

# Zoning Regulations

of the



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*Prepared by the Goddard Planning Commission*

*With Technical Assistance from City of Goddard Staff*

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## ZONING REGULATIONS OF THE CITY OF GODDARD, KANSAS

### ARTICLE 1. TITLE, PURPOSE, AUTHORITY AND JURISDICTION

100 Title. These regulations, including the zoning district maps made a part hereof, shall be known and may be cited as the "Zoning Regulations of the City of Goddard, Kansas, " and shall hereinafter be referred to as "these regulations."

101 Purpose. These regulations are intended to serve the following purposes:

- A. To promote the public health, safety, morals, comfort and general welfare and to protect and control the aesthetics of redevelopment or new development;
- B. To establish a variety of zoning district classifications according to the use of land and buildings with varying intensities of uses and standards whose interrelationships of boundary zones form a compatible pattern of land uses and buffer areas which enhance the value of each zone;
- C. To regulate and restrict the location, use and appearance of buildings, structures and land within each district and to zone for residential, commercial, industrial and other purposes including floodplains;
- D. To regulate and restrict the height, number of stories and size of buildings and structures including their distance from any lot line or street right-of-way; the percentage of each lot that may be occupied by buildings and other structures; and size of yards, courts and other open spaces;
- E. To protect property and historical values and conserve energy and natural resources;
- F. To provide for adequate light and air and acceptable noise levels;
- G. To avoid the undue concentration of population and vehicular traffic and to prevent overcrowding the use of land and public facilities;
- H. To facilitate the adequate provision of transportation, water supply, sewage disposal, schools, parks and other public improvements;
- I. To provide adequate public notice on proposed changes in these regulations and zoning maps and an opportunity to be heard on such zoning matters;
- J. To establish and provide procedures for the Board of Zoning Appeals to consider appeals, variances and conditional uses as exceptions; and
- K. To implement the goals, policies and proposals of the comprehensive plan for the zoning jurisdiction.

102 Authority. These regulations are adopted under authority established by K.S.A. 12-736, 12-741 et seq . as amended., 12-3009 to 12-3012 inclusive, 12-3301 and 12-3302.

103 Zoning Jurisdiction. These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Goddard, Kansas, as presently exist or are hereafter established by annexation.

## ARTICLE 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

### 100 Rules of Interpretation.

- A. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare.
- B. Overlapping or Contradictory Regulations. Where the conditions imposed by the provisions of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. Private Agreements. The provisions of these regulations are not intended to abrogate any lawful and valid easement, deed restriction, covenant or other private agreement of legal relationship; provided, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such private agreements, the requirements of these regulations shall govern. The City does not have a responsibility to enforce such private agreements.
- D. Unlawful Uses. No use of land or structure which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful use or structure is in conflict with the requirements of these regulations, said use or structure remains unlawful hereunder.
- E. Not a Licensing Regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct or maintain any structure or facility or to carry on any trade, industry, occupation or activity.
- F. Effect on Existing Permits. For all purposes except single-family residential developments platted and recorded after January 1, 1992, nothing in these regulations shall be deemed to require any change in plans, construction or designated use of any land or structure in the event that: (See Section 2-100G for Vesting of Development Rights.)
  - 1. A zoning permit for such use of land or structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendment thereof; and
  - 2. Such permit had not by its own terms expired prior to such effective date; and
  - 3. Such permit was issued on the basis of an application showing complete plans for proposed construction and/or use; and
  - 4. There has been a substantial change of position, substantial expenditure, substantial work performed or incurrence of substantial obligations by the permit holder in reliance on such permit other than purchase of land or preparation of design plans; and
  - 5. Such issuance of a permit and change of position, expenditures, work or incurrence of obligations were made prior to the effective date of an amendment of these regulations which amendments would have made illegal the issuance of such permit; and
  - 6. Construction pursuant to such permit is completed prior to the expiration of such permit; and
  - 7. When the use of land or a structure is completed under a permit to which this Section 2-100F applies, an occupancy certificate shall be issued in accordance with the zoning regulations in effect at the time the zoning permit was issued.

G. Vesting of Development Rights. For the purpose of single-family residential developments according to K.S.A. 12-764, as amended, development rights in such land use shall vest upon recording of a final plat of such land after January 1, 1992. If construction of a principle structure is not commenced on such land within five years of recording a final plat, the development rights in such land shall expire and, thus, all revisions to zoning or subdivision regulations becoming effective during the period vested shall thereafter apply to such platted land.

101 Rules of Construction.

- A. In the construction of these regulations, the provisions and rules of this Section shall be preserved and applied, except when the context clearly requires otherwise:
1. The singular number includes the plural and the plural the singular.
  2. The present tense includes the past and future tenses and the future the present.
  3. The word "shall" is mandatory while the word "may" is permissive.
  4. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for."
  5. The word "person" includes an individual, firm, corporation, association, partnership, trust, governmental body and agency, and all other legal entities.
  6. The word "City" means the City of Goddard, Kansas.
  7. The words "Governing Body" mean the Mayor and Council members of the City of Goddard, Kansas which together constitute the governing body.
  8. The word "Clerk" means the City Clerk of the City of Goddard, Kansas.
  9. The words "Planning Commission" mean the Goddard City Planning Commission.
  10. The words "Comprehensive Plan" mean the adopted and approved Comprehensive Plan for the City of Goddard, Kansas and surrounding Planning Area, which includes, among other elements, a plan for land use.
  11. The word "Board" means the Goddard Board of Zoning Appeals.
  12. The words "zoning jurisdiction" mean the area as defined in Section 1-103 for which the jurisdiction of these regulations is applicable for zoning purposes.
  13. Unless otherwise specified, all distances shall be measured horizontally or vertically as defined in Section 2-102 from points within the boundaries of the designated zoning lot. (See Section 2-102 for definition of ZONING LOT.)
- B. Any word or phrase which defined in this Article or elsewhere in these regulations shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.
- C. Words or terms not herein defined shall have their ordinary meaning in relation to the context as defined in a dictionary.

102 Definitions. The following definitions shall be used in the interpretation and construction of these regulations:

ACCESSORY APARTMENT: An accessory use dwelling unit that may be constructed wholly within, or may be detached from, a principal single-family dwelling unit which shall be subject to the following standards:

1. A maximum of one accessory apartment may be allowed on the same zoning lot as a single-family dwelling unit;
2. The appearance of an accessory apartment shall be compatible with the principal dwelling and the character of the neighborhood;

3. The lot on which the accessory apartment is to be located must meet the minimum lot area as required for the lot size in the relevant zoning district;
4. The off-street parking space and standards required for Section 5-101A1 must be met;
5. Separate or shared utility connections may be utilized subject to meeting all requirements of the current building codes for the City;
6. Temporary, prefabricated structures may be used as accessory apartments for limited periods of time; and
7. An accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit and not be subdivided or sold as a condominium. A suitable deed restriction stating this restriction must be filed with the Sedgwick County Register of Deeds prior to issuance of any occupancy certificate for the accessory apartment.

ACCESSORY USE OR STRUCTURE: As defined in Article 6.

ADULT CARE CENTER: A facility in which care and activities are provided on an hourly or daily basis for adults of all ages. The latter arrangement is not construed to be a "nursing home". It may also be referred to as an "adult day care" facility. Such centers are licensed under regulations established and administered by the Kansas Department of Health and Environment. (See Section 6-102C1 for adult care center limitations as home occupation.)

ADULT CARE HOME: A residential facility operated as a home occupation for not more than four adults wherein care and activities are provided on an hourly or daily basis or limited nursing care is provided on a 24-hour basis. Such homes may also be referred to as "home plus" and are licensed under regulations established and administered by the Kansas Department of Health and Environment. Standards for such definitions may be periodically amended by changes in state regulations.

AGRICULTURE: The use of land for growing crops in the open, horticulture, nurseries, truck farms and accessory uses, including structures not in a designated floodplain, for carrying out agricultural operations; provided, however, such agricultural use shall not include the following uses: (See Section 3-100E4 for Exemptions.)

- A. The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts where permitted.
- B. Retail sales as an accessory use, unless the same are otherwise permitted by these regulations.
- C. The feeding of garbage to animals.
- D. The feeding, grazing or sheltering of domestic animals or fowl, e.g. horses, cows, swine, goats, chickens, pigeons, rabbits or fur bearing animals, but not including cats and dogs and other pets: unless such animals or fowl are otherwise permitted by City laws or regulations.
- E. The operation or maintenance of a stockyard or feedlot. Farmhouses are considered to be single-family dwellings.

ALLEY: A minor public right-of-way along the side of or in the rear of lots intended to provide a secondary means of access to abutting lots and to and from streets.

ALTERATION: See STRUCTURAL ALTERATION.

AMUSEMENT CENTER: An indoor commercial establishment which contains amusement devices for public use as the principal activity of the business operating the center, but, in any event, places which operate four or more of the devices. Amusement devices shall include computer video games, pinball machines, pool or billiard and other table games. Such definition is not intended to include recreational uses such as bowling, skating rinks or miniature golf, but may include ranges for archery and shooting firearms.

ANIMAL HOSPITAL OR CLINIC: An establishment where animals are admitted principally for examination, treatment, board or care, by a doctor of Veterinary Medicine. This does not include open kennels or runs, unless specifically permitted by the district regulations.

APARTMENT: See DWELLING. MULTIPLE-FAMILY.

APPEAL: See Section 10-106 for description.

ASSISTED LIVING FACILITY: Dwelling units used by older persons, persons with disabilities or other persons needing or desiring assistance with day-to-day living matters, but not including nursing homes, hospitals or convalescent care facilities. Typical uses include retirement communities in which housekeeping services, common dining facilities and recreational and social activities are offered to residents.

AUTOMOBILE SERVICE STATION: A structure and surrounding land used for the storage and sale of petroleum fuel, including self-service, primarily to passenger vehicles and for accessory uses such as the sale of lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs, but not including tire recapping, body repairs or major overhaul. Such use does not include open sales lots for new or used vehicles or provide for rental vehicles or equipment, unless specifically permitted by the district regulations.

AWNING: A roof-like cover that is temporary in nature which projects from the wall of a building and which may overhang a public sidewalk area.

BASEMENT: That portion of a building located wholly or partially underground, but having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST HOME OR INN: A dwelling where for compensation one or more rooms are available for lodging and breakfast served to lodgers only. When conducted as a home occupation, such facilities are designated as "homes." When designated as an "inn," such facilities may be operated as a home occupation or as a business enterprise. When specifically permitted, tea rooms for a limited number of customers may be operated in conjunction with bed and breakfast inns.

BLOCK: A tract of land bounded by streets or by a combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, city limits or other property lines.

BOARDING OR ROOMING HOUSE: A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging only or with meals are provided for three or more boarders and/or roomers exclusive of the occupant's family. Individual cooking facilities are not provided. (See FAMILY.)

BUILDING: Any covered structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, horticultural products or chattels. Interconnected buildings shall be considered as one building.

BULK REGULATIONS: Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling: (1) maximum height, (2) maximum lot coverage, and (3) minimum size of yards and set backs. (See Section 3-103G for utility and communication facilities exemption.)

BUSINESS AND PROFESSIONAL OFFICE: The office of an architect, attorney, dentist, doctor, engineer, landscape architect, real estate or insurance agent or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

CAMPGROUND: Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers, tents or similar recreational vehicles. The term campground does not include sales lots on which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

CANOPY: Any structure, movable or stationary, open on three sides without supporting posts, which is attached to and projects from a wall of a building for the purpose of sheltering a drive-up facility, platform, stoop, entranceway or sidewalk from the elements including a motor vehicle; or an independent roof-like structure supported by posts with no sidewalls for the purpose of sheltering a gasoline service area or drive-in facility. In any event, the sheltering of motor vehicles is for temporary parking and unloading only and not a permanent parking or storage space. (See Section 3-103F1 for Permitted Obstructions.)

CAPACITY IN PERSONS: The maximum number of persons that can avail themselves of the services or goods of an establishment, at any one time, with reasonable comfort.

CARPORT: A structure for shelter and temporary or permanent parking space for motor vehicles and recreational vehicles either attached to a building or independent thereof which is enclosed on at least one side. Such carports are not permitted obstructions under Section 3-103F1. (See RECREATIONAL VEHICLE.)

CAR WASH: An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.

CHILD CARE FACILITIES: Definitions for facilities which provide care for children are established by state law and promulgated by regulations of the Kansas Department of Health and Environment. Standards for such definitions may be periodically amended by changes to state regulations and are automatically incorporated herein. The following facilities are licensed or registered by the department:

- A. Group Boarding Home: A non-secure facility providing 24-hour residential care for not less than five nor more than 10 persons unrelated to the caregivers. Emergency shelter and maternity care may be provided.
- B. Child Care Center: A facility in which care and educational activities for 13 or more children two weeks to 16 years of age are provided for more than three, but less than 24 hours per day, including before and after school care for school age children.

- C. **Preschool:** A facility such as a "nursery school" providing learning experiences for children of less than kindergarten age, but who are 30 months or older, where sessions do not exceed three hours per day.
- D. **Day Care Home:** A home or facility in which care is provided for a maximum of 10 children under 16 years of age.
- E. **Group Day Care Home:** Similar to day care homes except that care is provided to a maximum of 12 children under 16 years of age.
- F. **Family Day Care Home:** A home in which care is provided for less than 24 hours per day for a maximum of six children who are less than 16 years of age, but of whom not more than three children are less than 18 months. (See Section 6-100811 for child care facilities for employees and Sections 6-102C and D for home occupations permitted and prohibited.)

**CLUB:** An organization licensed as a Class A or B club for the purpose of consuming alcoholic beverages either for or not for profit under K. S.A. 41-2601. et seq. as amended. (See FRATERNAL OR SERVICE CLUB and TAVERN AND DRINKING ESTABLISHMENT.)

**COMMUNITY DEVELOPMENT DIRECTOR:** The person appointed by City to administer and enforce the requirements of these regulations. (See Section 9-100 for Office of Community Development.)

**CONDITIONAL USE:** The use of a structure or land that is not permitted outright within any zoning district, but when specifically authorized and listed in these regulations as a conditional use such use may be granted as an "exception" by the Board of Zoning Appeals. Conditions may be attached to the approval of such uses by the Board so that they may be more compatible to the particular location within a district. (See Section 10-108 for Conditional Uses.)

**CONDOMINIUM:** A structure and related common areas and facilities designed to meet the provisions of the Apartment Ownership Act cited in K. S. A. 58-3101 et seq. which governs the ownership, management, taxation, contents of the declaration and other matters related to the sale and operation of such structures and the independent units therein. Independent condominium units, as defined in the Act, may be used for residential, office, business, industrial and other uses as permitted by the respective zoning districts. The contents of the declaration as required by K.S. A. 58-3111 shall also include a provision for the City to carry out the obligation to maintain the common areas and facilities in order to avoid having them become a public nuisance. In the event that such responsibilities are assumed by the City, the costs for such maintenance shall be assessed against the condominium units and shall become a tax lien thereon. The Zoning Administrator must be satisfied that such a provision is included in the declaration before an occupancy certificate will be approved.

**DENSITY:** Restrictions on the number of dwelling units that may be constructed per acre or per square feet of a zoning lot area.

**DEVELOPER:** The legal or beneficial owner or owners of all of the land proposed to be included in a planned development or the duly authorized agent thereof. The holder of an option or contract for purchase, a lessee having a remaining term of not less than 40 years or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these regulations.

**DISTRICT:** A section or sections of the zoning jurisdiction for which the regulations governing the use of buildings and land, the height of buildings, the size of yards, and the intensity of use are uniform.

DOG KENNEL: Any place where four or more dogs are kept, maintained, boarded, bred for a fee or offered for sale. A "dog" is defined as any member of any canine species over six months of age. This definition includes dogs which are kept or maintained as pets.

DRIVE- IN ESTABLISHMENT: An enterprise which accommodates the patrons parked automobiles and from which the occupants may make purchases, transact business or view motion pictures or other entertainment. Such definition does not include a drive-through facility such as located at banks or restaurants.

DWELLING: A building, or portion thereof, which is designed or used for residential occupancy including a condominium and a modular home, but not a group home as herein defined, a residential design manufactured home or a manufactured/mobile home, unless any of the latter are specifically permitted.

DWELLING, ATTACHED: A residential building which is joined to another dwelling at one or more sides by a party wall or walls, including walls of an attached garage. Separate ownership of attached dwelling units known as common lot line housing or "twin homes" shall be accompanied by a recorded lot split unless already platted into individual lots. All utilities and facilities must be independent of each other, unless provided by an association of town house or condominium owners under K.S.A. 58-3701 et seq. or 58-3101 et seq. respectively and platted as common ownership.

DWELLING, DETACHED: A residential building which is entirely surrounded by open space on the same lot.

DWELLING, MULTIPLE-FAMILY: A residential building containing three or more dwelling units.

DWELLING, SINGLE-FAMILY: A residential building containing one dwelling unit only or a group home as defined herein.

DWELLING, TWO-FAMILY: A residential building containing two dwelling units only.

DWELLING UNIT: One or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

EASEMENT: A public dedication or private grant by the property owner of the specific use of a strip of land by others. Limitations apply on what type of principal or accessory buildings or structures can be located on a public easement. (See Section 9-101A for Zoning Permits.)

FAMILY: Either (1) an individual or two or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or (2) a group of not more than four adult persons who need not be related by blood, marriage or adoption, living together as a single, nonprofit housekeeping unit in a dwelling unit: plus in either case, domestic servants. A family may include any number of gratuitous guests or children not related by blood, marriage or adoption. No more than two boarders or roomers are permitted as part of a housekeeping unit. (See BOARDING OR ROOMING HOUSE and Section 6-102B3 for home occupation limitations.)

FARMERS MARKET: A multi-stall market at which farmer-producers sell agricultural products directly to the general public at a central or fixed location, particularly fresh fruit and vegetables (but also meat products, dairy products, and/or grains), and hand-made goods such as crafts, jewelry, etc.

FENCE: A free-standing structure of customary materials such as metal, masonry, glass, plastic or wood or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes, but which does not pose a threat to public safety or health and is designed and constructed in such a manner as to produce an aesthetically pleasing appearance. Fences constructed of metal roofing materials, fork-lift pallets, chicken wire, portions of vehicles or appliances and the like are not permitted. (See Section 6-100B for zoning permit for fence.)

FLOODPLAIN: See Appendix for definitions in the Floodplain Regulations.

FLOOR AREA: For computing off-street parking requirements, floor area shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings and shall include all floors, except that space which is used for storage or for group meeting rooms.

FRATERNAL OR SERVICE CLUB: An association formally organized for either fraternal, social, educational, philanthropic or other similar purposes, including union and professional organizations and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee or similar body chosen by the members. Food, meals and beverages may be served on such premises; provided, adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all federal, state, county and local laws. (See CLUB.)

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.

GARAGE, PRIVATE: A building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, REPAIR: A building designed and used for the storage, care, repair or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work.

GARDEN STORE: A store which sells growing plants, seeds, bulbs, shrubs, trees and gardening and landscaping tools, implements and supplies, including lawn furniture.

GROUP HOME: A dwelling occupied by not more than 10 persons, including eight or fewer persons with a disability which is a physical or mental impairment as defined by K.S. A. 12-736. The two staff residents need not be related by blood or marriage to each other or to the other residents of the home. Such a dwelling must be licensed by the Kansas Department of Social and Rehabilitation Services or the Kansas Department of Health and Environment. (See DWELLING, SINGLE-FAMILY.)

HAZARDOUS WASTE FACILITY: An on-site or off-site facility or part of a facility or modification of an existing facility which includes all contiguous land, structures and other appurtenances and improvements on the land utilized for the purpose of treating, storing or disposing of hazardous waste. Such term shall also mean a hazardous waste injection well. In addition to this definition of facility, all related definitions pertaining to hazardous wastes as contained in K.S.A. 65-3430 and as may be amended from time to time are hereby incorporated by reference into the definitions of these regulations.

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, solar panels, water tanks and similar roof structures needed to operate and maintain the building on which they are located and signs where permitted by Article 7; (See Section 7-102C for Height of Sign.)
2. Flagpoles, water towers and tanks, steeples, bell towers, carillons, monuments, cupolas and electric transmission line towers; but not wind energy conversion systems. (See Section 6-100D2 for wind energy conversion systems.); and
3. Communication structures as an accessory structure which do not exceed 60 feet in height in industrial districts only. Also an exception to the maximum height in all districts are antennas for licensed amateur radio and citizens band operators as well as wireless cable TV antennas on masts. Communication structures include (1) antennas, and (2) broadcasting and microwave transmitting and relay towers for television, radio and cellular telephone systems and other similar forms of electronic communication. In all districts except residential districts, applicants may apply to the Planning Commission for a special use to construct a communication structure which may exceed the height limitations for such structures. The Commission may adopt criteria in the form of a policy statement to assist in the review of such special use applications. (See Section 6-100.8.6 for satellite dish antennas. Section 6-10087 for communication structures, antennas and aerials and Section 3-103.G for lot size and bulk regulations exemption.)

