, the ac Planning Commission shall be final except as vided by law. If the Governing Body overrule Commission, the Governing Body shall make its writing, stating the reason therefor and retu and plat to the Planning Commission for reap by law.

9.02 Appeals on Improvements Standards

Any appeal as to approval as to standards, or engineering drawings in connection with requi shall be directed to the applicable Governing action shall be final.

9.03 Waiver of Required Improvements or Guarantees of

Any waiver of the required improvements may b applicable Governing Body on a showing that s are not feasible.

9.04 Variances

In cases in which there is unwarranted hardsh out the literal provisions of these regulatio criteria, e.g., lot width, lot depth, block 1 Planning Commission may grant a variance from based on the following criteria:

- (A) A request for a variance shall be made t who shall transmit it to the Planning Co Planning Commission shall give the subdi interested person an opportunity to be h

shall not include variances from the standards of specifications or the standards of specifications unless approved as provided for in the standards of specifications. Consideration of a request for a variance shall not relieve the subdivider from the need to comply with the provisions of the regulations including zoning.

- (D) When used in this Section, the term "hardship" shall mean the complete hardship as distinguished from a mere inconvenience.

9.05 Severability

If any provisions of these regulations be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered severed from the remaining provisions of these regulations, and the remaining provisions of these regulations shall remain in full force and effect.

ARTICLE X. AMENDMENT PROCEDURES AND EFFECTIVE DATE

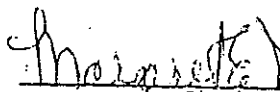
10.01 Amendment Procedures

These regulations may be amended at any time a Commission shall have held a public hearing on amendment. A notice of such public hearing shall be in the official city newspaper at least 20 days before the hearing. At, or after such public hearing is held, the Commission may adopt such amendments, but such amendments shall not become effective until approved by the Governing Body in order to maintain these regulations, the Planning Commission shall annually hold a public review at their first meeting in January to consider amendments, if any, to the

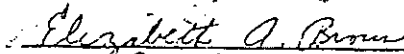
10.02 Effective Date

These regulations shall take effect and be in effect from the date of their adoption by the Planning Commission, approval by the Governing Body by ordinance, and publication of such ordinance in the official city newspaper.

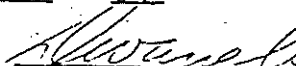
ADOPTED by the Kinsley City Planning Commission
March, 1983.


Chairman

ATTEST


Secretary

APPROVED by the City Council of the City of Kinsley
24th day of March, 1983.


Mayor

ATTEST

THE
FINAL PLAT
SHALL SHOW

Streets, lots, setback lines,
lot numbers, easements, etc.

Sufficient engineering data to
reproduce any line on the
ground.

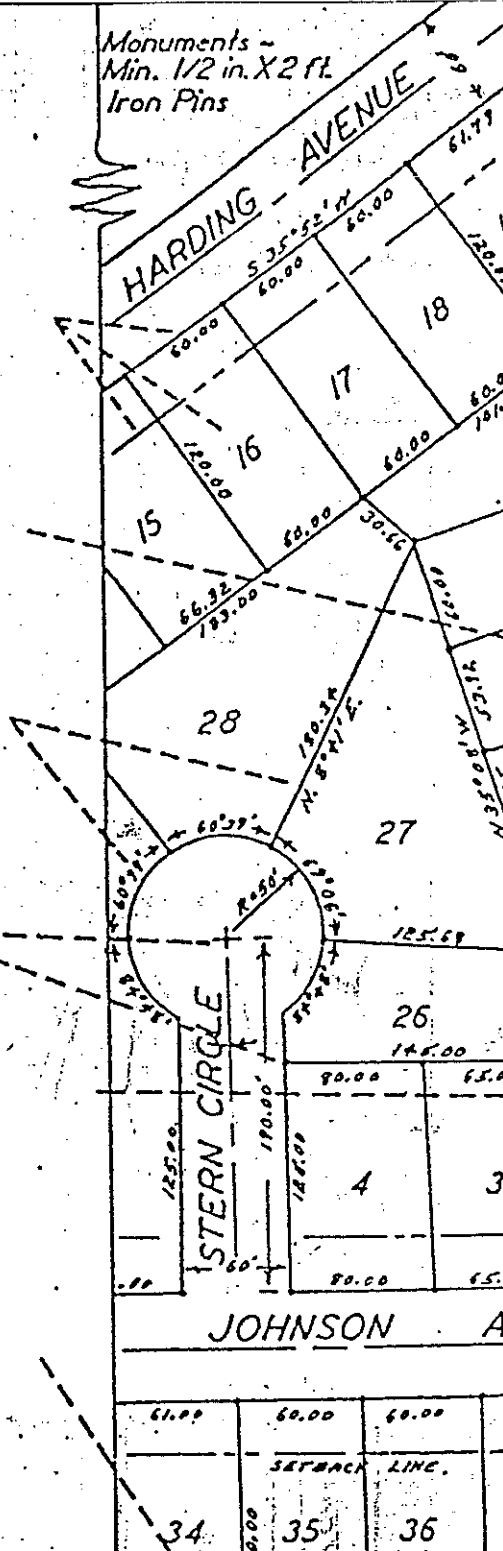
Dimensions, angles, and
bearings.