HOME OCCUPATION: As defined in Article 6.

HOTEL: A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients with or without meals, whether such establishments are designated as a hotel, inn, automobile court, mote, motor inn, motor lodge, tourist cabin, tourist court or otherwise, but not a bed and breakfast home or inn.

LANDSCAPING: The improvement of a lot, parcel or tract of land with grass and shrubs and/or trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LOT: See LOT. ZONING.

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, CORNER: A lot abutting upon two or more streets at their intersection. (See LOT LINE. REAR and YARD. FRONT.)

LOT COVERAGE: That percentage of a lot which, when viewed directly from above, would be covered by a principal or accessory building(s) or any part thereof, excluding projecting roof eaves. (See BUILDING.)

LOT DEPTH: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT, INTERIOR: A lot other than a corner lot, i.e. one whose side lot lines do not abut upon any street.

LOT LINE: The boundary line of a zoning lot. (See LOT, ZONING.)

LOT LINE, FRONT: A street right-of-way line forming the boundary of a lot. (See LOT, CORNER.)

LOT LINE, REAR: The lot line that is most distant from and is or is most nearly, parallel to the front lot line. If a rear lot line is less than 10 feet long or if the lot comes to a point at the rear, the rear lot line shall be a line at least 10 feet long, lying wholly within the lot, parallel to the front line. If a zoning lot has two or more front lot lines, the owner or developer shall designate the yard which is to be the rear yard and/or side yard.

LOT LINE, SIDE: A lot line which is neither a front lot line nor a rear lot line. (See LOT LINE, REAR.)

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Deeds or a parcel of land described by metes and bounds of which the deed was recorded prior to adoption of these regulations.

LOT, REVERSE FRONTAGE: A lot whose rear lot line also serves as the street line for a limited access highway or street. With complete access control on the rear lot line, the abutting yard is considered to be a rear yard. (See LOT, THROUGH and YARD, REAR.)

LOT SIZE REQUIREMENTS: Restrictions on the dimensions of lots including (1) minimum lot area, width and depth; and (2) maximum density, lot area, width and depth establish the minimum size of the zoning lot on which a structure or use or two or more structures or uses, may be constructed or established. (See Section 3-103G for utility and communication facilities exemption.)

LOT, THROUGH: A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines, but in the case of two or more contiguous through lots, there shall be a common front lot line. Sometimes referred to as a double frontage lot. (See LOT, REVERSE FRONTAGE.)

LOT WIDTH: The distance on a horizontal plane between the side lot lines measured at right angles to the lot depth at the established front yard setback line.

LOT, ZONING: A parcel of land that is designated by its owner or developer at the time of applying for a zoning permit as a tract all of which is to be used, developed or built upon as a contiguous unit under single ownership. As long as it satisfies the above requirements, such lot may consist of: (1) a single lot of record, or (2) a portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

MANUFACTURED HOME: A factory-built structure or structures equipped with the necessary service connections and made so as to be transportable as a unit or units on its own running gear and designed to be used as a dwelling unit with or without a permanent-type, enclosed perimeter foundation. The transportation system is designed so that the home may be moved from time to time at the convenience of the owner. The term shall include two or more separately towed units which are designed to be bolted or otherwise fastened together to form a complete living unit. Such homes are built on a chassis consisting of drawbar and coupling mechanism, frame (e.g. steel I-beams), running gear assembly and lights. Removal of any or all of these component parts does not change the definition. All such homes shall be either skirted according to the manufacturers design and construction standards or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas under K.S.A. 75-1226. et seq. as amended, shall be anchored to the ground or secured to a permanent-type foundation. All manufactured homes must meet the standards of the National Manufactured Home Construction and Safety Standards of 1976, otherwise referred to as the "HUD Code". Additions may be made to such homes for patios, porches, carports, garages, storage structures and living space provided such additions are designed and constructed by a manufactured home factory or meet applicable City building codes. Overhead structures which cover or enclose a home are not permitted; however, a protective roof covering which is used to remedy a deteriorating roof condition is permitted. Under no circumstances shall two or more single-wide homes be permitted to connect together in any manner on the same zoning lot, nor shall such homes be attached to or integrated with the design of a site-built dwelling unit. (See MOBILE HOME and RESIDENTIAL-DESIGN MANUFACTURED HOME.)

MOBILE HOME: A factory-built structure or structures equipped with the necessary service connections and made so as to be transportable as a unit or units on its own running gear and designed to be used as a dwelling unit with or without a permanent-type, enclosed perimeter foundation. The transportation system is designed so that the home may be moved from time to time at the convenience of the owner. The term shall include two or more separately towed units which are designed to be bolted or otherwise fastened together to form a complete living unit. Such homes are built on a chassis consisting of drawbar and coupling mechanism, frame (e.g. steel I-beams), running gear assembly and lights. Removal of any or all of these component parts does not change the definition. All such homes shall be either skirted according to the manufacturers design and construction standards or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas under K. S.A. 75-1226. et seq. as amended, shall be anchored to the ground or secured to a permanent-type foundation. Additions may be made to such homes for patios. Porches, carports, garages, storage structures and living space provided such additions are designed and constructed by a manufactured home factory or meet applicable City building codes. Overhead structures which cover or enclose a home are not permitted; however, a protective roof covering which is used to remedy a deteriorating roof condition is permitted. Under no circumstances shall two or more single-wide homes be permitted to connect together in any manner on the same zoning lot, nor shall such homes be attached to or integrated with the design of a site-built dwelling unit. (See MANUFACTURED HOME and RESIDENTIAL-DESIGN MANUFACTURED HOME.)

MEDICAL, DENTAL OR HEALTH CLINIC: Any building designed for use by three or more full-time professional persons engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings; including, but not limited to doctors of medicine, dentists, chiropractors, osteopaths, optometrists, podiatrists and naturopaths, and in which no patients are lodged overnight, but which may include an apothecary.

MINI-STORAGE FACILITY: A building or group of buildings that contain varying sizes of individual, compartmentalized and controlled-access stalls and/or lockers for the indoor storage of customer's goods or wares. Out• door storage may be permitted, but only when specifically permitted by these regulations. The operation shall not include a transfer and storage business where the use of vehicles is part of such a business.

MODULAR HOME: A single-family dwelling or duplex building located on a permanent foundation and connected to public utilities, consisting of pre-selected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contrast to a residential building which is custom built on the site of its permanent location; and also in contrast to a manufactured or mobile home of any width which is located on a permanent foundation. In general, such modular homes shall have exterior building materials and somewhat similar appearance to custom built residential buildings and meet the standards of the City building codes.

NONCONFORMING LOT OF RECORD: A zoning lot which does not comply with the lot size requirements for any permitted use in the district in which it is located. (See Sections 8-100.A and 101 for Nonconforming Lots of Record.)

NONCONFORMING STRUCTURE OR USE: A lawfully existing structure or use at the time these regulations or any amendments thereto became effective which does not conform to the requirements of the zone in which it is located. (See Sections 8-100.B and C. 102 and 103 for Nonconforming Structures and Uses.)

NURSING OR CONVALESCENT HOME: An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including institutions for the care and treatment of mental illness, alcoholism or narcotics addiction. Regulations of the Kansas Department of Health and Environment designate such homes as "Adult• Care Homes."

OCCUPANCY CERTIFICATE: A certificate by which the Zoning Administrator certifies that upon completion of an applicant's proposed structure and/or use or change in use that it complies with these regulations and, therefore, may be occupied and/or used. When applicable, such a certificate may be combined with the issuance of a certificate of occupancy as required by a building code. (See Section 8-103H for Change in Use and Section 9-IOIB for Occupancy Certificates.)

PERMITTED USE: A use of a structure or land which is permitted outright within a zoning district because of its suitability to the purpose of the other uses so designated. When a use may appear to be classified under more than one permitted use as well as a special or conditional use, the most specific description or narrowly defined wording is applicable. The Zoning Administrator is authorized to issue zoning permits and occupancy certificates for such permitted uses when all other requirements of the regulations have been met.

PREMISES: A contiguous lot or tract of land together with all buildings and structures thereon.

PRINCIPAL STRUCTURE: A structure in which a principal use of the lot on which the structure is located is conducted.

PRINCIPAL USE: The main use of land or structures as distinguished from a subordinate or accessory use.

RECREATIONAL VEHICLE. (RV): A vehicle or a unit that may be independently motorized or may be mounted on or drawn by another vehicle, which is primarily designed and used for travel, camping, recreation, temporary living or occasional use. Recreational vehicles include motor homes, mini-motor homes, converted buses, converted camper vans, pickup and truck campers, camping trailers, fifth-wheel trailers, boats and boat trailers, jet skis and jet ski trailers, all-terrain vehicles (ATV) and similar vehicles. Conventional vans and pickup trucks with or without slide-in pickup campers or toppers are not considered to be recreational vehicles nor are small trailers used for hauling animals, equipment or household goods of the occupant of the dwelling whereon such trailer is parked. (See Section 6-100B for storage of recreational vehicles.)

RECYCLING CENTER: A location where clean, source-separated, recyclable materials are accepted or deposited by the public for transfer elsewhere. As distinguished from the operation of salvage yards or hazardous waste facilities, such recyclable materials consist only of aluminum and steel cans, glass, paper, plastic, reusable containers and materials capable of being composted. A center must be maintained in a litter-free condition on a daily basis. The name and phone number of a responsible party must be clearly posted in case a problem occurs. Such a center may be further classified as follows: (See Sections 6-100B12 and 101G for recycling centers.)

- A. Small recycling collection center: A center for collection containers or reverse vending machines not exceeding 100 square feet in ground area which may be approved by the Zoning Administrator as an accessory use in all business and industrial districts and on church and public property. Such a center may be located in the required front yard in business and industrial districts and on public property if proper vehicular safety and parking standards can be maintained.
- B. Large recycling collection center: A center for collection containers larger than 100 square feet in ground area, on-site trailers, bulk-feed reverse vending machines, vehicles on-site during operating hours only and the like. As an accessory use, such a center may be approved by the Board of Zoning Appeals as a conditional use in all business and industrial districts and on church and public property.
- C. Recycling processing center: A principal use in industrial districts only for handling the collection and processing of large volumes of bulky materials, some of which may originate at other recycling centers. Mechanical equipment may be used such as forklifts, balers, smashers and other related equipment. Outdoor storage may be permitted including composting operations.

REHABILITATION HOME: A residential building which is used by an organized group to supervise the rehabilitation of the individual occupants. Sometimes such homes are known as "halfway houses" for the rehabilitation of wayward juveniles, drug or alcoholic addict or former offenders. For new buildings or modifications of existing buildings, the overall appearance is to remain as a residential type building when located in a residential district.

RESIDENTIAL BUILDING: A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, lodging houses, dormitories, sororities and fraternities, as well as modular homes.

RESIDENTIAL CENTER: A non-secure facility which provides 24-hour residential care for more than 10 residents unrelated to the caregivers including emergency shelter and maternity homes. Such a facility must be licensed by the Kansas Department of Health and Environment.

RESIDENTIAL-DESIGN MANUFACTURED HOME: A structure manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards generally known as the HUD Code established on June 15, 1976 pursuant to 42 U.S.C. Sec. 5403. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable City regulations. Such a structure shall be on a permanent-type, enclosed perimeter foundation which has minimum dimensions of 22 body feet in width, a pitched roof, siding and roofing materials which are customarily used on site-built homes, and which complies with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:

1. The roof must be predominantly double-pitched and have a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run, and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass or metal roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches which may include a gutter.
2. Exterior siding shall be of a non-reflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with City building codes.
3. The home shall be installed in accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in the most current edition of "Guidelines for Manufactured Housing Installations." A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home, also in accordance with the above guidelines.
4. At the main entrance door there shall be a landing that is a minimum of 25 square feet which is constructed to meet the requirements of the City building codes.
5. The moving hitch, axles, wheels and transporting lights must be removed at the time of installation of the home on the lot.
6. The finished floor of the home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
7. Any attached addition to such a home shall comply with all construction requirements of the City building codes, unless designed and constructed by a manufactured home factory.
8. If 50% or more of the frontage of existing site-built housing on both sides of the street on which the residential-design manufactured home is to be installed have a garage and/or a similar percentage have a covered porch or recessed entry, such a home shall also provide a garage and/or porch or entry based on the percentages determined by the Zoning Administrator. On a corner lot, the street shall mean that street on which the frontage of the facade has been designated for the household address number. External roofing and siding material of such garage, porch or entry shall be similar in appearance to the materials on the roofing and siding of the residential-design manufactured home.

For purposes of these regulations, the term "manufactured home", when used by itself, shall not include a "residential-design manufactured home" as herein defined. Nothing in these regulations shall be construed to preempt or supersede valid restrictive covenants running with the land as to the placement or location of a residential-design manufactured home. (See MANUFACTURED HOME and MOBILE HOME.)

RESTAURANT: A public eating house, including but not limited to the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, fast food restaurants and soda fountains, but not a drive-in establishment unless specifically permitted by the district regulations. Drive-through facilities such as service from a window, however, are permitted. (See DRIVE-IN ESTABLISHMENT.)

RETAIL: Selling on the premises in small quantities to the ultimate consumer for direct consumption and/or use and not for resale. Sales at auctions and sales lots for motorized vehicles, manufactured or mobile homes, recreational vehicles and the like are not considered as retail sales.

RIGHT OF WAY: The area between boundary lines of a street, alley or other easement of access.

SALVAGE YARD:

1. Any land or building used for the collection or storage or sale of wastepaper, trash, rags, fibrous material, scrap metal or other discarded material; or for the collecting or dismantling or storing or salvaging of machinery or unlicensed motor vehicles not in operating condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures.
2. In residential districts, this definition shall prohibit the storing of no more than two inoperable or unlicensed motor vehicles for a period of more than 72 hours which are in the process of restoration to operating conditions, unless such vehicles are stored inside a structure or screened from public view.

SCREENING: Fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fences or evergreen vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet high, unless otherwise provided.

SETBACK, BUILDING: A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the front street right of way. The setback distance shall be measured from the existing right of way line or the proposed right of way line, whichever is the greater. (Note: Proposed right of way lines are based on the Comprehensive Plan and are further specified in the City Subdivision Regulations for arterial, Collector, local and marginal access streets.) (See YARD. FRONT.)

SIGN: Any writing (including letters, words or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols or trademarks), flag, banner, streamer, pennant, string of lights or display calculated to attract the attention of the public or any other figure of similar character which:

1. Is a structure or any part thereof or a portable display, or is attached to, painted on, or in any other manner represented on a building or other structure or on the ground;
2. Is used to announce, direct attention to, or advertise;
3. Is not located inside a building; and
4. Does not include holiday decorations or related wording thereon.

SPECIAL USE: A use of a structure or land which is not permitted outright within a zoning district because of characteristics that might have an adverse effect upon nearby properties or the future development of the district unless certain conditions can be placed on the use which would make it suitable to the purpose of the district and compatible to the other uses so designated. Such uses are "special" in that they are often large, one-of-a-kind, private or public uses serving as community facilities and/or whose location would have planning implications for a neighborhood or the entire City. Designated special uses are processed in the same manner as zoning amendments, except that a particular use is applied for within a district and conditions may be recommended by the Planning Commission and attached to their approval by the Governing Body. (See Section 11-101 for Special Uses.)

STORAGE, OUTDOOR: The storage of goods and materials outside of any building or structure when specifically permitted by these regulations, but not including storage of a temporary or emergency nature or of new or used goods and materials on display for sale except when such display is permitted. Such storage does not permit the storing or parking of motor vehicles including recreational vehicles or utility trailers for sale at any location in any residential district. (See Section 5-100A1 for utilization of parking facilities exemption and Section 6-100813 for outdoor storage.)

STRUCTURAL ALTERATION: Any change in a structure other than normal repairs and maintenance which may prolong its useful life: or the useful life of its supporting members such as bearing walls or partitions, columns, beams, girders or foundations: or any complete rebuilding of the roof; or the exterior walls; or the construction of any addition to or enlargement of a structure; or the removal of any portion of a structure. For the purpose of these regulations, the following shall not be considered a structural alteration:

- 1) Attachment of a new front where structural supports are not changed.
- 2) Addition of fire escapes where structural supports are not changed.
- 3) New windows where lintels and support walls are not materially changed.
- 4) Repair or replacement of non-structural members. (See Section 3-100C for Structural Alterations and Section 3-103F for Permitted Obstructions in Required Yards regarding fire escapes.)

STRUCTURE: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, but not including hard surfaced walks, mail boxes, utility poles, fire hydrants, street light fixtures or street signs. Fences, driveways and parking spaces are considered to be structures.

TAVERN AND DRINKING ESTABLISHMENT: An establishment which may be open to the general public wherein alcoholic liquor or cereal malt beverages are sold by the individual drink to customers for consumption on the premises. Such establishments shall include a Class B club. (See CLUB.)

USE: Any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

USE REGULATIONS: The provisions of these regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.

VARIANCE: See Section 10-107 for description.

VISION TRIANGLE: A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection. Within the vision triangle, no one shall install, construct, plant, park or maintain any sign, fence, hedge, shrubbery, tree, natural growth or other obstruction including automobiles, trucks and other large vehicles or trailers which would materially impede vision between the heights of 33 inches and eight feet above the street level. These restrictions shall not apply to signs as provided for in Section 7-102.J.2 as well as official traffic signs, signals and utility poles. Such area on a corner lot shall have two sides which are measured from the intersection of the lot lines and a third side across the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. In all residentially zoned districts, the two sides forming the lot line intersection shall be a minimum distance of 30 feet and in all other zoning districts such distance shall be 20 feet, except that there shall be no vision triangle requirements in the C-1 Central Business District.

YARD: Open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except for the permitted obstructions listed in Section 3-103.F.

YARD, FRONT: A yard extending along a full length of a front lot line and back to a line drawn parallel to the front lot line at a distance therefrom equal to the depth of the required front yard. On a corner lot, each yard that abuts a front lot line shall be considered a front yard. (See LOT LINE, FRONT and SETBACK, BUILDING.)

YARD, REAR: A yard extending along the full length of the rear lot line and back to a line drawn parallel to the rear lot line at a distance therefrom equal to the depth of the required rear yard. (See LOT LINE, REAR and LOT, REVERSE FRONTAGE.)

YARD, SIDE: A yard extending along a side lot line and back to a line drawn parallel to the side lot line at a distance therefrom equal to the width of a required minimum side yard, but excluding any area encompassed within a front yard or rear yard. Dimensions of minimum side yards specified in the district regulations of these regulations refer to the required width of each side yard rather than to the total width of both side yards, unless otherwise specified. (See LOT LINE, SIDE.)

ZONING PERMIT: A certificate by which the City certifies to an applicant that their proposed structure and/or use are in conformance with these regulations. When applicable, such a certificate may be combined with the issuance of a building permit as required by a building code. (See Section 9-101.A for Zoning Permits.)

### ARTICLE 3. GENERAL PROVISIONS

#### 100 Activities Governed by these Regulations.

- A. New Structures. All structures built hereafter shall comply with all of the provisions of these regulations. Any structure hereafter moved from one site to another site shall be considered to be a structure built hereafter. Any structure rebuilt or restored after damage, by any means, shall be considered to be a structure built hereafter, unless Article 8 of these regulations permits such structures to be rebuilt or restored. (See Section 2-102 for definition of STRUCTURE.)
- B. New Uses of Old Structures. If a use of any structure is hereafter changed to another or the property is sold, then the new owners and/or use must comply with and be brought to the current zoning code standards.
- C. Structural Alterations. If any structure is hereafter structurally altered as defined in Section 2-102:
  - 1. The entire structure as altered shall comply with the use regulations of these regulations.
  - 2. Any alterations, enlargements or additions to the structure shall comply with the bulk regulations of these regulations, except as permitted by Section 8-102B for nonconforming structures.
  - 3. The off-street parking facilities shall not be reduced below or if already less than, shall not be further reduced below the requirements applicable to a similar new structure or use.
- D. Uses of Open Land. If any use of open land is hereafter established or if any use of open land is hereafter changed to another use, such new use shall comply with all the provisions of these regulations, unless permitted by Sections 8-103 and 106.
- E. Exemptions. The following structures and uses shall be exempt from the provisions of these regulations:
  - 1. Poles, wires, cables, conduits, vaults, lift stations, laterals, pipes, mains, valves, or other similar equipment for the distribution to consumers of telephones or other communications, electricity, gas or water, or the collection of sewage or surface water, but not including major utility substations located on or above the surface of the ground. (See Section 3-103G for lot size and bulk regulations for utility facilities.)
  - 2. Railroad tracks, signals, bridges and similar facilities and equipment located on railroad rights of way, and maintenance and repair work on such facilities and equipment.
  - 3. Buildings, structures or land used, but not just leased, by the federal government.
  - 4. Use of land for agricultural purposes as defined in Section 2-102, including accessory buildings and structures thereon not in a designated floodplain. When any land or accessory buildings or structures cease to be used only for agriculture, then it shall be subject to the applicable provisions of these regulations.

#### 101 Districts, Zoning Maps and Boundaries.

- A. Establishment of Districts. The zoning jurisdiction is hereby divided into the districts as described in Article 4. References to "residential districts" shall mean those districts in which residential uses are the main permitted use. References to "business districts" shall

mean those districts in which commercial uses are the main permitted uses. References to "industrial districts" shall mean those districts in which industrial uses are the main permitted use. The "floodplain regulations" are considered as an overlay zone to be used in conjunction with the other districts. (See Appendix for Floodplain Regulations.)

B. Zoning Maps.

1. The boundaries of the districts described in Article 4 are as indicated on the Official Zoning Map(s) which is on file with the Zoning Administrator and identified on its face as part of these regulations. The zoning map(s) with all notations, references and other matters shown thereon is as much a part of these regulations as if specifically set forth herein. (See Section 9-100A9 for zoning map(s) certificate and revisions.)
2. It is the intent of these regulations that the entire area of the zoning jurisdiction, including all the land and water areas, rivers, streets, alleys and railroads and other rights of way, be included in the districts established in these regulations. Any area not shown on the zoning map(s) as being included in any district shall be deemed to be in the most restrictive district.

C. Boundaries. In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the Official Zoning Map(s), the following rules shall apply:

1. Where boundary lines are indicated as approximately following streets, alleys, easements, railroads, rivers, streams or bodies of water, such boundaries shall be construed as following the center• lines thereof or otherwise are construed to coincide with lot or tract lines, unless otherwise indicated.
2. Where the district boundaries do not coincide with the location of boundaries as stated in Section 3-101C above, the district boundaries shall be determined by the use of the scale shown on the zoning map, unless an exact distance is shown.
3. Where a district boundary line divides a lot or un-subdivided property in single ownership, the regulations for either portion of the lot may, at the owner's discretion, extend to the entire lot, but not more than 25 feet beyond the boundary line of the district.

D. Zoning of Rights of Way. All streets, alleys, public ways, waterways and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting them. Where the centerline of a street, alley, public way, waterway or railroad right of way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline. If any street, alley or public way is officially vacated, the zoning districts abutting each side shall be automatically extended to the center of such vacation, unless the dividing of ownership from the vacated land is allocated in a different manner.

102 General Requirements for All Zoning Districts.

A. Permitted Uses. No structure shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied or designed for use or occupancy except for a use that is permitted within the zoning district in which the structure or land is located or provided for otherwise in these regulations. (See Section 2-102 for definition of PERMITTED USE.)

- B. Special Uses. No use of a structure or land that is designated as a special use in any zoning district shall hereafter be established, and no existing special use shall hereafter be changed to another special use in such district, unless a special use is approved in the same manner as for an amendment to a zoning district. The latter procedure is set forth in Section 11-101 with the additional requirement that all conditions further imposed upon the special use be made a part of the effectuating ordinance. (See Section 2-102 for definition of SPECIAL USE.)
- C. Conditional Uses. No use of a structure or land that is designated as a conditional use in any zoning district shall hereafter be established, and no existing conditional use shall hereafter be changed to another conditional use in such district, unless a conditional use as an exception is approved by the Board of Zoning Appeals as provided for in Section 10-108. (See Section 2-102 for definition of CONDITIONAL USE.)
- D. Lot Sizes.
1. No structure, or part thereof, shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied arranged or designed for use of occupancy on a zoning lot, unless otherwise provided for in these regulations. which in its district is:
    - a. Smaller area than the minimum area or minimum lot area per dwelling unit required;
    - b. Narrower than the minimum lot width required; or c. Shallower than the minimum lot depth required;
    - c. Shallower than the minimum lot depth required.
  2. Where independent dwelling units are to be sold as condominiums, minimum lot size requirements shall not apply to each individual ownership, but shall be applied collectively to the common open space surrounding the structure(s) such that the total open space is an aggregate of the minimum lot area required for each dwelling unit; however, the minimum lot width and depth for the district shall be applied to the entire zoning lot.
- E. Bulk Regulations. In these regulations, bulk requirements are expressed in terms of maximum structure height, maximum lot coverage, minimum setbacks and minimum front, side and rear yards.
1. No structure, or part thereof, shall hereafter be built, moved or structurally altered and no structure or land shall hereafter be used, occupied or designed for use or occupancy:
    - a. That would exceed the maximum lot coverage percentage or the maximum structure height specified for the zoning district in which the structure is located, unless exempted by the definition of maximum height, or
    - b. That would provide any minimum setback of a front, side or rear yard that is less than that specified for the zoning district in which such structure or use of land is located or maintained, except as front yard setbacks may be applied in Sections 3-1038 and C and front and side yard setbacks for nonconforming structures and uses in Article 8.
  2. Where independent dwelling units are to be sold as condominiums, bulk regulations shall not apply to each individual ownership, but shall be applied to the entire zoning lot.

- F. Use Limitations. No permitted, special or conditional use hereafter established, altered, extended, enlarged or moved shall be operated or designed so as to conflict with the use limitations for the zoning district in which such use is or will be located. No permitted, special or conditional use already established on the effective date of these regulations shall be altered, extended or enlarged so as to conflict, or further conflict with, the use limitations for the zoning district in which such use is located. (See Sections 8-102. 103 and 106.)
- G. Off-Street Parking and Loading. No structure shall hereafter be built or moved and no structure or land shall hereafter be used, occupied or designed for use or occupancy, unless the minimum off-street parking and off-street loading space required by Article 5 are provided. No structure or use already established on the effective date of these regulations shall be enlarged, unless the minimum off-street parking and loading space which would be required by Article 5 are provided.
- H. Accessory Structures or Uses. No accessory structures or use, as defined in Article 6, shall hereafter be built, altered, extended, enlarged or moved, unless such accessory structure or use is permitted by Article 6.
- I. Temporary Structures or Uses. No temporary structure or use shall hereafter be built, altered, extended, enlarged or moved, unless such temporary structure or use is permitted by Article 6 of these regulations.
- J. Home Occupations. No home occupation, as defined by Article 6, shall hereafter be established, altered, extended, enlarged or moved in any residential district, unless such home occupation complies with the permitted uses, conditions and use limitations as provided for in Article 6.
- K. Signs. No signs shall hereafter be built, and no existing signs shall be altered, enlarged or moved, unless such sign complies, or will thereafter comply, with the restrictions imposed by Article 7.

103 Supplemental Requirements.

- A. Number of Structures and Uses on a Zoning Lot.
  1. Whenever a zoning lot is not developed as a condominium, but is used for a single-family detached or attached dwelling, two-family dwelling or any type of manufactured or mobile home, only one principal structure and use may be located on the lot, but only when the structure and use conform to all requirements of the district in which the lot is located.
  2. Whenever a zoning lot is used for other than a residential unit as described in Section 3-103A1 above, more than one principal structure and use may be located on the lot in common ownership, but only when the structures and uses conform to all requirements of the district in which the lot is located.
  3. Whenever any structures are developed as condominiums, more than one principal structure may be located on the lot; provided, the definition of a condominium in Section 2-102 is met as well as the requirements of Sections 3-10202 and E2.
- B. Platted Building Setback Lines. If a recorded subdivision plat imposes a building setback line or a front yard for a lot which is different from the minimum setback or yard required by the applicable section of these regulations, then, notwithstanding any other provision of these regulations, the minimum building setback or front yard shall be the same as that shown on such subdivision plat; provided, that it has been recorded and not otherwise been officially vacated.

- C. Average Setback in Existing Residential Districts.
1. On streets where a front yard more than that required by these regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two intersecting streets, there shall be maintained a front yard setback of not less than the average setback of the existing structures; provided, that these regulations shall not be interpreted to require a front yard setback of more than 50 feet.
  2. On streets where a front yard less than that required by these regulations has been maintained for existing structures on lots having a frontage of 50% or more of the total frontage on one side of that portion of the street line between two intersecting streets, the front yard setback need not be greater than the average setback of the existing structures; provided, that these regulations shall not be interpreted to permit a front yard setback of less than 20 feet.
- D. Yard Requirements for Open Land. If a zoning lot is, or will be, occupied by a permitted use without structures, then the minimum front, side and rear yards that would otherwise be required for the zoning lot shall be provided and maintained, unless some other provision of these regulations requires or permits a different minimum front, side or rear yard. Such yards shall not be required on zoning lots used for open public recreation areas.
- E. Restrictions on Allocation and Disposition of Required Yards or Open Space.
1. No part of the lot area, or of a yard, or other open space, or off-street parking or loading space provided in connection with any structure or use in order to comply with these regulations shall, by reason of change of ownership or otherwise, be included as part of the minimum lot area, or of a yard, or open space, or off-street parking or loading space required for any other structure or use, except as specifically provided here in.
  2. All of the lot area and all yards and other open spaces provided in connection with any structure or use in order to comply with these regulations shall be located on the same zoning lot as such structure or use.
  3. No part of the lot area, or of the yard, other open space, or off• street parking or loading space provided in connection with any structure or use, including but not limited to any structure or use existing on the effective date of these regulations or of any amendment thereof, shall be subsequently reduced below, or further reduced if already less than, the minimum requirements of these regulations for the equivalent new construction.
- F. Permitted Obstructions in Required Yards. The following shall not be considered to be obstructions when located in a required yard: (See Section 9-101A3 for principal or accessory buildings or structures or uses locating on or projecting over public easements and Section 2-10 for definition of FENCES.)
1. In all yards: Open terraces or patios not over four feet above the average level of the adjoining ground, but not including a permanent roof over a terrace or patio; awnings; canopies including underlying islands for petroleum pumps; steps four feet or less above grade which are necessary for access to a permanent structure or for access to a lot or to a lot from a street or alley including access to conform to the standards of the federal Americans with Disabilities Act of 1990 as incorporated into state statutes; fire escapes. one story bay windows and overhanging eaves and gutters projecting 24 inches or less into the yard; chimneys, entrance hoods. window wells and wing walls projecting 24 inches or less into the yard; daylight windows for escape and rescue purposes projecting six feet or less into the yard; arbors and trellises; flagpoles and basketball goals; ornamental light or gas fixtures; parking, when permitted by Article 5; accessory and temporary uses, when permitted by Article 6; signs, when permitted by Article 7; and

when otherwise specifically permitted by the district regulations. Garages, carports, patio covers, porches and decks are not permitted obstructions.

2. In any yard except a front yard: Accessory uses meeting the bulk regulations of Section 6-100C; children's recreational and laundry drying equipment; and open and closed fences not exceeding six feet in height with additional height permitted for security design measures.
  3. Fences in a front yard: On lots with single or two-family dwellings and all types of manufactured and mobile homes, fences not exceeding four feet in height are permitted which are constructed with at least 75% open space; however, no chain link fences are permitted unless approved as a conditional use. In all other circumstances, including decorative walls as perimeter boundaries and entryways to subdivisions, open and closed fences are permitted which do not exceed six feet in height. Additional security design measures may be placed above the six feet limitation.
  4. Construction standard for all fences: No fence shall be constructed which will constitute a hazard to traffic or a danger to persons or animals.
  5. Conditional use for fences: The Board of Zoning Appeals may as a conditional use approve the construction of higher fences and/or less open space in all yards and in any district if the Board finds that the public welfare is preserved.
- G. Lot Size Requirements and Bulk Regulations for Utility Facilities. Notwithstanding any other provision of these regulations, none of the following utility or communication facilities shall be required to comply fully with the lot size requirements and bulk regulations of the zoning district in which they are located, except as may be determined where a special or conditional use is required in certain districts and by subsection three of the definition for height, maximum in Section 2-102: (See Section 3-100E1 for Exemptions.)
1. Communication structures.
  2. Electric and telephone substations.
  3. Gas regulator stations.
  4. Pumping stations.
  5. Electrical Vehicle Charging Stations.
  6. Water towers or standpipes.
- H. Access to Business and Industrial Districts. No land which is located in a residential district shall be used for a driveway, walkway or access purpose to any land which is located in any business or industrial district.
- I. Annexed Land. All land which may thereafter be annexed shall be automatically classified in the most restrictive zoning district until such time as the property owner, Planning Commission or Governing Body may file an application to consider a change in zoning districts. Such changes may be considered during the process of annexation. While the Planning Commission may hold their required public hearing on a rezoning amendment or a special use prior to annexation, the zoning ordinance approving the amendment or special use cannot be effectuated until the land is first officially annexed by a separate annexation ordinance. While both ordinances may be published on the same day, the annexation ordinance must be published first if they are published on separate days. (See Appendix for Table of Comparability of Zoning Districts.)
- J. Sewer and Water Facilities. All principal structures built hereafter shall be served by and connected to the City's sewer and water system, if such facilities can be feasibly provided as may be determined by the Governing Body. All properties shall connect to City water and sewer as a condition of sale or the property or change in ownership.

- K. Dedication of Rights of Way and Easements. As a condition related to a rezoning amendment or a special use, the dedication of additional street rights of way; easements for utilities, drainage, access control, fire lanes, building setback lines and other purposes: and the construction, removal or replacement of public improvements necessary to the proper development of the property, may be required either by platting or replatting the land according to the City Subdivision Regulations or, in lieu of platting, by a legal document effectuating such dedications and improvements. Such condition may be required whether the property is being divided or held in single ownership. A stated time limit not exceeding one year may be established to ensure compliance with the above conditions during which time the effectuation of the zoning amendment or special use having been approved with such conditions by the Governing Body shall be withheld from publication by the Clerk. Failure to comply with the conditions during the stated period shall result in making the zoning amendment or special use null and void. No extension of the time period may be granted without reapplication.
- L. Floodplain Requirements. Within any floodplain area as delineated by the Federal Emergency Management Agency, no use of land shall commence or no structure shall hereafter be constructed, structurally altered, extended, enlarged or moved under these regulations, unless it also, complies with the floodplain regulations. (See Appendix for Floodplain Regulations.)
- M. Moving Structures. No structure shall be moved into the City, nor from one location to another location within the City, unless such structure shall, when relocated, be made to conform fully to these regulations and other codes of the City including any building codes. No zoning permit shall be issued, unless in the opinion of the City the height, age, architectural style and texture of the materials pertaining to the outward appearance of such structure reasonably conform to other buildings in the block to which it is to be moved and in the block opposite, to such an extent that its relocation shall not be detrimental to the appearance or have no substantial adverse effect on property values to the adjacent properties. Modifications in the appearance of such a structure as proposed by the applicant may be considered in making such a decision and conditions may be attached to the issuance of the permit by the Administrator to achieve conformance. (See City ordinance on moving structures.)
- N. Status of Moving Manufactured or Mobile Homes. Notwithstanding other provisions of these regulations, the Zoning Administrator is authorized to issue a zoning permit for various types of manufactured and mobile homes under the following provisions; except, that all such homes must meet the floodplain district requirements and none may be replaced in a floodway overlay boundary:
1. Wherever a residential-design manufactured home is moved from a zoning lot within a district in which it is a permitted use, another such home meeting the requirements of the district may be moved onto the lot at any time; provided, that such home shall be placed on a permanent-type, enclosed perimeter foundation.
  2. In the case of a lawful, nonconforming manufactured or mobile home use, such a move must take place within 90 days from the date that the previous manufactured or mobile home was moved off the lot, otherwise such use shall not thereafter be reestablished and, when so moved in, only a manufactured home not over eight years old is permitted which must be placed on a permanent-type, enclosed perimeter foundation. In re-establishing such a home use, any nonconforming bulk regulations shall not be increased in non-conformity and no newly acquired land can be added to the zoning lot for placement of such a home.

3. No manufactured or mobile home, or portion thereof, shall be moved onto any lot or parcel or an existing home converted for storage or any other purpose than for a residence in any district and no such home shall be temporarily or permanently located in any district not otherwise permitting such homes. These provisions do not preclude the use of prefabricated mobile structures designed for offices in business or industrial districts, but not manufactured or mobile homes unless specifically permitted.

0. Vision Triangle. On all corner lots in all districts, no use of land shall commence or no structure shall hereafter be constructed, structurally altered, extended, enlarged or moved after the effective date of these regulations unless it also conforms to the requirements of the vision triangle as defined by Section 2-102.

- 104 Screening and Landscaping. Screening and/or landscaping shall be provided when a zoning permit is issued on all properties developed for multiple-family and all nonresidential uses when such uses are established on property within or adjacent to any residential districts in accordance with standards and procedures as listed below. In anticipation of a need for screening, such matters are proper subjects to be discussed and, if deemed desirable, decided at any hearing for a zoning district amendment or a special use. In addition to the requirement for screening as stated above, screening may further be required at such a hearing to preserve the value of an existing use or the potential for future development of any adjacent land or land across a right-of-way.
- A. Screening shall be provided along all side or rear lot lines adjacent to such residential districts.
  - B. Landscaping shall be provided along a front lot line to the depth of at least 10 feet whenever such front lot line is adjacent to or across from such residential districts. Landscaping shall be maintained to the approved landscaping plan throughout the life of the property. No other uses except driveways and signs as permitted by Article 7 shall be allowed in such a landscaped area.
  - C. Screening shall be provided on all required development sufficient to reasonably hide from ground level view all loading docks, trash receptacles, outdoor storage, outdoor display, outdoor working areas, parking spaces and similar uses from such residential districts.
  - D. Screening on the side or rear lot line may be reduced in height and intensity in the front yard area extending to the front lot line, i.e., the street right-of-way; however, screening shall not be required along such lot lines in that portion of the front yard which may be landscaped.
  - E. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.
  - F. Screening may consist of fencing and/or landscaping provided that such screening will serve to adequately reduce:
    1. The visual effects on the environment caused by adjacent nonresidential or higher density residential uses;
    2. Noise;
    3. Lighting;
    4. Glare; and
    5. Blowing trash.
  - G. All screening and landscaping shall meet the requirements of the vision triangle in Section 3-103.0.

- H. Landscaping along the front lot line shall involve bringing the soil, surface to a smooth finished grade and installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade, and generally produce a pleasing visual effect of the premises.
- I. The selection of landscape materials shall consider the "mature" growth and habit of such plants so that vegetation will not overhang or obstruct the public street or a sidewalk area in such a manner as to conflict with pedestrian and vehicular access.
- J. The type of fencing should be compatible with the kind and intensity of the land use and the architectural style of the development and adjacent properties.
- K. Whenever such screening is required, a screening plan for the area shall accompany the application for a zoning permit. Such plan shall be transmitted to the Planning Commission for their review and approval prior to the issuance of the zoning permit. Property owners are expected to maintain landscaping to the approved landscaping plan throughout the life of the property.
- L. The screening plan shall be in such detail as to provide enough information to determine if the plan meets the above criteria. Such plan shall contain the location, type and height of any fence and the location, mature size and the type of any plant materials along with their common and botanical names. The sizing, grading and condition of the plant materials shall be specified according to the American Association of Nurserymen Standards.
- M. The Planning Commission may, in its discretion, temporarily or permanently waive the requirements for screenings and/or landscaping if:
  - 1. The adjacent land use in the residential district may not necessitate nor benefit from such a requirement; or
  - 2. The adjacent land use may already have provided adequate screening for which additional screening may be a duplication: or
  - 3. The future land use for the adjacent area can not readily be determined at this time and that upon mutual agreement of the Planning Commission and the applicant that the requirements may be waived and the matter reviewed at a specified date in the future. In the meanwhile, the Planning Commission shall require that either a letter of assurance or a covenant be submitted to run with the land; or a guarantee in the form of a corporate security bond, cashier's check, escrow account or other security be submitted to ensure that such requirements will be met when a determination is made. The Planning Commission may determine the sufficiency of the assurance based on the length of time anticipated before a decision, the size and cost of the potential work involved, and the need to ensure that the requirement is met regardless of any change in ownership.
  - 4. Section 3-104M3 above shall not prevent the Planning Commission from requiring temporary screening on all or a portion of a side or rear yard wherein a nonresidential use is proposed for development adjacent to an existing single-family dwelling and thereby a potential nuisance or hazard may be created for the homeowner.
- N. All plant materials shall be healthy and/or fencing in place prior to issuance of an occupancy certificate. A temporary certificate may be issued as provided for in Section 9-101B2 without the landscaping installation; provided, written assurances are given which are satisfactory to the Zoning Administrator that the planting will take place when the proper season arrives.