Monuments

Names of adjoining properties

Date, title, name and location
of subdivision.

Monuments -
Min. 1/2 in. X 2 ft.
Iron Pins



THE PRELIMINARY PLAT WEST HILLS ADJACENT TO SHALL SHOW

Name, location, owner and designer.

Date, north point and graphic scale.

Location of property lines, roads, existing utilities, etc.

Names of adjoining properties

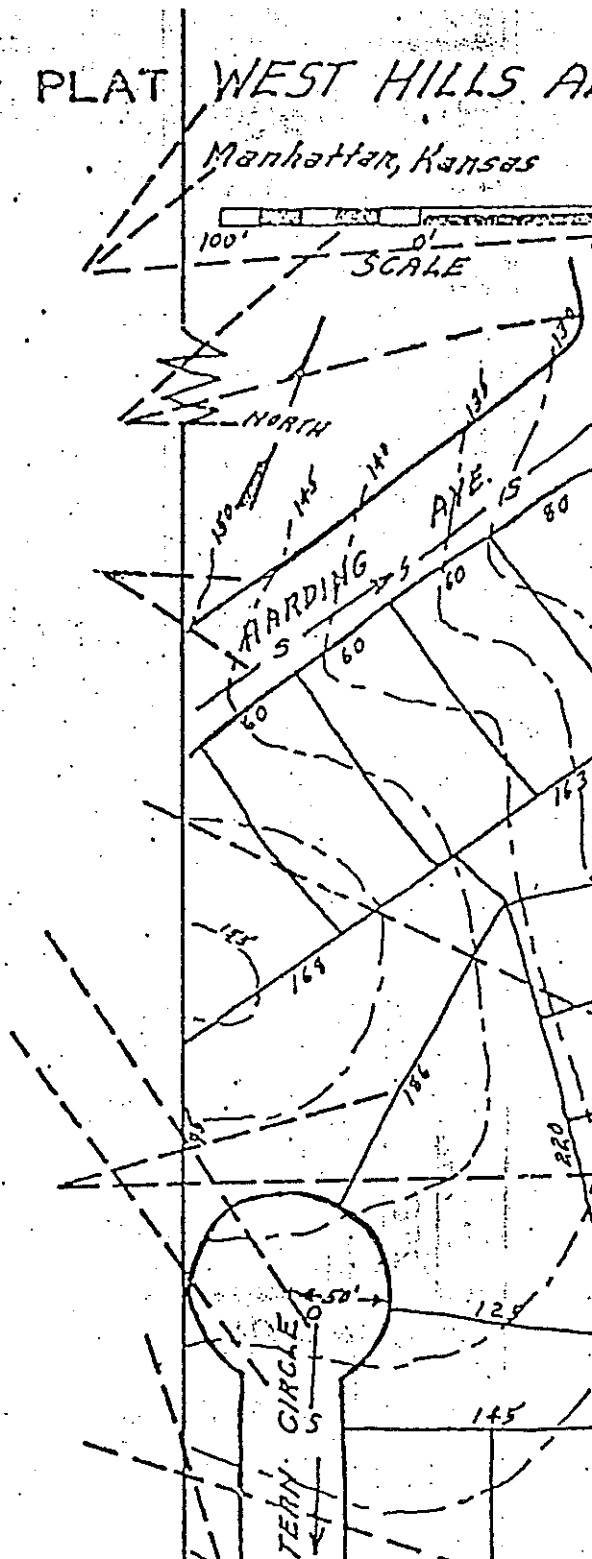
Proposed utility system.