O. Maintenance.

1. It shall be the responsibility of the property owner to maintain in good condition all of the required screening and landscaping improvements on his property for the life of the property. When it is determined by the Zoning Administrator that improvements required by Section 3-104 are not being maintained, it is his duty to give notice in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The owner shall have not less than 30 days to comply with the notice; provided, however, that any person aggrieved by any such order and disagreeing with any of the requirements of the notice, may file an appeal under Section 10-106 within the 30-day filing period with the Board of Zoning Appeals.
2. If the owner of the land has failed, refused or neglected to make the necessary maintenance repairs within the time of the notice or time designated by the Board, then the Zoning Administrator shall cause such maintenance to be done to the property. The cost of maintenance shall be certified by the Administrator to the Clerk, who shall cause the costs to be assessed against the property on which the maintenance repairs were made.

P. To assist in reviewing screening and landscape plans, the Planning Commission may from time to time adopt design criteria in the form of policy statements which may include illustrations.

105 Site Plan Approval. The purpose and intent of requiring site plan approval before the start of construction is to encourage the compatible arrangement of buildings, off-street parking and loading, outdoor display and/or storage, trash disposal, lighting, signage, landscaping, screening, vehicular and pedestrian access and drainage on and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.

- A. Applicability. All principle land uses shall submit site plans for approval by the Planning Commission except single-family dwellings, duplexes, and **twin homes**, unless the latter are arranged in courtyard or grouped settings. Such plans are applicable to all new developments, unless major alterations to an existing site intensify factors which affect the overall design relationships as may be determined by the Planning Commission. Minor revisions to the plans due to unforeseeable circumstances discovered by the applicant during the implementation of a plan, may be approved by Zoning Administrator after the initial plan approval by the Planning Commission. Site plans may be considered concurrently with applications for rezoning amendments and special uses.
- B. Enforcement and Appeal. No zoning permit shall be issued by the Zoning Administrator until the related site plan is approved by the Planning Commission. Anyone aggrieved by a decision of the Planning Commission may appeal to the Governing Body within 30 days for a determination based on the reasonableness of the conditions attached to the issuance of their zoning permit.
- C. Fee. Processing fees are included in the fee schedule.
- D. Submittal Time and Review Comments. Site plans shall be submitted to the Zoning Administrator 20 days before a regular Planning Commission meeting so that they can be distributed to interested parties for review and the resulting comments summarized by the Zoning Administrator for a report to the Planning Commission.

- E. Number of Plan Copies. One original hard copy and one electronic copy of all plans shall be submitted to the City.
- F. Site Plan Requirements: Depict the following information where relevant to the particular site plan and label accordingly:
1. Oriented to north with north arrow and scale plus dimensions and boundary lines for the zoning lot.
  2. Show the location and dimensions of all rights of way, access control easements and setback lines either required by these regulations or by platting or separate instruments.
  3. Topography by contour lines required only if slopes exceed 5% or buffer berms are used.
  4. Show direction of the flow of storm water drainage.
  5. Locate existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.
  6. Show existing and proposed curb cuts, aisles, off-street parking and loading spaces and walkways, including type of surfacing and number of parking spaces.
  7. Indicate location, height and materials for screening walls or fences and landscaped areas including grass, trees and shrubs according to the standards described for screening and landscaping in Section 3-104.
  8. Show location, direction and intensity of proposed lighting.
  9. Locate all major signs by type, height and approximate size.
  10. Indicate location of outdoor display, storage and trash disposal areas.
- G. Conditions of Approval.
1. Proposed uses are permitted in the zoning district in which the site is located.
  2. Proposed arrangement of buildings, parking, loading, circulation, display and storage areas, lighting, signage, landscaping, screening and drainage is compatible on the site and with adjacent land uses.
  3. Vehicular ingress and egress to and from the site and circulation which provides for safe, efficient and convenient movement of traffic and emergency vehicles not only within the site but on adjacent roadways as well.
  4. Site plan provides for the safe movement of pedestrians within the site.
  5. There is a sufficient mixture of grass, trees and shrubs within the interior and perimeter (including public rights-of-way) of site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, loading, driveways and display or storage areas shall be landscaped with a mixture of grass, trees and shrubs.
  6. All outdoor trash disposal areas are screened and outdoor storage areas screened where necessary. Display areas are arranged in a neat and orderly manner and located appropriately.
  7. Certifications as may be deemed necessary by the Planning Commission.
- H. Assurances. Site plan performance assured by issuance of zoning permit and occupancy certificate. Landscaping must be maintained in a healthy, disease-free and debris-free condition or it will be considered a violation of these regulations similar to the provisions of Section 3.104.0.
- I. Design Criteria. From time to time the Planning Commission may adopt design criteria in the form of policy statements to assist in reviewing site plans.

- J. Optional Review Procedure. As an optional arrangement, the Planning Commission may designate a Site Review Committee to review and make recommendations on site plans to the Commission or to review and approve such plans. Any applicant aggrieved by a decision of the Committee under the latter arrangement may appeal to the Planning Commission within 10 days for reconsideration of approval.

**ARTICLE 4. ZONING DISTRICTS**

100 Permitted Uses in All Districts.

- A. Off-street parking and loading as required by Article 5.
- B. Accessory and temporary uses and home occupations as permitted by Article 6.
- C. Signs as permitted by Article 7.

101 R- 1 Single- Family Residential District. This district is established for the purpose of medium density single-family dwelling use and to allow certain community facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish these purposes.

A. Permitted Uses.

- 1. Single-family detached dwellings and residential -design manufactured homes and group homes as defined in Section 2-102.
- 2. Churches and similar places of worship and parish houses.
- 3. Golf courses, including accessory club houses, but not separate driving ranges and miniature golf courses operated for commercial purposes.
- 4. Public and private schools: educational buildings for primary, intermediate and secondary schools including administrative centers, transportation centers, recreation areas, spectator sports facilities and the like. All such uses must be located on land which is platted according to the City Subdivision Regulations.

B. Special Uses.

- 1. Public buildings erected or land used by any agency of the City, or a township, county or state government not otherwise provided for in these regulations.
- 2. Adult care homes for more than four adults.
- 3. Cemeteries, private or public.
- 4. Zoos, private or public.

C. Conditional Uses.

- 1. Single-family attached, not exceeding two residential structures, and two-family dwellings.
- 2. Adult and child care centers and preschools.
- 3. Bed and breakfast homes.
- 4. Swimming, tennis, racquetball and similar recreational club activities and related clubhouses.
- 5. Public and private utility uses as follows: communication structures; electric and telephone substations; gas regulator stations; pumping stations; electrical vehicle charging stations; and water towers and standpipes. (See Section 3-103G for lot size and bulk regulations.)

D. Lot Size Requirements.

1. Minimum lot area:
  - a. Dwellings permitted by Section 4-101A1: 8,000 square feet
  - b. Single-family attached and two-family dwellings: 9,000 square feet
  - c. All other principle uses: 10,000 square feet
2. Minimum lot width:
  - a. Dwellings permitted by Section 4-101A1: 75 feet
  - b. Single-family attached and two-family dwellings: 80 feet
  - c. All other principle uses: 80 feet
3. Minimum lot depth: 100 feet

E. Bulk Regulations.

1. Maximum structure height: 35 feet
2. Yard requirements:
  - a. Minimum front yard: 25 feet on all sides abutting a street, except that on corner lots where the street right of way is at least 60 feet wide, one of the yards may be reduced to 15 feet; provided, that a driveway to a parking space must maintain a length of at least 20 feet from the front lot line.
  - b. Minimum side yard:
    - (1) Dwellings permitted by Section 4-101A1: 6 feet
    - (2) All other principle uses: 10 feet
  - c. Minimum rear yard: 20 feet
3. Maximum lot coverage: 35%

F. Use limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.

101A R-1A Medium Density Single-Family Residential District. This district is established for the purpose of medium density single-family dwelling use and to allow certain community facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish this.

A. Permitted Uses.

1. Single-family detached dwellings and residential -design manufactured homes and group homes as defined in Section 2-102, all with a finished living area footprint of no less than 1,200 square feet.
2. Churches and similar places of worship and parish houses.
3. Golf courses, including accessory club houses, but not separate driving ranges and miniature golf courses operated for commercial purposes.
4. Public and private schools: educational buildings for primary, intermediate and secondary schools including administrative centers, transportation centers, recreation areas, spectator sports facilities and the like. All such permitted uses must be located on land which is platted according to the City Subdivision Regulations.

B. Special Uses.

1. Public buildings erected or land used by any agency of the City, or a township, county or state government not otherwise provided for in these regulations.
2. Adult care homes for more than four adults.
3. Cemeteries, private or public.
4. Zoos, private or public.

C. Conditional Uses.

1. Single-family attached dwellings with a finished living area footprint of no less than 1,200 square feet, not exceeding two residential structures.
  - (1) Adult and child care centers and preschools.
  - (2) Bed and breakfast homes.
2. Swimming, tennis, racquetball and similar recreational club activities and related clubhouses.
3. Public and private utility uses as follows: communication structures, electric and telephone substations; gas regulator stations; pumping stations; electrical vehicle charging stations; and water towers and standpipes. (See Section 3-103G for lot size and bulk regulations.)

D. Lot Size Requirements.

- |                       |                   |
|-----------------------|-------------------|
| 1. Minimum lot area:  | 8,500 square feet |
| 2. Minimum lot width: | 75 feet           |
| 3. Minimum lot depth: | 100 feet          |

E. Bulk Regulations.

- |                              |         |
|------------------------------|---------|
| 1. Maximum structure height: | 35 feet |
|------------------------------|---------|

2. Yard requirements:

- a. Minimum front yard: 25 feet on all sides abutting a street, except that on corner lots where the street right of way is at least 60 feet wide, one of the yards may be reduced to 15 feet; provided, that a driveway to a parking space must maintain a length of at least 20 feet from the front lot line.
- b. Minimum side yard:
  - (1) Dwellings permitted by Section 4-101A1: 6 feet
  - (2) All other principle uses: 10 feet
- c. Minimum rear yard: 20 feet

3. Maximum lot coverage: 35%

F. Use limitations.

- 1. No outdoor storage shall be permitted as defined by Section 2-102.

**101B R- 1B Low Density Single- Family Residential District.** This district is established for the purpose of low density single-family dwelling use and to allow certain community facilities. It is intended that no uses be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing therein. Regulations are intended to control density of population and to provide adequate open space around buildings and structures to accomplish this.

A. Permitted Uses.

1. Single-family detached dwellings and residential -design manufactured homes and group homes as defined in Section 2-102, all with a finished living area footprint of no less than 1,500 square feet.
2. Churches and similar places of worship and parish houses.
3. Golf courses, including accessory club houses, but not separate driving ranges and miniature golf courses operated for commercial purposes.
4. Public and private schools: educational buildings for primary, intermediate and secondary schools including administrative centers, transportation centers, recreation areas, spectator sports facilities and the like. All such permitted uses must be located on land which is platted according to the City Subdivision Regulations.

B. Special Uses.

1. Public buildings erected or land used by any agency of the City, or a township, county or state government not otherwise provided for in these regulations.
2. Adult care homes for more than four adults.
3. Cemeteries, private or public.
4. Zoos, private or public.

C. Conditional Uses.

1. Single-family attached dwellings with a finished living area footprint of no less than 1,500 square feet, not exceeding two.
2. Adult and child care centers and preschools.
3. Bed and breakfast homes.
4. Swimming, tennis, racquetball and similar recreational club activities and related clubhouses.
5. Public and private utility uses as follows: communication structures; electric and telephone substations; gas regulator stations; pumping stations; electrical vehicle charging stations; and water towers and standpipes. (See Section 3-103G for lot size and bulk regulations.)

D. Lot Size Requirements.

- |                       |                   |
|-----------------------|-------------------|
| 1. Minimum lot area:  | 9,000 square feet |
| 2. Minimum lot width: | 80 feet           |
| 3. Minimum lot depth: | 100 feet          |

102 R-2 Two - Family Residential District. This district is established to permit medium density two-family dwelling units with both public sewerage and water supply and to allow certain community facilities. It is not intended generally for single-family residential use, except as incidental to the area.

A. Permitted Uses.

1. Any permitted uses allowed in the R-1A and R-1B Residential Districts except residential-design manufactured homes.
2. Single-family attached, not exceeding two, and two-family dwellings.

B. Special Uses.

1. Any special uses allowed in the R-1A and R-1B Residential Districts.

C. Conditional Uses.

1. Any conditional uses allowed in the R-1A and R-1B Residential

D. Lot Size Requirements.

1. Minimum lot area:
  - a. Dwellings permitted by Section 4-102A1: 8,000 square feet.
  - b. Single-family attached and two-family dwellings: 9,000 square feet.
  - c. All other principle uses: 10,000 square feet.
2. Minimum lot width:
  - a. Dwellings permitted by Section 4-102A1: 75 feet
  - b. Two-family dwellings: 80 feet
  - c. All other principle uses: 80 feet
3. Minimum lot depth: 100 feet

E. Bulk Regulations.

1. Maximum structure height: 35 feet
2. Yard requirements:
  - a. Minimum front yard: 25 feet on all sides abutting a street except that on a corner lot where the street right of way is at least 60 feet wide, one of the front yards may be reduced to 15 feet provided, that a driveway to a parking space must maintain at least 20 feet from the front lot line.
  - b. Minimum side yard:
    - (1) Dwellings permitted by Section 4-102A1: 6 feet
    - (2) Single-family attached and two-family dwellings: 10 feet on each side, except for the common lot line of an attached dwelling\*  
(See Section 2-102 for definition of DWELLING, ATTACHED.)
    - (3) All other principle uses: 10 feet
  - c. Minimum rear yard: 20 feet
3. Maximum lot coverage: 40%

F. Use Limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.

\* See Subdivision Regulations for procedures for approval of lot splits.

103 R-3 Multiple-Family Residential District. This district is established to permit various types of low density multiple-family dwelling units with compatible community facilities and certain special and conditional uses, yet retain a basic residential quality. It is not intended generally for single-family type use, except as incidental to the area.

A. Permitted Uses.

1. Any permitted uses allowed in the R-1 Residential District except residential-design manufactured homes.
2. Single-family attached, not exceeding two, and two-family dwellings.
3. Multiple-family dwellings.
4. Adult and child care centers and preschools.
5. Boarding or rooming houses.

B. Special Uses.

1. Any special uses allowed in the R-1A and R-1B Residential Districts.
2. Funeral homes and mortuaries including live-in facilities.
3. Group homes permitted by the definition in Section 2-102.
4. Hospitals; medical, dental and health clinics; and professional medical offices.
5. Multiple dwelling units for the elderly and handicapped whereby density and parking requirements may be varied from the standards otherwise required by these regulations.
6. Nonprofit institutions for educational, philanthropic or charitable purposes, but not mental or penal institutions.
7. Nursing and convalescent homes, retirement centers and assisted living facilities.
8. Rehabilitation houses and residential centers.

C. Conditional Uses.

1. Bed and breakfast homes.
2. Swimming, tennis, racquetball and similar recreational club activities and related clubhouses.
3. Public and private utility usage as follows: communication structures; electric and telephone substations; gas regulator stations; pumping stations; electrical vehicle charging stations; and water towers and standpipes. (See Section 3-103G for lot size and bulk regulations.

D. Lot Size Requirements.

1. Minimum lot area:
  - a. Dwellings permitted by Section 4-103A1: 7,000 square feet
  - b. Single-family attached and two-family dwellings: 9,000 square feet
  - c. Multiple-family attached dwelling units: 3,000 square feet per dwelling unit, but no zoning lot shall be less than 10,000 square feet.
  - d. All other principle uses: 10,000 square feet
2. Minimum lot width:
  - a. Dwellings permitted by Section 4-103A1: 65 feet
  - b. Two-family dwellings: 80 feet
  - c. Multiple-family dwellings: 90 feet
  - d. All other principle uses: 90 feet
3. Minimum lot depth: 90 feet

E. Bulk Regulations.

1. Maximum structure height: 35 feet
2. Yard requirements:
  - a. Minimum front yard: 20 feet on all sides abutting a street, except that on corner lots where the street right of way is at least 60 feet wide, one of the yards may be reduced to 15 feet; provided, that a driveway to a parking space must maintain at least 20 feet from the lot line.
  - b. Minimum side yard:
    - (1) Dwellings permitted by Section 4-103A1: 6 feet
    - (2) Single-family attached and two-family dwellings: 8 feet on each side, except for the common lot line of an attached dwelling.\* (See Section 2-102 for definition of DWELLING, ATTACHED.)
    - (3) Multiple-family dwellings: 6 feet
    - (4) All other principle uses: 8 feet
  - c. Minimum rear yard: 20 feet
3. Maximum lot coverage: 45%

F. Use limitations.

1. No outdoor storage shall be permitted as defined by Section 2-102.

104 C-1 Central Business District. This district is established to group retail merchandising and certain nonretail activities into a concentrated area serving the general shopping needs of the City and its trade area. The grouping of related activities which are compatible is intended to strengthen the Central Business District.

A. Permitted Uses.

1. Bakeries, including retail and wholesale sales.
2. Business and professional offices and financial institutions, including drive-up windows and drive-through facilities.
3. Dwelling units constructed in conjunction with and above the first floor of business establishments.
4. Laundries and dry cleaning establishments, including self-service.
5. Newspaper, publishing and printing firms.
6. Parking lots or parking garages.
7. Restaurants, but not drive-ins.
8. Retail businesses. (See Section 2-102 for definition of RETAIL BUSINESS.)
9. Second-hand stores.
10. Service businesses such as repairing watches, jewelry, shoes, office machines and appliances; dress making and tailor shops; barber and beauty shops; locksmiths; and the like as well as personal services such as physical fitness and tanning salons.
11. Studios: art, music, dance, photographic and radio broadcasting.

B. Special Uses.

1. Public buildings erected or land used by any agency of the City, or a township, county or state government not otherwise provided for in these regulations.
2. Assembly places both private and public including fraternal and service clubs and senior citizen centers.
3. Churches and similar places of worship.
4. Clubs and taverns.
5. Sexually oriented businesses as defined by City ordinances for which the premises is located at least 200 feet from any public or private school, college or church property. If such school, college or church property is established after such a business is properly approved to operate, the premises shall remain eligible for approving such a business. (See Section 2-102 for definition of PREMISES and relevant City ordinances.)
6. Other special uses not specifically listed as a permitted, special or conditional use, but which are in keeping with the intent of Section 4-104 and compatible with the uses permitted in Section 4-104A.

C. Conditional Uses.

1. Auction houses.
2. Automobile service stations, sale of gasoline at convenience stores and car washes.
3. Commercial recreational activities and amusements centers, indoor only. (See Section 2-102 for definition of AMUSEMENT CENTER.)
4. Storage of goods and equipment not otherwise related to a principal use of the premises.

D. Lot Size requirements.

- |                       |         |
|-----------------------|---------|
| 1. Minimum lot area:  | None    |
| 2. Minimum lot width: | 20 feet |
| 3. Minimum lot depth: | 50 feet |

E. Bulk Regulations.

- |                              |         |
|------------------------------|---------|
| 1. Maximum structure height: | 45 feet |
|------------------------------|---------|
2. Yard requirements:
- a. Minimum front yard: None
  - b. Minimum side yard: None, but if there is one provided, it shall not be less than 5 feet.
  - c. Minimum rear yard: None, but if there is one provided, it shall not be less than 5 feet.
3. Maximum lot coverage: A building, structure or use may occupy all that portion of the lot not otherwise required for the yard regulations.

- F. Use Limitations. All business, servicing, storage and display of goods; except for small recycling collection centers and parking lots, shall be conducted within completely enclosed structures, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or other conditional use.

105 C-2 General Business District. This district is established to provide for retail businesses and for service establishments not generally in the Central Business District because of their need for space, the particular nature of their operations and their accessibility to the motoring public. Off-street parking is required and also screening in order to reduce possible adverse environmental effects on adjacent residential properties.

A. Permitted Uses.

1. Animal hospitals and clinics including outdoor facilities when permitted. (See Section 4-105F3 for outdoor facilities.)
2. Auction houses.
3. Automobile service stations and truck stops.
4. Automobile, truck, recreational vehicles, trailers and motorcycle salesrooms and services. (See Section 4-105C4 for repair garages and paint booths and Section 4-105C7 for outside sales lots.)
5. Bakeries, including retail and wholesale sales.
6. Business and professional office and financial institutions, including drive-up windows and drive-through facilities.
7. Car washes.
8. Golf courses, including accessory club houses, separate driving ranges and miniature golf courses operated for commercial purposes.
9. Hotel, motel and bed and breakfast inns.
10. Laundries and dry cleaning establishments, including self-service.
11. Liquor stores.
12. Rental centers including video, appliances, furniture, tools and construction equipment. (See Section 4-105F3 for outside storage.)
13. Restaurants, including drive-in establishments.
14. Retail businesses. (See Section 2-102 for definition of RETAIL BUSINESS.)
15. Service businesses such as repairing watches, jewelry, shoes, office machines and appliances; dress making and tailor shops; barber and beauty shops; locksmiths; and the like, as well as personal services such as physical fitness and tanning salons.

B. Special Uses.

1. Public buildings erected or land used by any agency of the City, or a township, county or state government.
2. Assembly places both private and public including fraternal and service clubs.
3. Camp grounds.
4. Sport center, privately operated.
5. Other uses not specifically listed above as a permitted. special or conditional use, but which are in keeping with the intent of Section 4-105 and compatible with the uses permitted in Section 4-105A.

C. Conditional Uses.

1. Amusement centers and dance halls.
2. Commercial recreational activities both indoor and outdoor.
3. Contracting shops for plumbing, electrical, heating and air conditioning, wood working and the like with outside storage when permitted. (See Section 4-105F3 for outside operations and storage.)

4. Garages, repair or paint booths. (See Section 2-102 for definition of GARAGE, REPAIR)
5. Large recycling collection centers. (See Section 2-102 for definition)
6. Mini-storage facilities for inside and outside rental storage only.
7. New and used outdoor sales lots including the sale of automobiles, vans, small trucks, recreational vehicles, and motorcycles.
8. Utility substations and water towers.

D. Lot Size Requirements.

- |                       |                   |
|-----------------------|-------------------|
| 1. Minimum lot area:  | 7,000 square feet |
| 2. Minimum lot width: | 70 feet           |
| 3. Minimum lot depth: | 100 feet          |

E. Bulks Regulations.

- |   |   |
|---|---|
| 1. Maximum structure height:  | 62.5 feet.                              |
| 2. Yard requirements:   |   |
| a. Minimum front yard:  | 35 feet on all sides abutting a street. |
| b. Minimum side yard:   | 5 feet.                                 |
| c. Minimum rear yard:   | 20 feet.                                |
| 3. Maximum lot coverage: A building, structure or use may occupy all that portion of the zoning lot not otherwise required for off• street parking or the yard regulations. |   |

F. Use Limitations.

1. No building shall be used for residential purposes except an existing residence which is a legal, nonconforming use.
2. Exterior lighting fixtures shall be shaded so as to limit direct light from being cast upon any property located in a residential district.
3. All business, servicing, storage and display of goods; except for the operation of car washes, the sale of self-service gasoline and the operation of automobile service stations and truck stops, shall be conducted within completely enclosed structures or screened from public view, unless approved as a conditional use by the Board of Zoning Appeals or as part of an application for a special or conditional use.

106 I-1 Industrial District. This district is designed for light industrial uses which do not require large amounts of land: generate modest amounts of traffic: are consistent with the capacity and availability of public and private services: create limited environmental problems in the way of, odor, smoke, dust, glare, vibration or sounds: and do not permit the intermixing of residential uses.

A. Permitted Uses.

1. Agricultural feed, grain and fertilizer mixing, storage and sales.
2. Agricultural equipment sales, repairs and storage.
3. Assembly, manufacture or repair of electrical and mechanical appliances, instruments and the like.
4. Automobile, truck and recreational vehicle sales, storage, repairs and washing facility.
5. Building material production, storage and sales including manufactured housing and lumberyards.
6. Clothing and textile manufacturers.
7. Construction equipment distribution, repair, storage and sales.
8. Construction contractor's offices, including equipment and storage area.
9. Food manufacture, distribution and storage and frozen food lockers.
10. Furniture manufacture and repair.
11. Garages, repair including paint booths. (See Section 2-102 for definition of GARAGE, REPAIR.)
12. Garden stores, greenhouses and hydroponic farming.
13. Golf courses, including accessory club houses, separate driving ranges and miniature golf courses operated for commercial purposes.
14. Laundry, dry cleaning and dyeing works.
15. Machinery sales, repairs and storage.
16. Manufactured products such as: bags, brooms, concrete products, jewelry, paper goods, pharmaceutical products, plastics, sporting and office equipment, and the like.
17. Metal fabrication, assembly and welding.
18. Printing and publishing companies.
19. Rental centers.
20. Sale lots for new and used automobiles, vans, trucks and recreational vehicles.
21. Sign shops and service.
22. Transportation firms including vehicle storage areas and truck stops.
23. Utility substations and water towers.
24. Wholesale businesses and storage warehouses and mini-storage facilities, including indoor and outdoor storage.

B. Uses Not Permitted.

1. Acid manufacture.
2. Cement, lime, gypsum or plaster of paris manufacture.
3. Creosote or tar treatment.
4. Distillation of bones.
5. Public and private schools: any educational buildings for primary, intermediate and secondary schools including administrative centers and special education, transportation centers, recreation areas, spectator sports facilities and the like.
6. Explosives manufacture or storage, including fireworks.

7. Fat rendering.
8. Fertilizer manufacture.
9. Garbage, offal or dead animal incineration or reduction.
10. Glue or soap manufacture.
11. Petroleum processing and refining.
12. Primary smelting of base metals from ore.
13. Stockyards or slaughterhouses.
14. Tanning, curing or storage of rawhides or skins.

C. Special Uses.

1. Public buildings erected or land used by any agency of the City, or a township, county or state government not otherwise provided for in these regulations.
2. Asphalt and concrete mixing plants.
3. Bulk storage for retail or wholesale distribution and not used as an accessory part of a normal manufacturing process of such items as anhydrous ammonia and other products which may be considered as highly explosive, combustible or of a volatile nature.
4. Recycling processing centers. (See Section 2-102 for definition.)
5. Salvage yards. (See Section 2-102 for definition.)
6. Public and private hazardous waste facilities. (See Section 2-102 for definition.)
7. Other uses not specifically listed as a permitted, special or other conditional use, but which are in keeping with the intent of Section 4-106 and compatible with the uses permitted in Section 4-106A. Such other uses may also include retail and service businesses which provide a particular direct service to the industrial uses or serve as a convenience to the employees thereof.

D. Conditional Use.

1. Dog kennels, including outside runs.
2. Large recycling collection centers. (See Section 2-102 for definition.)

E. Lot Size Requirements.

1. Minimum lot area: 10,000 square feet.
2. Minimum lot width: 80 feet.
3. Minimum lot depth: 100 feet.

F. Bulk Regulations.

1. Maximum structure height: 62.5 feet exclusive of grain elevators.
2. Yard requirements:
  - a. Minimum front yard: 35 feet on all sides abutting a street
  - b. Minimum side yard: 10 feet
  - c. Minimum rear yard: 20 feet
3. Maximum lot coverage: 75%

G. Use Limitations.

1. No building shall be used for residential purposes except an existing residence which is a legal, nonconforming use.

2. Outdoor operations, display and storage is permitted which is related activity to the principal use; except that only parking and display areas for new products only are permitted in the minimum front yard setback.
3. There shall be no emission of dust, noise, odor or vibration which shall be detectable as a nuisance beyond the lot line.

**Planned Unit Development District Adopted December 18, 2017, Ordinance 803.**

107 Planned Unit Development District (PUD). This district is established to permit greater flexibility, and more creative and imaginative design for developments than generally is possible under conventional zoning regulations by establishing planned unit development districts which are in general harmony with the purpose and intent of the Zoning Regulations and with the Comprehensive Plan of the City, but in which permitted uses, densities, open space requirements and other elements may vary from those applicable in any other districts established in the Regulations. It is the purpose of this Article to:

1. Promote flexibility in design and permit planned diversification in the location of structures.
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities.
3. Conserve the value of land by relating the type, design and layout of development to the site and its natural features.
4. Provide for more usable and suitably located recreation facilities and common open space than would otherwise be provided under conventional land development procedures.
5. Provide maximum choice in the types of environment and living units available to the public.

A. Definitions. The following definitions shall apply and be used whenever these terms appear in this Article:

1. Homeowners' Association: A non-profit organization of homeowners in which each lot owner in the planned unit development is a member and in which each lot is subject to a charge for a proportionate share of the expenses of the organization's activities, such as maintaining required open space.
2. Planned Unit Development: An area to be developed as a single entity according to an approved plan, containing residential uses and/or nonresidential uses as specified in this Article.
3. Screening: Fencing or evergreen vegetation as may be required and approved by the Planning Commission in the Final Development Plan, and maintained for concealing from view the area behind such fences or evergreen vegetation. When fencing is used for screening, it shall be not less than six nor more than eight feet high, unless otherwise provided for by the Planning Commission.
4. Net Acre: The total land area of the PUD exclusive of all-private roads and/or public street rights-of-way.
5. Usable Open Space: A generally unobstructed parcel or area of land set aside, dedicated, or reserved for the use and enjoyment of owners and occupants of land within the planned unit development district for recreational or open space activities and uses. Such area shall not be devoted to private roadways, off-street parking or loading, or buildings and structures, except those incidental to the recreational or open space.

B. Permitted Uses.

1. Because the district is designed to provide for the greatest amount of flexibility in the mixing of compatible uses and the location and type of structures for those uses, while setting aside perpetual common use open space and facilities for owners, occupants and customers in the district, the applicant may propose any mixture of land uses, including accessory and temporary uses.
2. Residential Planned Unit Development: All residential uses including detached, semi-detached, attached or multi-storied structures in any arrangement or combination thereof, plus non-residential service-oriented uses of a religious, cultural, recreational and business character that are primarily designed and intended to serve the residents of the residential planned unit development.
3. General Planned Unit Development: Business and industrial structures and uses exclusively or in combination with residential uses in a unified plan.

C. Applicability of Provisions. Any person proposing to develop or redevelop property within the corporate limits of the City of Goddard pursuant to a Planned Unit Development (PUD) shall first submit for approval a preliminary PUD to the City of Goddard Planning Commission/BZA. Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of these regulations or the Subdivision Regulations, the provisions of this Article shall prevail for the development of land in Planned Unit Developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in these regulations.

D. Procedure for Designation of a Planned Development District.

1. Preliminary Conference: Any owner or developer proposing to develop a planned unit development pursuant to this Article is strongly urged to confer with the Director of Community Development before submitting an application for rezoning to a PUD District. The preliminary conference will enable City staff to review the proposed development in sketch form and to explain the requirements and procedures of this Article to the owner or developer. The sketch plan should show the location of the proposed development, approximate building sizes and locations, vehicular access drives, location of existing utilities, surrounding right-of-way, pavements, and property lines. The development should take into account the character of the area in which the development will be located and assure that proposed structures, signs and other improvements are compatible to both the proposed site and surrounding neighborhood.
2. Application and Preliminary Development Plan: Application for rezoning to PUD shall be filed in the office of the Director of Community Development in accordance with Section 13.1 of the City of Goddard's Zoning Regulations. In addition to the requirements of Section 13.1, the applicant shall submit fifteen (15) copies of a Preliminary Development Plan which shall contain all information required for a preliminary plat in the Subdivision Regulations in addition to the following items:
  - a. Written Statement: A written statement containing a general description of the project including ownership, number of phases for development, if more than one, the proposed commencement date and estimated completion date of each, the area

of each phase, number of buildings, number of units and the number of bedrooms in each unit. Developer must also submit information demonstrating that the development will not impose an undue burden on public services and facilities.

- b. Survey: A survey by a registered land surveyor showing thereon the exact net area of the site and of each phase, if more than one phase.
- c. Site Plan: An accurate scale map of the proposed development at a scale of not less than 1" = 100' showing the following where applicable.
  - (1) Topography at two-foot intervals.
  - (2) All existing right-of-way easements, pavements, structures, utilities, drainage facilities, lot lines and natural features such as wooded areas, streams, ponds or marshes.
  - (3) Proposed lot, blocks, easements and public street right-of-way if required.
  - (4) Locations and approximate dimensions of all proposed structures and including on the drawing the locations of all buildings within 100 feet of the property.
  - (5) Locations and identifications of all recreational facilities.
  - (6) Locations and dimensions of all proposed roadways, drives, walks and parking lots.
  - (7) Generalized locations for areas to be landscaped and the nature of plantings.
  - (8) A statement of the residential density (when applicable), the proposed total gross floor area, the percentage of the development which is to be occupied by structures, and the number of acres to be devoted to each use.
  - (9) A statement showing the relationship of the planned unit development to the City's Comprehensive Plan.
- d. Ownership Information: Evidence that the entire tract or parcel of land to be occupied by the planned unit development is held in a single ownership, if there are two or more owners that the application for a PUD is filed jointly by all owners, and evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
- e. Common Open Space: When a planned unit development includes provisions for common open space or recreational facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities shall be made.
- f. Covenants: The substance of any covenants, easements, or other restrictions that will be imposed upon the use of land, buildings or structures or that are to be recorded with respect to property, shall be made a part of the planned unit development district.
- g. Other: Additional drawings or information may be required to insure the purpose of this section is met or to facilitate review of plans involving extraordinary sites.

- h. Partial Submittal: To facilitate and promote proper long-range planning, the City Council may, upon recommendation of the Planning Commission, waive the requirement that any or all of the items listed in the foregoing subsections be included in the Preliminary Development Plans, except 2.a, b, c(1) and c(2).
- E. Review Procedure. Applications for a Planned Unit Development shall involve Planning Commission review and approval of a request for a zoning amendment, and both a Preliminary Development Plan and a Final Development Plan. A Preliminary or Final Residential PUD application shall be processed in the same manner as a rezoning amendment. Written notice to property owners and advertisement of a Public Hearing before the Planning Commission, as required by Section 13.1 of these regulations, shall be provided for the Planning Commission's review of a Preliminary Residential PUD application. As is the case for any rezoning case, final approval or denial of an application to establish a PUD District rests with the Governing Body. The same requirements and provisions for filing of protest petitions, as is required for any other rezoning case, also apply to an application to establish a Planned Unit Development (PUD) District.
- F. Preliminary PUD Application. A completed application for Preliminary PUD approval shall be submitted to the Director of Community Development, or designated agent, in a form established by the Director. The completed application shall be accompanied by a certified ownership list, a Preliminary PUD Site Development Plan, number of phases for the development and a non-refundable filing fee, as established by the Governing Body of the City of Goddard, Kansas, to help defray the cost of processing the PUD application. The applicant also must submit information demonstrating the development will not impose an undue burden on public services and facilities. Upon receipt of a complete application for the establishment of a Planned Unit Development District, the Director of Community Development shall review the Preliminary Development Plan, and shall proceed with the publishing of a public notice for a public hearing before the Planning Board as prescribed in Article 13. An incomplete application shall be returned to the applicant along with a statement describing information that must be provided prior to publication.
- G. At the advertised Public Hearing for the Planning Commission's review of the Preliminary PUD application, the Commission shall review the request for the PUD District and make a report to the Governing Body, accompanied by a summary of the hearing, that shall contain statements as to (1) the present and proposed district classifications or description of the special use, (2) the applicant's reasons for requesting such reclassification or special use, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following criteria as guidelines:
  - 1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood?
  - 2. What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the request?
  - 3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?
  - 4. Would the request correct an error in the application of these regulations?

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?
6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?
7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, and access control or building setback lines?
8. Would a screening plan be necessary for existing and/or potential uses of the subject property?
9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?
10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?
11. Is the subject property suitable for the uses in the current zoning to which it has been restricted?
12. To what extent would the removal of the restrictions, i.e. the approval of the zoning request detrimentally affects other property in the neighborhood?
13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?
14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
15. What is the nature of the support or opposition to the request?
16. Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?
17. By comparison, does the relative gain to the public health, safety or general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

Of those factors considered as relevant to the requested change in zoning district classification or boundary or special use, not all factors need to be given equal consideration by the Commission in deciding upon its recommendation.

- H. Preliminary Development Plan. The Planning Commission also shall review the Preliminary Development Plan to determine if it demonstrates satisfactory quality of design in the individual buildings and in its site, the appropriateness of the building or buildings to the intended use and the aesthetic appropriateness of the development to its surroundings. During the Preliminary Development Plan review, the Planning Commission may, as a condition of approval, require changes to be depicted on the Development Plan and/or its accompanying written provisions. Whether the Planning Commission recommends denial or

disapproval of a Preliminary Development Plan, the Preliminary PUD application shall be forwarded to the Governing Body for consideration. The Preliminary Development Plan shall comply with the requirements of Section 12.118 of the City of Goddard's Zoning Regulations. In addition, the Preliminary Development Plan shall contain:

1. Existing uses, activities and influences on the site and adjacent properties, within one hundred (100) feet:
2. Any buildings which exist or are proposed. One (1) and two (2) family residential buildings may be shown in approximate location and general size and shape. Indicate the status of structures on the site (i.e., vacant, to be removed; good condition, interior remodel only; new, as is; etc.). Indicate the style, type and construction materials of buildings on adjoining properties (i.e., two-story, brown brick ranch residence; 20-foot tall tinted concrete panel industrial building; etc.)
3. Existing and proposed finished grades or contours at two (2) foot intervals. Identify any land areas within the one hundred 100-year floodplain. Existing streams, drainage channels and other bodies of water and all existing and proposed slopes in excess of six (6) percent.
4. Location, massing and pattern of existing vegetation. Indicate proposed on-site preservation, methods and procedures.
5. Existing zoning and land use of site and surrounding properties.
6. Proposed development of the site including:
  - a. Proposed location of buildings and other structures, parking areas, driveways, walks, noise generation sources and site view (refrigeration units, mechanical equipment, loading docks, etc.) screening, drainage control, landscaping and proposed utility connection layouts for water and sewer. Sufficient dimensions to indicate setbacks, relationship between buildings, property lines, intersections, easements, parking areas and other elements of the plan. If applicable, indicate focal points, site amenities, views within and vistas from the site which are to be emphasized.
  - b. Building elevations depicting the architectural style, size, exterior construction materials and colors of the proposed buildings. Where several building types are proposed, such as one and two unit dwellings, apartments and commercial buildings, a separate sketch shall be prepared for each type. If an architectural theme is planned, elaborate on the intent and extent of the scheme and provide details, focal points, etc., (i.e., material justification, period lighting, and pavement patterns). Elevations shall be drawn to a standard architectural scale and dimensions provided to determine relationship between various elements, building height, proportion, adequate screening of mechanical equipment, etc.
  - c. A schedule shall be included indicating total floor area, dwelling units, other buildings, land area, parking spaces, land use intensity and all other quantities relative to the submitted plan that are required to determine compliance with this ordinance.
  - d. General extent and character of all proposed landscaping noting common and botanical names and planting size. Site plans submitted for a plan review, special use

permit or final plat shall submit a complete landscaping plan pursuant to requirements of the City.

7. Other relevant information including:
  - a. A vicinity map indicating the location of the property within the City.
  - b. Name and address of the architect, landscape architect, Planner, engineer, surveyor, or other person involved in the preparation of the plan.
  - c. Date of preparation of the plan.
  - d. All studies as may reasonably be required by the City.
- I. Preliminary Development Plan Review. In reviewing the Preliminary Development Plan the Planning Commission shall consider the following:
  1. Whether the site is can accommodate the building(s), parking areas and drives with appropriate open space.
  2. Whether the plan is consistent with good land planning, good site engineering design principles, and good landscape architectural principles.
  3. An appropriate use of quality materials.
  4. The harmony and proportion of the overall design.
  5. The architectural style should be appropriate for the project in question and compatible with the overall character of the neighborhood.
  6. The site of the structure(s) on the property, as compared to the site of other structures in the immediate neighborhood.
  7. The bulk, height and color of the proposed structure(s) as compared to the bulk, height and color of other structures in the immediate neighborhood.
  8. Landscaping shall be required on the site and shall be in keeping with the character or design of the site. Existing trees shall be preserved wherever possible.
  9. Ingress, egress, internal traffic circulation, off-street parking facilities and pedestrian ways shall be so designed as to promote safety and convenience and shall conform to approved City standards.
  10. The plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Official Street Map and other adopted planning documents and policies.
- J. Governing Body Consideration.
  1. Following the public hearing and consideration of the zoning request and preliminary PUD plan by the Planning Commission, a recommendation as to the zoning and Preliminary Development Plan shall be forwarded to the Governing Body.
  2. Approval of the PUD zoning and Preliminary Development Plan by the Governing Body shall constitute permission to file a Final Development Plan and Drainage Plan with the

City. Amendment of the zoning shall not be officially recorded until the Final Development Plan and Plat have been approved by the Planning Commission, and the Drainage Plan has been approved by the City Engineer.