Names of new streets

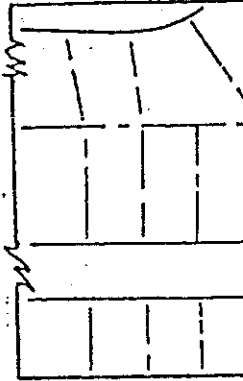
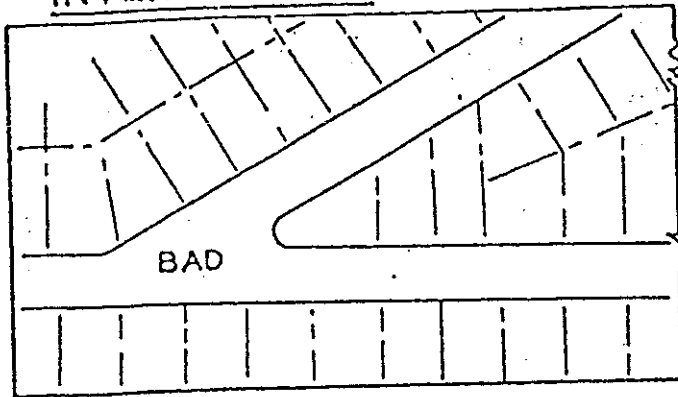
Dimensions, lot lines and building setbacks

Location of proposed culverts

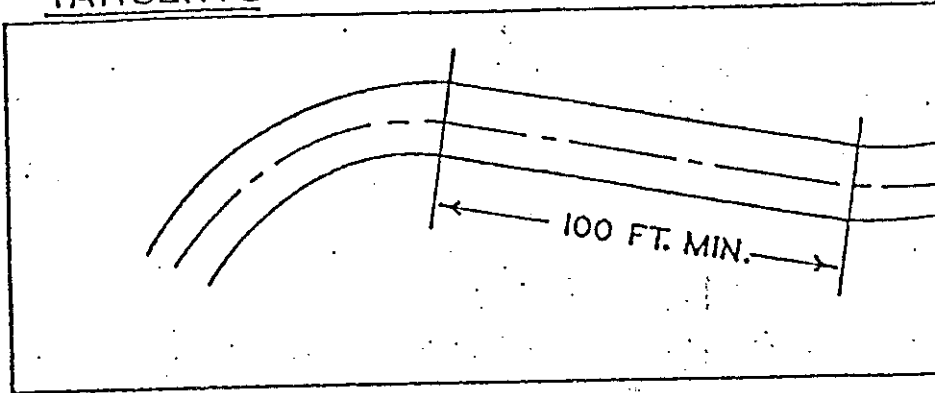
Contours if required



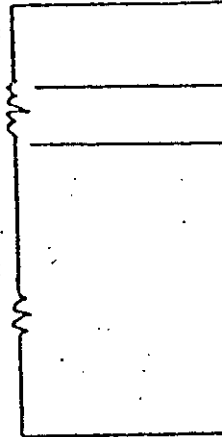
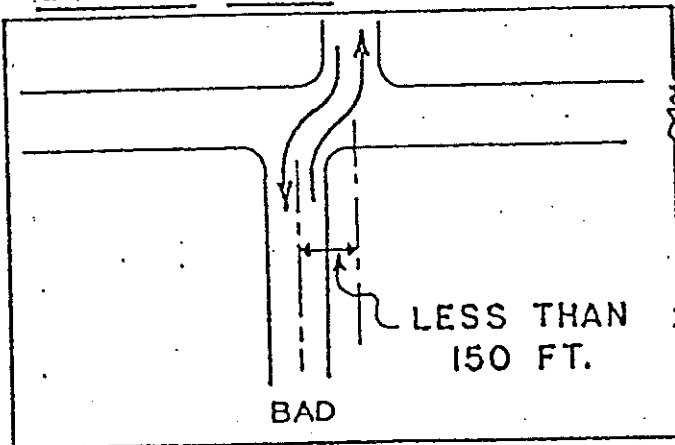
INTERSECTIONS



TANGENTS



STREET JOGS



DEAD END STREETS