- K. Final Development Plan. Before the issuance of any building permit or before any development commences, the applicant shall submit and have approved a Final Development Plan. The Final Development Plan shall be drawn at the same scale as the Preliminary Development Plan. Fifteen (15) copies of the Final Development Plan shall be submitted to the City. The Final Development Plan shall comply with the requirements of Section 12.120 of the City of Goddard's Zoning Regulations, and in addition shall contain the following:
1. All information relevant to the proposed development including:
    - a. All existing and proposed adjacent public street rights-of-way with centerline location and surface type, condition and width. Location, size and radii of all existing and proposed median breaks and turning lanes. All existing and proposed drive locations, widths, curb cuts and radii.
    - b. Location of all required building and parking setbacks.
    - c. Location, dimensions, number of stories, and gross floor area in square feet of all proposed buildings.
    - d. Final drainage design. Limits, location, size and material to be used in all proposed drainage basins and retaining walls.
    - e. Building elevations including the following:
      - (1) Elevations of all sides of proposed buildings including notation indicating building materials to be used on exteriors and roofs.
      - (2) Size, location, color and materials of all signs to be attached to building exteriors.
      - (3) Location, size and materials to be used in all screening of rooftop mechanical equipment.
    - f. Landscaping and screening plans as required by the City.
    - g. Location, height, candle power and type of outside lighting fixtures for buildings and parking lots.
    - h. Location, size, type of material and message of all proposed monument or detached signs.
  2. The following shall be submitted in support of the application for Final Development Plan approval:
    - a. Deeds of dedication for all rights-of-way or easements required per the Preliminary Development Plan approval.
    - b. A copy of all covenants and restrictions applicable to the development, if required by the terms of the Preliminary Development Plan.
    - c. Evidence of the establishment of the agency for the ownership and maintenance of any common open space and all assurances of the financial and administrative ability

of such agency required pursuant to approval of the Preliminary Development Plan, if required by the terms of the approved Preliminary Development Plan.

- d. Evidence of satisfaction of any stipulations of the Preliminary Development Plan approval which were conditions precedent to consideration of the Final Development Plan.
- e. Evidence of platting consistence with the PUD.
- f. If it is proposed that any open space or recreational facility is to be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and bylaws of such entity shall be made a part of the planned unit development district and submitted to the Planning Commission for approval.
- g. A certificate that specifies that a Planned Unit Development (PUD) District has been approved for the subject property. Such certificate shall be filed of record and shall contain the following:
  - (1) A legal description of the property.
  - (2) A statement that copies of the PUD Development Plan and its written provisions are on file with the City of Goddard.
  - (3) A statement that development restrictions imposed by the PUD District and the responsibility for continuing maintenance and compliance with the PUD Development Plan and its written provisions shall be binding upon all successors and assigns, unless the PUD District is amended in conformance with the procedures set forth by these regulations.

L. Approval of the Final Development Plan. The Planning Commission may not deny approval of the Final Development Plan if it is in substantial compliance with the Preliminary Development Plan. The Final Development Plan shall be deemed to be in substantial compliance with the Preliminary Development Plan as approved, provided that the Final Development Plan does not:

- 1. Vary the proposed gross residential density or intensity of use by more than five percent (5%) or involve the reduction in the area set aside for common open space, nor the substantial relocation of such area.
- 2. Increase by more than ten percent (10%) the floor area proposed for non-residential use.
- 3. Increase by more than five percent (5%) the total ground area covered by buildings, nor involve a substantial change in the height or location or buildings and/or other major elements of the plan.

M. Recording the Final Development Plan.

- 1. Within thirty (30) days following approval of a Final Development Plan, there shall be filed with the Register of Deeds of Sedgwick County a statement that a plan for the area has been approved. The statement shall contain the following information:
  - a. A legal description of the property.
  - b. A statement that copies of the plan are on file with the City of Goddard.

- c. A statement as to the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of land of the existence of such a plan.
  - d. A statement that the development restrictions imposed by the PUD District and the responsibility for continuing maintenance and compliance with the PUD Development Plan and its written provisions shall be binding upon all successors and assigns, unless the PUD District is amended in conformance with the procedures set forth by the City of Goddard.
2. Within forty-five (45) days following approval of the final PUD plan, the landowner shall furnish a copy of the proof of filing. The statement shall be recorded in accordance with the forms and procedures established by the City and shall contain the following information:
- a. A legal description of the property.
  - b. A statement that the development restrictions imposed by the PUD District and the responsibility for continuing maintenance and compliance with the PUD Development Plan and its written provisions shall be binding upon all successors and assigns, unless the PUD District is amended in conformance with the procedures set forth by the City of Goddard.
- N. Abandonment of Final PUD Plan. In the event a Development Plan or a section thereof is given final approval and thereafter the landowner abandons said plan or section thereof, the landowner shall notify the City in writing, or in the event the landowner fails to commence the planned development within two (2) years after final approval has been granted, then, in either event, such final approval shall terminate and shall be deemed null and void. Whenever a final plan or section thereof has been abandoned as provided in this section, no development shall take place on the property until a new Final Development Plan has been approved and filed with the City.
- O. Appeals of any party aggrieved by a decision of the Community Development Director shall be undertaken as provided in section 106 of this Zoning Code. Any appeal from a final decision by the Planning Commission, or the City governing body shall be taken as provided in K.S.A. 12-759 and K.S.A. 12-760, respectively.
- P. The provisions of this Ordinance shall be subject to the enforcement powers provided in sections 102 and 103 of this Zoning Code.

## ARTICLE 5. OFF-STREET PARKING AND LOADING

100 Off-Street Parking. In any applicable zoning district all structures built and all uses established hereafter shall provide accessory off-street parking in accordance with the following regulations. When an existing structure or use is expanded, accessory off-street parking shall be provided in accordance with the following regulations for the area or capacity of such expansion. Plans showing the layout and design of all off-street parking spaces and loading areas must be submitted and approved by the Zoning Administrator before a zoning permit is issued for such spaces or areas.

### A. General Provisions.

1. Utilization: Accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such uses. Such parking facilities or any vacant lot shall not be used to display or store motor vehicles including recreational vehicles and utility trailers for sale other than where permitted specifically in a district. Such provision shall not prevent the display of a small temporary for sale sign not exceeding two square feet in size on a personal vehicle when parked periodically on a driveway or an identifiable parking area on a zoning lot of a residence or a business location. (See Section 2-102 for definition of OUTDOOR STORAGE.)
2. Parking space dimension: An off-street parking space shall be at least eight feet six inches in width and at least 19 feet in length, exclusive of access drives or aisles, ramps or columns, unless special parking is designated for variable sizes of vehicles.
3. Access: Each off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. No parking space shall be designed to exit or back directly onto a public street or use the public right of way for parking space, unless specifically approved by the Governing Body. Such arrangements are to be discouraged, except in unusual circumstances wherein the traffic safety of the public can still be protected.
4. Open and enclosed parking: Off-street parking spaces open to the sky may be located in any yard, except that in residential districts no such spaces shall be located in a front yard setback other than for single and two-family dwellings and manufactured/mobile homes not in parks. Principal buildings with private garages, carports and canopies integrated into or attached to the buildings which contain or shelter off-street parking spaces shall be subject to the yard setback requirements applicable in the district wherein the buildings are located. Detached garages and carports which contain or shelter off-street parking spaces shall be subject to the provisions of the accessory uses contained in Section 6-100 and, in particular, the bulk regulations of Section 6-100C.
5. Design and Maintenance:
  - a. Design: Off-street parking spaces shall comply with such design standards relating to curb cuts and curb length, stall depth, driveway width, island width, barriers, and the location of ingress and egress as may be established from time to time by the City. Off-street parking spaces may be open to the sky or enclosed in a building or structure. Parking on driveways for single and two-family dwellings and all types of manufactured and mobile homes is considered to be permitted temporary parking and required parking spaces on such lots are not to be in the front yard setback. All parking spaces must be in an identifiable

area where all spaces are contained thereon. (See Section 5-100A5c for screening.)

- b. Surfacing: All open off-street parking spaces, whether required spaces or not, and driveways shall be graded and paved with an asphalt, asphaltic concrete, concrete or other comparable hard-surfaced, all weather, dustless & trackless material which shall be maintained in good condition. Where the driveway of a residential lot exits to an unpaved street or alley such driveway may be surfaced with gravel until such time as the street or alley may be paved. Driveways, parking spaces and display areas for all open sales or rental lots for motor vehicles, trailers, recreational vehicles and manufactured and mobile homes shall be paved.
- c. Screening: Screening for parking spaces and loading areas is incorporated into the general screening and landscaping provisions of Section 3-104.
- d. Lighting: Any lighting used to illuminate off-street parking spaces shall be shaded so that direct light is not cast upon property located in a residential district and so that glare is not a problem to traffic on any public street.
- e. Repair and service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking spaces or structures except as incidental repairs to a personal vehicle. (See Section 2-102 for definition of SALVAGE YARD.)
- f. Computation: When determination of the number of off-street parking spaces required by these regulations results in a requirement of a fractional space the fraction of one-half or less may be disregarded and a fraction in excess of one-half shall be counted as one parking space.
- g. Collective provisions: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use; provided that wherever there is a common plan of parking for land in single ownership that the amount of required parking shall consider the joint use of such space whenever large places of assembly are present which vary in their times of use and season of the year to the end that all parking is contained on the site or on accessory parking lots except for infrequent periods of peak use. The off-street parking spaces required by Section 5-101 may be increased; however, where it is anticipated that peak parking periods will be a consistently reoccurring problem. All regulations must be adhered to which cover the location of accessory parking spaces in relation to the use served.
- h. Location: All parking spaces required to serve structures or uses shall be located on the same zoning lot as the structure or use served unless a conditional use permit is obtained under Section 5-102.
- i. Employee parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- j. Handicapped parking: Parking spaces according to the number of spaces and their designated signage shall be provided for persons with a disability in conformance to the standards of the Federal Americans with Disabilities Act of 1990 as incorporated into state statutes. (See K.S.A. 58-1311 and 42 USCA 12101 et seq.)

6. Plans and approval required: Plans showing the layout and design of all off-street parking spaces, whether required spaces or not, including driveway and loading areas shall be submitted to and approved by the Zoning Administrator prior to issuance of a zoning permit for the parking layout itself or as part of an application for a larger related project. Before approving any parking layout the Administrator shall determine that the spaces provided are usable and meet City design standards as well as all parking requirements of these regulations. Parking spaces shall be clearly indicated or otherwise marked to designate the individual spaces. (See Section 5-100A 1-5 for design standards.)

101 Required Parking Spaces. Off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows, except no such spaces shall be required in the C-1 Central Business District unless for dwelling units permitted in conjunction with business uses:

A. Dwelling and Lodging Uses.

1. Single and two-family dwellings, residential-designed manufactured homes and manufactured and mobile homes: At least two parking space for each dwelling unit.
2. Multiple-family dwellings: At least one and one-half parking spaces per unit, except in housing for the elderly, one space per two units.
3. Boarding or rooming houses: One parking space for each boarder or roomer.
4. Dormitories, fraternities, sororities and similar lodging facilities: At least two parking spaces for each three occupants.
5. Hotels, motels and bed and breakfast homes and inns: One parking space for each rental unit, plus such additional spaces as required for restaurants, assembly rooms and affiliated facilities.

B. Business and Industrial Uses.

1. Automobile service stations: One parking space for each employee. plus two spaces for each service bay.
2. Automobile, truck, trailer and manufactured/mobile home sales and rental lots: One parking space for each 3, 000 square feet of open sales lot area devoted to the sale, display and rental of such vehicles, plus one parking space for each service bay and employee.
3. Business and professional offices: One parking space for each 300 square feet of floor area, not including meeting rooms.
4. Bowling alleys: Four parking spaces for each lane.
5. Cartage, express, parcel delivery and freight terminal establishments: One parking space for each two employees.
6. Car washes: Two holding spaces for each car washing stall, plus one drying space for each car washing stall.
7. Funeral homes and mortuaries: One parking space for each four seats based upon the designed maximum capacity of the parlor, plus one additional parking space for each employee and each vehicle maintained on the property.
8. Furniture or appliance stores and service or repair shops: One parking space for each 400 square feet of floor area.
9. Manufacturing, production, processing, assembly, disassembly, cleaning, servicing, testing, or repairing of goods, materials or products: One parking space per two employees.
10. Medical and dental clinics or offices: One and one-half parking spaces for each examining or treatment room, plus one for each doctor and employee.

11. Restaurants, clubs and taverns: One parking space for each 2.5 seats based on the maximum designed seating capacity; provided, however, that drive-in restaurants shall have a minimum of least 10 parking spaces.
12. Retail Stores and financial institutions: one space per 250 square feet of floor area, not including meeting rooms. (See Section 5-101813 for places of assembly.)
13. Theaters, auditoriums and places of assembly: One space for each four seats. (See Section 5-100A5g for collective provisions.)
14. Warehouses, storage and wholesale establishments: One parking space for each two employees.

C. Other Uses.

1. Child care centers and preschools: One parking space for each employee.
2. Churches: One parking space for each four seats based upon the maximum designed seating capacity in the main worship area, including choir lofts.
3. Elementary and junior high public schools and equivalent parochial and private schools: One parking space for each faculty and staff person plus places of assembly. Regular parking spaces must be provided off the street for all buses serving the school. (See Section 5-100A5g for collective provisions.)
4. Hospitals: One parking space for each two beds, plus one parking space for each resident or staff doctor and one space for each two employees.
5. Nursing and convalescent homes: One parking space per each five beds based on the maximum designed capacity of the building, plus one parking space for each employee.
6. Private social and hobby clubs, associations and lodges: One parking space for each three seats based upon the maximum designed seating capacity.
7. Secondary public and private schools: One parking space for every four persons based on the maximum design capacity for pupils, faculty and staff, plus places of assembly. Regular parking spaces must be provided off the street for all buses serving the school. (See Section 5-100A5g for collective provisions.)
8. Trade and commercial schools: Two parking spaces for each three students, plus one for each employee based on full-time equivalency.

Parking spaces for other permitted uses not listed above shall be provided in accordance with the determination of the City with respect to the number of spaces that are required to serve employees and/or the visiting public at each such use. Parking for special and conditional uses may be established as part of processing their application or when issuing the zoning permit.

102 Conditional Use for Parking. In order to provide off-premise required or additional off-street parking areas, the Board of Zoning Appeals may grant as a conditional use for the establishment of parking areas in any zoning district under the following provisions: (See Section 2-102 for definition of PREMISES.)

- A. Location. The nearest access to the parking area provided under this section must be within 300 feet (along lines of public access) from the boundary of the nearest entrance to the structure for which the parking is provided.
- B. Use. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
- C. Improvements.

1. Parking spaces and driveways on private property providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the Board and shall be maintained in good condition and free of weeds, dust, trash and other debris.
2. Parking areas shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. Such areas shall have adequate markings for channelization and movement of vehicles.
3. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling or residential district.
4. A fence (such as solid-wall masonry, wood, louvered/wood, metal or other similar materials) not less than six feet high, may be required to be erected along any property line adjacent to or adjoining any residential district to reduce noise, eliminate the passage of light from vehicles and prevent the blowing of debris. Whenever a fence shall be required along a front yard which includes a driveway area, such fence shall not be higher than four feet.
5. When located in a residential district parking shall not be located within a front yard and the front yard shall remain unpaved and shall be landscaped, unless a waiver by the Board is warranted due to the nature and arrangement of the adjacent land use.
6. The Board shall determine the necessity of additional improvements in order to protect adjacent property owners and the public interest. Such improvements shall include, but not be limited to, proper drainage, setbacks, screening, grass, shrubs, trees and the maintenance thereof, and the extent of access permitted to public streets and alleys.

103 Off-Street Loading and Unloading. In all zoning districts except the C-1 Central Business District, loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established, or enlarged and occupied which requires the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space shall be so located as to avoid undue interference with public use of streets, alleys and walkways. Such vehicular access shall be maintained in good condition and surfaced in such manner as required in Section 5-100A5b for parking spaces. When off-street parking space is used to fulfill this loading and unloading requirement the latter shall be scheduled so as not to interfere with meeting the parking needs.

## ARTICLE 6. ACCESSORY USES, TEMPORARY USES AND HOME OCCUPATIONS

100 Accessory Uses Authorization. Accessory uses are permitted in any zoning district in connection with any principal use which is permitted.

- A. Definitions. An accessory use is a structure or use which:
1. Is subordinate to and serves a principal structure or use;
  2. Is subordinate in purpose to the principal structure or use served;
  3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal structure or use served; and
  4. Is located on the same zoning lot as the principal structure or use served. (See Section 6-100D1 regarding beginning any accessory structure or use prior to the principal structure or use.)
- B. Permitted Accessory Uses. Any structure or use that complies with the terms of Section 6-100A may be allowed as an accessory use or structure and may be included, but is not limited to the following list: \*
1. Off-street parking and loading space as regulated by Article 5 of these regulations, including detached garages and carports. On lots for single and two-family dwelling units and all types of manufactured and mobile homes such structures may contain incidental space for storage and other uses and are limited to one each per zoning lot not over 720 square feet in gross floor area for a garage and 400 for a carport, unless a conditional use is approved by the Board of Zoning Appeals for a larger structure.
  2. Signs, when permitted by Article 7 of these regulations.
  3. Buildings for storage and other enclosed purposes; provided, that no such building accessory to single and two-family dwelling units and all types of manufactured and mobile homes shall exceed 280 square feet in gross floor area, unless a conditional use is approved by the Board of Zoning Appeals for a larger building. No motorized vehicle of any type or any portion thereof such as a truck trailer may be used on a residential lot for storage or any purpose other than for periodic vehicular parking according to provisions of Article 5. Similarly, a railroad box car or a shipping container is not permitted on a residential lot.
  4. Portable Storage Units; when used for short-term, temporary storage and transport of personal property, as defined in Article 2.
    - a. A portable storage unit may not be used as an accessory building and may not impede vehicular access, traffic flow or circulation, or create public safety hazards.
    - b. Containers must be placed on private property unless space is not available, in which case placement within a public right-of-way.
    - c. Prior to the placement of a Portable Storage Unit a permit shall be obtained from the City Clerk. The City Clerk shall issue the permit upon payment of a fee of \$35.00.

\* *Zoning permits are required only for accessory structures which exceed 120 square feet of ground area; unless a permanent foundation is required by the Building Code. Permits, however, are required for fences in the front yard setback and for satellite dish antennas which exceed one meter (39.37 inches) in diameter. (For other accessory zoning permits see Section 6-101 for temporary uses, Section 6-102 for home occupations, Section 5-100 for parking spaces and loading areas, and Article 7 for signs.)*

- d. If the container is located on public property, the location shall require the approval of the Zoning Administrator.
    - i. In residential districts containers shall be placed on a paved surface in a driveway or parking space and shall meet all minimum setback requirements of the district when possible. When space is not available on site, no more than one (1) container may be placed in a public right-of-way in a legal parking space, and only with the approval of the Zoning Administrator.
    - ii. Placement in the street may be allowed provided illumination of the container as required by the Zoning Administrator.
  - e. A container shall be allowed no more than two (2) times on a zoning lot for a period of no longer than thirty (30) consecutive days within any twelve (12) month period. Additionally, thirty (30) calendar days must elapse prior to a second permit being issued. An extension may be granted by the Governing Body for a defined period provided proper notification is given to surrounding property owners.
  - f. No container shall have dimensions greater than twenty (20) feet in length, eight (8) feet in width, and eight (8) feet in height.
  - g. All containers shall be maintained in a condition free from rust, peeling paint and other visible forms of deterioration.
5. Storage of recreational vehicles, CRV's; provided, that (1) such parking or storage does not create a traffic hazard or adversely affect the public health, safety or aesthetics; (2) they shall not be used for living purposes except for the convenience of temporary lodging only for not more than 15 days at any one time; when stored on a residential lot by the occupant who is the vehicle owner, shall not be located in any front yard and not less than six feet from any side lot line nor six feet from any rear lot line; and (4) they are in accordance with the following exceptions and requirements (See Section 2-102 for definition of RECREATIONAL VEHICLE (RV)).
- a. A recreational vehicle may be parked on the adjacent public street for the purposes of servicing, loading and unloading, but not for a period exceeding 48 hours (See City Traffic Code.)
  - b. A recreational vehicle may also be temporarily parked on the front driveway a minimum of six feet back from the property line for a period not to exceed 15 days for the purpose of loading, unloading or servicing.
  - c. RV storage areas shall be paved or graveled in side or front yards, but it is not required in the rear yard.
  - d. RV storage is not allowed on public rights-of-way. This requirement may not be waived by a legal, nonconforming use certificate.
  - e. RV storage is limited to two RVs unless those RVs exceeding two are within an enclosed structure.
  - f. Homeowner's associations and developers' covenants may place additional restrictions on recreational vehicle parking and storage. Enforcement of such private agreements is not the responsibility of the City, but they are enforceable by the parties to the agreement.

6. Storage outside both above or below ground level of petroleum products for heating and power purposes or for fueling vehicles related to the operation of the principal use on commercial and industrial lots only and for sale at automobile and truck service stations (See also State Fire Marshal's regulations.)
  7. Detached, rack mounted solar equipment, and satellite dish antennas: provided, that on lots with single-family and duplex dwelling units and all types of manufactured and mobile homes that:
    - a. The antenna structure shall not be located in any front yard setback nor in any portion of the area which is parallel to the front facade of the principle structure.
    - b. Satellite antenna dishes exceeding one meter (39.37 inches) in diameter shall not be located on or attached to or mounted on masts (wireless cable) which are attached to dwelling units or manufactured or mobile homes nor their accessory garages or storage buildings. If an acceptable quality signal cannot be received under these restrictions to minimize visual impact and to provide safety, the Zoning Administrator may approve an alternative location suitable for reception (See Section 2-102 for definition of HEIGHT MAXIMUM for wireless cable antenna height.)
  8. Communication structures, antennas and aerials. (See Section 2-102 for definition of HEIGHT, MAXIMUM and Section 6-100B6 above for satellite dish antennas.)
  9. Storm shelters, children's playhouses, statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, bathhouses and permanent-type swimming pools: provided, the latter are enclosed by a barrier or security-type fence for the protection of young children in residential districts as defined and specified in the most current version of the International Swimming Pool and Spa Code (ISPSC) and only as approved by the Zoning Administrator regardless of whether the pool or spa is above or below ground. Alternatives to barriers may be considered approved by the Zoning Administrator if in compliance with ISPSC.
  10. Guest houses without kitchen facilities or rooms for guests in an accessory building: provided, such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units for permanent occupancy as housekeeping units.
  11. Restaurants, pharmacies, gift shops, beauty parlors, barber shops and newsstands when located in a permitted hotel or motel.
  12. For employees only, child care centers and restaurants when located in a permitted business or industrial building.
  13. Recycling collection centers, large and small. (See Section 2-102 for definition of RECYCLING CENTER.)
  14. Outdoor storage shall not be permitted as an accessory use, except as specifically permitted in these regulations. (See Section 2-102 for definition of OUTSIDE STORAGE and Section 3-103N3 for manufactured or mobile homes as storage structures.)
- C. Bulk Regulations.
1. Accessory structures and uses shall maintain the same side and front yard setback as is required for the principal structure, unless they are a permitted obstruction within the provisions of Section 3-103F. (See Section 5-100A4 for parking spaces.)

2. Accessory buildings shall be set back at least three feet from the rear lotline, except that garages with entrances facing alleys shall be set back at least 20 feet. (See Section 9-101A for zoning permits on easements.)
3. No part of any accessory building shall be located closer than 10 feet to any principal structure. (Note: Additions or attachments to principal structures are not considered accessory buildings and are regulated by the bulk regulations for the principal structure.)
4. Accessory structures and uses shall otherwise comply with the bulk regulations applicable in the district in which they are located, except that in residential districts no accessory building shall be more than one story high nor exceed the maximum height of the principal structure.

D. Use Limitations. All accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located with the following additional use limitations:

1. No accessory structure shall be constructed and occupied or a use started on any zoning lot prior to the time construction begins on the principal structure or use to which it is accessory. Conversely, no accessory structure shall continue to be used or occupied after the principal structure has been removed from a zoning lot. (See Section 6-100A4 regarding same zoning lot.)
2. No wind energy conversion systems are permitted in the City.

101 Temporary Uses Permitted. The following uses of land are permitted in each zoning district unless specifically restricted to particular zoning districts and are subject to the regulations and time limits which follow and to the bulk regulations of the district in which the use is permitted unless otherwise indicated: \*

- A. Temporary zoning permits for community celebrations, carnivals, circuses, musical festivals, religious revival services or similar outdoor events and Halloween or haunted houses may be approved with conditions by the Governing Body. Such uses need not comply with the bulk or lot size requirements; provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall meet the requirements of the vision triangle. (See Section 2-102 for definition of VISION TRIANGLE.)
- B. Christmas tree sales in any agricultural, business or industrial district for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations; provided that no tree shall be displayed within the dimensions of a vision triangle. (See Section 2-102 for definition of VISION TRIANGLE.)
- C. Contractors' offices, equipment sheds and open storage areas which are accessory to a construction project and remain on the site only during the duration of such project. Similarly, a model home or a portion thereof may be used as a real estate sales office on the site of large scale residential developments.
- D. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Small, temporary structures on private property incidental to such sale need not comply with the applicable front yard requirements; provided that no structure or signage is displayed within the dimensions of a vision triangle. (See Section 2-102 for definition of VISION TRIANGLE.)

\* *Temporary zoning permits are required for events provided for in Section 6-101A. A recycling center or farmer's market are also required to obtain such a permit, but no fee is charged.*

- E. Promotional activities of retail merchants involving the temporary display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than four consecutive weeks in any four month period in an area adjacent to the building subject to the following conditions:
  - 1. No portion of the display shall be on publicly owned property, unless the applicant shall first have obtained approval for such use from the City.
  - 2. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used goods such as furniture, appliances, plumbing, housewares, building material or similar display or sale in any business or industrial districts, unless permitted otherwise by these regulations.
- F. Periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than four days during any one sale and no more than two sales to be held at the same residence during any calendar year.
- G. Recycling centers, small and large, periodically operated not for profit in business and industrial districts only for not more than 10 days in one period and for no more than three times during any 12 month period consistent with adequate provisions for public health and safety. (See Section 6-101 for temporary zoning permit.)
- H. Farmer's markets, small and large, periodically operated in business and industrial districts for no more than three consecutive days, no more than fifty-two times per year. (See Section 2-102 for definition of FARMERS MARKET; see Section 6-101 for temporary zoning permit).
- I. Fireworks. (See City ordinance.)

102 Home Occupation Authorization. Home occupations customarily incidental to the principal use of a residential building or any type of manufactured or mobile home shall be permitted; provided that the residential appearance of the building or home is maintained and no undue traffic or parking problems are created. If such a home occupation is conducted in a business or industrial district as a legal, nonconforming use, all the provisions of this section must be adhered to unless a zoning permit is obtained to operate the property and structure(s) thereon as a use meeting all the provisions of the applicable business or industrial district.\*

- A. Definition. A business, profession, occupation, or trade conducted for gain or support entirely within a residential building or any type of manufactured or mobile home, or within a permitted structure that is accessory to such a building or home.
- B. Use Limitations. In addition to all of the use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:
  - 1. The home occupation shall be conducted entirely within the principle residential structure or a garage, swimming pool or an accessory structure. (See Sections 6-100B 1 and 3 for limitations on garages and storage structures.)
  - 2. No exterior alteration of the principal residential structure shall be made which changes the character thereof as a residence or causes goods to be displayed visibly from the residence or on the premises.

\* Zoning permits are required only when a home occupation sign is displayed or an accessory structure is used.

3. No more than 25% of the gross floor area of the residence shall be devoted to the home occupation; provided, that rooms let to boarders and roomers or used by child care facilities are not subject to this limitation. (See Section 2-102 for definition of BOARDING OR ROOMING HOUSE.)
  4. Goods or stock for sale on or off the premises may be stored in enclosed areas, except articles which may constitute a hazard to the safety of adjacent property owners or tenants.
  5. There shall be no outdoor display of goods for sale or the storage of equipment or materials used in the home occupation. No more than one commercial vehicle may be permanently or temporarily parked on a driveway or inside of a building and such a vehicle shall not exceed 26, 000 pounds gross vehicle weight rating.
  6. No equipment or process shall be used which shall create undue noise, smoke or particulate matter emission, vibrations or odors which are detectable to the normal senses off the lot. In case of electrical interference, no equipment or process shall be used that creates a visual effect or an audible interference off the premises in any radio or television receiver or transmitter or causes fluctuation in the voltage.
  7. No more than one person other than a member of the immediate family occupying such residence shall be employed: provided that no such person is employed in a two-family or multiple-family dwelling or in a manufactured/mobile home park.
  8. No sign shall be permitted other than that allowed by the applicable regulations in Article 7. (See Section 7-104A for home occupation sign.)
- C. Home Occupations Permitted. Customary home occupations include, but are not limited to, the following list of occupations; provided, that each listed occupation shall be subject to the requirements of Section 6-102A and B:
1. Adult care center for not more than four adults, adult care home for not more than four adults, group boarding home, day care home and family and group day care home.
  2. Artist, author, composer, photographer or sculptor.
  3. Barber or beautician: provided that only one operator shall be permitted.
  4. Home crafts, such as cabinet making, model making, lapidary work, rug weaving and the like.
  5. Minister, priest or rabbi.
  6. Office for a route salesperson, sales representative or manufacturer's representative, where no exchange of tangible goods is made on a regular basis on the premises.
  7. Professional office for an accountant, architect, attorney, building contractor, dentist, engineer, landscape architect, physician, real estate or insurance agent or a member of a similar profession.
  8. Seamstress or tailor.
  9. Teacher, including music and dance instructions: provided that instructions shall be limited to two pupils at any time, except for occasional groups.
- D. Home Occupations Prohibited. Permitted home occupations shall not be deemed permitted in any event be deemed to include:

1. Animal kennels or commercial stables.
2. Automobile and other vehicular repair shops or sales of such vehicles which exhibit a pattern of regular or continuous sales. A person holding a State Vehicle Dealer's License may not operate as a home occupation. This shall not prevent the periodic sale of a vehicle which is owned and operated for personal use.
3. Child care centers and preschools, unless specifically permitted by the district regulations.
4. Churches, chapels, temples or synagogues for regular public worship or religious services.
5. Dancing schools except as provided for in Section 6-102C9.
6. Excavating or heavy equipment operators or providing a trucking service.
7. Funeral homes, unless specifically permitted by the district regulations.
8. Grocery stores.
9. Machine/machining shops.
10. Private schools providing educational services for persons outside of the home other than tutoring.
11. Renting of equipment, furniture, motorcycles, tools or trailers.
12. Repair of diesel or gasoline engines.
13. Restaurants.
14. Sale of firearms or ammunition and gunsmithing, i.e. the repair of firearms.

**ARTICLE 7. SIGNS**

100 Sign Permits. No sign, except for signs listed in Section 7-103, shall be constructed, erected, enlarged, relocated or structurally altered until a zoning permit for such sign has been obtained in accordance with the procedure set out in Article 9 of these regulations. No zoning permit for any sign shall be issued unless the sign complies with the regulations of this Article 7. All signs lawfully existing at the time of passage of these regulations may remain in use, but the sign must conform to these standards no later than December 31, 2021. The purpose of this article is to safeguard the public use of the streets and the sidewalk area and to equitably enhance the public use of the streets and the sidewalk area and to equitably enhance the visual environment. (See Section 2-102 for definition of SIGN.) (See K.S.A. 68-2231, et seq. for state sign regulations.)

101 Classification of Signs.

A. Types.

1. Awning, Canopy or Marquee Sign: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by these regulations. No such sign shall project further below than seven feet from the ground level or beyond the physical dimensions of the awning, canopy or marquee.
2. Monument Sign: Any sign placed upon, or supported by, the ground independent of the principal or accessory buildings or structures on the property, with little or no open space between the ground and the sign and having a structure of masonry, wood, or materials similar in appearance as approved by the building official. To qualify as a monument sign, the base material must be at least 50% the length and width of the display area of the sign.
3. Projecting Sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.
4. Roof Sign: A sign totally supported on the roof of a building which does not project more than 12 inches beyond the face of the structure.
5. Temporary Sign: A sign in the form of a banner, pennant, valance or advertising display constructed of fabric, cardboard, wallboard or other lightweight materials, with or without a frame, intended for temporary display of not more than four days at a time.
6. Wall Sign: A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve inches from such building.

102 General Standards.

- A. Gross Surface Area of Sign. The entire area within a single continuous perimeter enclosing the extreme limits of such sign, and in no case passing through or between any adjacent elements of same. Such limits of such sign and which do not form an integral part of the display. When two or more signs are located on a zoning lot, the gross surface area of all signs on the lot shall not exceed the maximum gross surface per street frontage set by the applicable district regulations., except as is provided by Section 7-102B. Signs on interior lots which may be viewed from both directions of the adjacent street are considered to have a single gross surface area.

- B. Corner and Through Lots. On corner and through lots, each lot line that abuts a street or highway shall be considered a separate street frontage. On corner and through lots, restrictions that are phased in terms of the number of signs per zoning lot shall be deemed to permit the allowable number of signs to face each street or highway that abuts the lot.
- C. Height of Sign. The maximum height of signs shall be measured from ground level at the base of or below the sign to the highest element of the sign and shall be determined for purposes of Article 7 as independent from the maximum structure height for zoning districts.
- D. Building and Electrical Codes Applicable. All signs must conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.
- E. Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district or upon any public street or park. Any brightly illuminated sign, located on a lot adjacent to or across the street from any residential district, which is not otherwise shaded and visible from such residential district, shall not be illuminated between the hours of 11 P.M. and 7 A.M.
- F. Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights or signs which create the illusion of movement shall be permitted in any residential district. (See Section 2-102 for definition of SIGN.)
- G. Metal and Nonmetal Signs. Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of eight feet. Accessory lighting fixtures attached to a nonmetal frame sign shall also maintain a clearance of eight feet to grade. Metal or nonmetal signs, whether illuminated or not, shall maintain a clearance of at least seven feet underneath awnings, canopies or marquees.
- H. Access Way or Window. No sign shall block any access way or window required by and applicable building, housing, fire or other codes or regulations.
- I. Signs on Utility Poles. No sign shall be attached to a utility pole without prior written approval of the utility company that installed or maintains the pole.
- J. Traffic Safety.
  - 1. No sign shall be maintained at any location where by reason of its position, size, shape or color; it may obstruct, impair, obscure, interfere with the view of, or be confused with; any traffic control sign, signal or device: or where it may interfere with, mislead or confuse traffic.
  - 2. No sign shall be located in any vision triangle as defined in Section 2-102, except official traffic signs and signs mounted eight feet or more above the ground whose supports, not exceeding two, do not exceed 12 inches at the widest dimension and, thus, do not constitute an obstruction.
- K. Location. No sign or structure thereof shall be permitted on a public right-of-way or public easement. No sign shall be permitted to project over a public right-of-way or public easement, except with the approval of the Board of Zoning Appeals as a conditional use, or as a permitted use in the C-1 Central Business District.
  - 1. Any unauthorized sign placed on public property, including the public street right-of-way, is declared to be a public nuisance and be the cause of its removal and impoundment without notice. If not redeemed within 30 days by the owner paying a service charge, the City may dispose of the sign in any manner deemed appropriate. The Zoning Administrator may revoke the permit for any sign deemed to be in violation of Section 7-102L or of any condition on which the

permit was based and order its removal within a reasonable period consistent with public safety.

- L. Portable Signs. The following provisions apply to portable signs:
1. Definition: A portable sign is defined as a temporary on-site sign designed in such a manner as to be readily movable and not permanently attached to the premises, such as A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Removal of any wheels shall not change the definition of being readily removable.
  2. Prohibited Signs: Portable signs are prohibited to preserve the visual appearance of the City and promote traffic safety.
  3. Amortization of Signs: Any portable sign legally in existence on the effective date of this amendment to these regulations shall be allowed to remain at the same location until December 31, 2005 as a legal nonconforming use in order to amortize the cost of the sign at the location. Upon expiration of the effective date of this amendment, any portable sign remaining shall be declared unauthorized and become subject to removal as a violation of the zoning regulations.
- M. Damaged or Unsafe Signs. The Zoning Administrator shall require the immediate repair or removal of any conforming or nonconforming sign or sign structure which has been damaged or deteriorated so as to become a public hazard. Any such damaged sign or sign, must be repaired or removed so as to conform to the current regulations.

103 Exemptions.

- A. The following signs shall be exempt from the requirements of this Article:
1. Signs of duly constituted governmental body including school districts such as traffic or similar regulatory devices, legal notices, warnings at railroad crossings, identification purposes and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
  2. Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, when displayed on private property.
  3. Small signs, not exceeding five square feet in gross surface area, displayed on private property.
  4. Address numerals and other signs required to be maintained by law, rule or regulation; provided, that the content and size of the sign does not exceed such requirements.
  5. Scoreboards in athletic fields or stadiums.
- B. The following signs are exempt from the zoning permit requirements of Section 7-100, but shall comply with all of the other regulations imposed by this Article.
1. Nameplate signs not exceeding two square feet in gross surface area accessory to a residential building, including all types of manufactured and mobile homes.
  2. Identification signs not exceeding 40 square feet in gross surface area accessory to a multiple-family dwelling.
  3. Bulletin board signs not exceeding 40 square feet in gross surface area accessory to a church, private school, or public or nonprofit institution.
  4. Temporary signs which do not exceed 24 square feet in gross surface area and are displayed not more than four times per calendar year.

District Regulations.A. R-1, R-2 and R-3 Residential Districts.

1. Types Permitted:
  - a. Monument signs.
  - b. Wall signs.
2. Maximum Gross Surface Area.
  - a. 16 square feet in R-1 and R-2 districts and 40 square feet permitted in the R-3 District.
3. Maximum Height: 10 feet; provided, that signs associated with one and two-family dwellings and all types of manufactured and mobile homes shall not be located at a height greater than eight feet above ground floor elevation.
4. Required Setback: 10 feet from the front lot line, and none from the side yard setbacks. (See Section 7-102K for Location of Signs.)
5. Illumination: No sign shall be illuminated, other than by incandescent or fluorescent light.

B. C-1 Central Business District.

1. Types Permitted:
  - a. Monument Signs
  - b. Wall Signs
  - c. Projecting Signs
  - d. Roof Signs
2. Number of Signs Permitted: One of each type per zoning lot. (See Section 7-102B for Corner and Through Lots.)
3. Maximum Gross Surface Area: Two square feet of sign area for each one foot lineal street frontage; provided, that no single sign shall exceed a gross surface area of 100 square feet.
4. Maximum Height: 10 feet, if free-standing, or, the highest point of the roof line of the principle structure, if mounted on or against a building.
5. Required Setback: No minimum required.
6. Illumination: Illuminated signs shall be permitted.

C. C-2 General Business District.

1. Types Permitted:
  - a. Monument signs
  - b. Wall Sign
  - c. Roof Signs
2. Number of Signs Permitted: One of each type per zoning lot plus one additional sign for each free standing principle building if used for a monument sign. (See Section 7-102B for Corner and Through Lots.)
3. Maximum Gross Surface Area: Three square feet of sign area for each one foot lineal street frontage; provided, that no single sign shall exceed a gross surface area of 150 square feet.
4. Maximum Height: 10 feet, except that roof signs may not exceed a height of five feet above the highest point of the roof line.
5. Required Setback: No minimum required.
6. Illumination: Illuminated signs shall be permitted.

- D. I-1 Industrial District.
1. Types Permitted: Any types listed in Section 7-101
  2. Number of Signs Permitted: No limitation.
  3. Maximum Gross Surface Area: Three square feet of sign area for each one foot lineal street frontage; provided, that no single sign shall exceed a gross surface area of 200 square feet.
  4. Maximum Height:
    - a. Wall and roof signs: Five feet above the highest point of the roof line on which such sign is located.
    - b. All other signs: 25 feet.
  5. Required Setback: No minimum required.
  6. Illumination: Illuminated signs shall be permitted.

**ARTICLE 8      NONCONFORMING LOTS, STRUCTURES AND USES.**

100      Purpose. The purpose of this Article is to (1) provide for the regulation of nonconforming lots, buildings, structures and uses; and (2) specify those circumstances and conditions under which such nonconformities shall be permitted to continue.      The right to continue a nonconforming lot, building, structure or use shall not be affected by a change in ownership or operator of the structure or use unless such ownership or operator is a condition attached to an approval for a special or conditional use. Definitions of such nonconformities are as follow:

- A. Nonconforming Lot of Record. A zoning lot which is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would not have been prohibited by any zoning regulations and such lot now neither complies with the lot area requirements or the width for any permitted uses in the zoning district in which it is located.
- B. Nonconforming Structure. An existing building or structure which does not comply with the maximum lot coverage and height or the minimum yard requirements which are applicable to new structures in the zoning district in which it is located.
- C. Nonconforming Use. An existing use of a structure or land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

101      Nonconforming Lots of Record.

- A. In any Residential District.
  - 1) Notwithstanding the regulations imposed by any other provision of these regulations, a single-family detached dwelling or any type of manufactured or mobile home which is a permitted use by the applicable district regulations and complies with the restrictions in Section 8-101A2 may be located on a lot(s) in the same ownership that is not less than 50 feet in width with public water and sewerage and that consists entirely of a tract of land that:
    - a. Has less than the prescribed minimum lot area, width or depth, or all three; and
    - b. Meets the definition in Section 8-100A for a nonconforming lot of record.
  - 2) Construction permitted by Section 8-101A1 shall comply with all of the regulations except lot area, width and depth applicable to a single-family detached dwelling or any type of manufactured or mobile home in the zoning district in which the lot in question is located; provided, however, that the following side yard requirements shall apply in place of the side yard requirements otherwise applicable:
    - a. The structure shall be placed on the lot so as to provide a yard on each side of the dwelling.
    - b. The sum of the widths of the two side yards on each lot shall be not less than the smaller of:
      - 1. 20% of the width of the lot, or
      - 2. The minimum total for both side yards prescribed by the bulk regulations for the zoning district.
    - c. In any case, neither side yard resulting from the methods permitted in Section 8-101A2b shall be less than six feet wide.
    - d. When a yard is also considered to be a front yard on a corner lot, one of the front yards comprising part of the lot width may be reduced to 15 feet; provided, that a driveway to a parking space must maintain a length of at least 20 feet from the front lot line.

B. In Districts other than Residential Districts.

- 1) Notwithstanding the regulations imposed by any other provision of these regulations, a structure designed for any permitted use may be erected on a lot of the type described in Section 8-101A1.
- 2) Construction permitted by Section 8-101B1 shall comply with all of the regulations except minimum lot area, width and depth applicable in the zoning district in which the lot in question is located; provided, that the width of any side yard must not be less than that derived by applying the following formula (wherein the width of any side yard required= w):

$$W = \frac{\text{Actual lot width} \times \text{Minimum side yard required by district regulations}}{\text{Minimum lot width required by district regulations}}$$

**102** Nonconforming Structures.

- A. Authority to Continue. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions in Section 8-102B through 8-102D.
- B. Enlargement, Repair or Alterations. Any such structure described in Section 8-102A may be enlarged, maintained, repaired or structurally altered; provided, however: that no such enlargement, maintenance, repair or alteration shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be determined by Section 8-101A2 or 8-101B2, whichever is applicable.
- C. Damage. In the event that any structure described in Section 8-102A is damaged by any means except flooding to the extent of more than 50% of its fair market value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that:
  - a. Structures located on a lot that does not comply with the applicable lot size requirements shall not in any event be required to provide a side yard that exceeds the yard requirements in Sections 8-101A2 or B2, whichever is applicable.
  - b. When a structure is damaged to the extent of 50% or less of its fair market value no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
  - c. If the applicant is aggrieved by the decision of the Zoning Administrator in approving the percent of damage to the value of the structure based on data submitted by the applicant, an appeal may be made to the Board of Zoning Appeals for a determination. (See Section 8-105 for Nonconforming Nonresidential Structures and Uses and Appendix for Substantial Improvement in the Floodplain Regulations.)
- D. Moving. No structure described in Section 8-102A shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved. (See Section 3-103M for Moving Structures.)

103 Nonconforming Uses.

- A. Authority to Continue. Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use of land, may be continued, so long as otherwise lawful, subject to the regulations contained in Sections 8-103B through 8-103J.
- B. Ordinary Repair and Maintenance.
  - 1) Normal maintenance and incidental repair or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of Sections 8-103C through J of these regulations.
  - 2) Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition provided that such restoration will not be in violation of Section 8-103F of these regulations.
- C. Structural Alteration. No structure that is devoted in whole or in part to a nonconforming use shall be structurally altered unless the entire structure and use thereof shall thereafter conform to all regulations of the zoning district in which it is located.
- D. Extension.
  - 1) Extension of a nonconforming use is permitted within a nonconforming structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations or on the effective date of the original City Zoning Regulations or a subsequent amendment heretofore that caused such use to become nonconforming; provided, however, that no structural alterations shall be made unless such changes, and the use thereof, conform to the regulations of the district in which the structure is located.
  - 2) Extension of a nonconforming use of a part of a structure is not permitted if all or substantially all of the structure is designed or intended for a use which is permitted in the district in which the structure is located, nor shall the use be changed to any other nonconforming use.
  - 3) Extension of a nonconforming use is not permitted to any structure or land area other than the one actually occupied or used by such nonconforming use on the effective date of these regulations or on the effective date of the original City Zoning Regulations or a subsequent amendment heretofore that caused such use to become nonconforming.
- E. Enlargement. No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.
- F. Damage. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged, by any means except flooding, to the extent of more than 50% of its fair market value, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located.
  - 1) When such damage is 50% or less of the fair market value, no repairs or restoration shall be made unless a zoning permit is obtained, and restoration is actually begun within one year after the date of such partial damage and is diligently pursued to completion.
  - 2) If the applicant is aggrieved by the decision of the Zoning Administrator in approving the percent of damage to the value of the structure based on data submitted by the applicant, an appeal may be made to the Board of Zoning Appeals for a determination.

(See Section 8-105 for Nonconforming Nonresidential Structures and Uses and Appendix for Substantial Improvement in the Floodplain Regulations.)

- G. Moving. No structure that is devoted in whole or in part to a nonconforming use shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.
- 1) No nonconforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. (See Section 3-103M for Moving Structures.)
- H. Change in Use. If no structural alterations are made other than those necessary to repair or maintain the structure as described in Section 8-103B1, a nonconforming use of a structure may be changed to another nonconforming use of the same or of a similar type of use or more restrictive use.
- 1) Similarly, a nonconforming use of land not involving a structure or involving only an accessory structure may also be changed.
  - 2) When a nonconforming use has been changed to a more restrictive use or to any permitted use, it shall not thereafter be changed back to a less restrictive use or to a nonconforming use.
  - 3) In determining whether a change in use is the same, similar or more restrictive, the Zoning Administrator shall consider the changes in environmental factors such as outdoor storage, loading, traffic, parking, noise, lighting, air pollution, hours of operation, screening and other factors, as well as the provisions available in Section 8-105 (See Section 9-101A for Zoning Permits and Section 9-101B for Occupancy Certificates.)
- I. Abandonment.
- 1) When a nonconforming use of land, not involving a structure, or involving only a structure which is accessory to the nonconforming use of land, is abandoned for a period of six consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.
  - 2) When a nonconforming use of a part or all of a structure which was designed and intended for any use which is permitted in the zoning district in which such structure is located, is abandoned for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.
  - 3) When a nonconforming use of a part or all of a structure which was not designed and intended for any use which is permitted in the zoning district in which such structure is located, is abandoned for a period of 12 consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.
- J. Nonconforming Accessory Uses. No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

- 104 Nonconforming Residential Structures. Notwithstanding the provisions of Sections 8-103C, D and E, any structure which is devoted to a residential use and which is located in a business or industrial district, may be structurally altered, extended, expanded and enlarged; provided, that after any such alteration, extension, expansion or enlargement, such structure shall not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated prior to any such work unless specifically permitted by the district.
- 105 Nonconforming Nonresidential Structures and Uses. Notwithstanding any other provisions of these regulations and, in particular, Sections 8-102 B and C and 8-103 C, D, E and F, nonconforming nonresidential structures and uses that existed on the day prior to the effective date of these regulations, may apply on a one time basis only to the Board of Zoning Appeals for a conditional use to structurally alter, enlarge or reconstruct after damage, or make extensions to structures or uses including the use of additional land when properly zoned for the use, so long as in the opinion of the Board understated conditions that the effect upon adjacent areas is protected to the extent feasible and the public interest served (See Section 10-107C6 for Authorized Variances.)
- 106 Status of Existing Special and Conditional Uses.
- A. The following procedures are to be followed to determine the status of existing special and conditional uses after their reclassification as lawful, permitted, special or conditional uses in these regulations to avoid nonconformities and to provide equitable conversions of such uses:
- 1) Where a use existed prior to the effective date of these regulations and was previously permitted only as a special use or as a conditional use, i.e. an exception approved by the Board of Zoning Appeals, such uses shall not be deemed to be nonconforming, but shall, without further action, be deemed to be a lawful special or conditional use as now classified with the same conditions applicable as originally established, unless reclassified now as a permitted use.
  - 2) Where a use existed prior to the effective date of these regulations and any prior regulations and was or is now classified as a special use or as a conditional use, it shall be considered to be a lawful, conforming special or conditional use. Enlargement, extension or alterations to existing structures or land improvements for expansion of such lawful uses may be made within the area of the zoning lot which was actually used for such uses on the effective date of these regulations and shall be subject to all requirements set forth in these regulations as a permitted use.

## ARTICLE 9. ADMINISTRATION AND ENFORCEMENT

100 Office of Community Development. The Community Development Department, shall administer and enforce these regulations, except for those duties specifically assigned to the Clerk and the City Attorney.

A. Duties of the Community Development Director. (See Section 9-102 for Enforcement and Liability.)

1. Approve and issue all zoning permits and occupancy certificates and make and maintain records thereof.
2. Conduct, or cause to be conducted by the City's agent, inspections of buildings, structures and uses of land to determine compliance with the provisions of these regulations.
3. Maintain a set of administrative forms to assist applicants and to process the cases considered by the Planning Commission - Board of Zoning Appeals and Governing Body.
4. Receive, file and forward to the Planning Commission – Board of Zoning Appeals the applications and records for all amendments and special uses which are initially filed with the City.
5. Receive, file and forward to the Planning Commission -Board of Zoning Appeals the applications and records for all variances and conditional uses which are initially filed with the Community Development Department and forward all records of appeals to the Chairperson of the Board.
6. Maintain permanent and current public records of the zoning regulations, including but not limited to all official zoning maps, amendments, special uses, appeals, variances, conditional uses and applications thereof and records of hearing thereon.
7. Provide such technical and clerical assistance as may be required by the Planning Commission – Board of Zoning Appeals, the Governing Body and other agencies and officials in the exercise of their duties relating to these regulations.
8. Maintain for distribution to the public a supply of the current zoning regulations, zoning map(s) and any rules of the Planning Commission - Board of Zoning Appeals. A fee may be charged to defray the cost of printing and distribution.
9. Maintain the official copy of the zoning map(s) showing the district boundaries. Such map(s) shall be marked "Official copy of zoning district map(s) incorporated into zoning regulations by adoption of Ordinance No. \_\_\_\_ by the Governing Body of the City of Goddard on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and shall be open to inspection and available to the public at all reasonable business hours. Each map shall be signed by the Mayor and attested to by the Clerk. The effective date shall be noted on the map and periodic changes indicated by a revision date.

B. Duties of the Clerk. The Clerk shall maintain certain official records and carry out certain responsibilities in the administration of these regulations as follows:

1. That not less than three copies of these model regulations shall be marked by the Clerk as "Official Copy as Incorporated by Ordinance No. \_\_\_\_\_", (i.e. the ordinance approved by the Governing Body) and all sections or portions thereof intended to be omitted clearly marked to show any such omissions or showing the sections, articles, chapters, parts or portions that are incorporated and to which shall be appended a copy of the incorporating ordinance. Such copies maintained by the Clerk shall be open to inspection and available to the public at all reasonable business hours.
2. That the Clerk supply official copies of these regulations similarly marked as described in Section 9-100B1 to the applicable police department, court, Community Development

Director, City Attorney and all administrative departments of the City charged with the enforcement of these regulations. Subsequent amendments to these regulations shall be appended to such copies.

3. That such clerical assistance be provided by the Clerk to the Governing Body as to facilitate and record the actions of the Governing Body in the exercise of their duties relating to these regulations.

101 Zoning Permits and Occupancy Certificates. \*

A. Zoning Permits.

1. Unless a zoning permit shall first have been obtained from the City, the construction, reconstruction, moving or structural alteration of any building or structure or the improvement of land prior to its use or the use of any land or structure being changed to any other use, shall not be commenced. For permits required on accessory uses, temporary uses, home occupations, plans for parking and loading space and signs, see Articles 5, 6 and 7. Such permits shall not be issued by any other official, employee, department, board or agency of the City, except as provided for as a temporary permit in Section 6-101. Any zoning permit issued in conflict with the provisions of these regulations shall be null and void. (See Section 8-103.H for Change in Use.)
2. Except for a continuation of an existing use or occupancy, accessory structures or uses, or additions to existing structures or uses, permits must also meet the requirements of the City Subdivision Regulations and, thus, shall not be issued on land which is not shown on a recorded plat or replat, or a lot split or exempted from the platting requirements. If platting is not required, all of the public improvements necessary to carry out the requested permit nevertheless may be required, including dedications in lieu of platting for easements and to widen rights-of-way.
3. No principal or accessory building or structure or use, or portion thereof, shall be permitted to locate on or project over any platted or recorded public easement or over any known utility installation, unless (1) as a sign permitted by Section 7-102K or (2) as an accessory structure or use which is moveable, relocatable or poses no significant problem to the maintenance of existing public improvement installations or to such future installations. Ground level extensions such as concrete slabs or other permanent• type materials are not permitted in or on a public easement except as extensions of parking spaces or driveways for which a zoning permit has been or is being issued. In any event, when such structures or uses are permitted to be located on or project over such easements, the property owner assumes the risk and liability for any reconstruction or replacement necessary including fences if any maintenance or other improvements are required by the City or a utility provider.
4. A zoning permit is not initially required for grading and/or excavating a proposed construction site unless the site is located in an identified floodplain and would result in an increase in flood levels. (See Appendix for Floodplain Regulations.)

*\* The City may issue zoning permits and occupancy certificates concurrently with the process of issuing building and occupancy permits under City building codes.*

5. Application. Every application for a zoning permit shall be accompanied by the following:
    - a. A drawing or copy of the recorded plat in duplicate, of the piece or parcel of land, lot(s), block(s), parts or portions thereof, drawn to scale showing the actual dimensions of the zoning lot(s), including any easements thereon.
    - b. A drawing, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the Community Development Director, showing the location, ground area, height and bulk of
      1. All present and proposed structures
      2. Driveways, parking spaces and loading areas
      3. Building setback lines in relation to lot lines
      4. Waste disposal areas
      5. Use to be made of such present and proposed structures on the land, and
      6. Such other information as may be required for the proper enforcement of these regulations.
      7. One copy of such drawings shall be retained by the City as a public record.
  6. Issuance. A zoning permit shall be either issued or disapproved by the City within 10 days after the receipt of an application thereof or within such further period as may be agreed to by the applicant. When the City refuses to issue a zoning permit, the applicant shall be advised in writing of the reasons for the disapproval.
  7. Period of Validity. A zoning permit shall become null and void 180 days after the date on which it is issued, unless within said period construction, reconstruction, moving or structural alteration of a structure is commenced or a use is commenced. If the construction or work is abandoned or suspended for any 180-day period after such a permit is issued, then application must be made to the City for an extension of time to continue the project. The City may grant reasonable extensions of time provided no changes have been made in any applicable regulations. If such changes have occurred, application must be made for a new permit based on the provisions of the new or amended regulations in order to continue the project, unless Section 2-100.G applies pertaining to vesting of single-family residential developments. (See Section 2-100F for Effect of Existing Permits.)
- B. Occupancy Certificates. No structure or addition thereto constructed, reconstructed, moved or altered after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these regulations shall be used for any purpose; and no use of any land or structure shall be changed to any other use, unless an occupancy certificate shall first have been obtained from the City certifying that the proposed use or occupancy complies with all the provisions of these regulations. (See Section 8-103.H for Change in Use.)
1. Application. Every application for a zoning permit shall be deemed to be an application for an occupancy certificate. Every occupancy certificate shall be in such form and contain such information as the City shall provide by general rule.
  2. Issuance.
    - a. No occupancy certificate for a structure or addition thereto constructed, reconstructed, moved or structurally altered or for the new or changed use of any structure or land shall be issued after the effective date of these regulations until such work has been completed and the premises inspected and certified by

the City to be in full and complete compliance with the plans and specifications upon which the zoning permit was issued including the requirements for utilities, streets and other public improvements in the City Subdivision Regulations which must either be installed or guaranteed. Direct access must be available from the frontage of each zoning lot to an opened public street or otherwise the improvement of the street must be guaranteed by such methods as stated in the Subdivision Regulations.

- b. An occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued within 10 days after the City is notified that the structures or premises are ready for occupancy or use. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or improvement(s) or during partial occupancy of the premises; provided, satisfactory guarantees are submitted including the possible use of performance bonds or escrow accounts.

102 Enforcement and Liability.

- A. It shall be the duty of the Community Development Director or any deputies working under his or her direction to enforce the provisions of these regulations in consultation with the City Attorney in the following manner:
  - i. To refuse to issue any zoning permit or occupancy certificate for any building or structure or use of any premises which would violate any of the provisions herein.
  - ii. To revoke a zoning permit or occupancy certificate and issue a stop order at any time for a building or structure or use for which the same was issued when it shall appear (1) that there is a departure from the plans, specifications or conditions as required under terms of the permit; (2) that the same was procured by false representation; (3) that it was issued by mistake, or (4) that it violates any provisions of the zoning regulations.
  - iii. To cause any building, structure, place or premises to be inspected and examined as required by these regulations and to order in writing the remedying of any condition found to exist therein or threat in violation of any provisions herein.
  - iv. To institute any appropriate action or proceedings to prevent such unlawful action or use or to restrain, correct or abate such violation on or about the premises of any building or structure which is constructed, built, moved, structurally altered or reconstructed or land is used in violation of any provisions herein.
- B. The Community Development Director or designee charged with the enforcement of these regulations, acting in good faith and without malice in the discharge of the duties described herein, shall not be personally liable for any damage that may accrue to persons or property as a result of any act or by reason of an act or omission in the discharge of such duties. A suit brought against the Director because of an act or omission performed by the Director in the enforcement of any provision of these regulations or other pertinent laws or ordinances implemented through the enforcement of these regulations shall be defended by the City until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City. (See K. S.A. 75-6101 et seq. in general and K.S.A. 75-6109 specifically.)

103 Violations.

- A. Penalties. Pursuant to K.S.A. 12-761 as amended, any violations of these regulations shall be deemed to be a misdemeanor. The owner or agent of a building, structure or premises in or upon which a violation of any provision of these regulations has been committed or shall exist or the lessee or tenant of an entire building or entire premises in or upon which a 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, structure or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.
- B. Remedies. In case any building or structure is erected, constructed, reconstructed, structurally altered, converted or maintained; or any building, structure or land is used or is proposed to be used in violation of these regulations, the appropriate authorities of the City of Goddard, in addition to using other remedies, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or to correct or abate such violation, or to prevent the occupancy of such building, structure or land. In addition to the City, any person, the value or use of whose property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these regulations and to abate nuisances in violation thereof.
- C. Floodplain Violations. (See Appendix for Floodplain Regulations.)

104 Fees. For purposes of wholly or partially defraying the costs of the administrative and enforcement provisions described in these regulations, including publication costs, the applicant upon filing an application for an amendment, special use, appeal, conditional use, variance or a zoning permit including occupancy certificate, shall pay the Clerk a fee according to the fee schedule approved by the Governing Body. No part of such fee shall thereafter be refunded except for a zoning permit which is not approved.

105 Reports. The Community Development Director shall periodically report verbally or in writing to the Governing Body and the Planning Commission a summary of all zoning permits issued during the preceding period, giving details of any permitted variations, as well as the current status of all applications in process for amendments, special uses, appeals, conditional uses and variances. Such a report shall include comments on any problems encountered in the administration or enforcement of these regulations which may especially be of use at the annual review established by Section 11-105.

**ARTICLE 10. BOARD OF ZONING APPEALS**

100 Authorization. The Planning Commission as previously established by the Governing Body has been designated to also serve as the Board of Zoning Appeals as prescribed by K.S.A. 12-759 as amended, and hereinafter in this Article will be referred to as the "Board."

101 General Procedures. All members of the Planning Commission are voting members of the Board whether they reside inside or outside the city limits and shall serve without compensation, but may be reimbursed for expenses when authorized by the Governing Body. All officers of the Planning Commission are officers of the Board including the Secretary. Public records shall be kept of all official actions of the Board which shall be maintained separately from the Planning Commission by the Secretary. The Board shall keep minutes of its proceedings showing evidence presented at hearings, findings of fact, decisions and the vote of each member upon each question. If absent, abstaining or disqualified from voting, such fact shall be indicated. Special meetings shall be held at the call of the Chairperson and at such other times as the Board may determine in its bylaws.

Board meetings may be held separately from a Planning Commission meeting or in conjunction with such a meeting wherein the Planning Commission may recess a portion of its meeting to conduct business of the Board and to reconvene to continue the Planning Commission agenda. When a quorum is declared present, all actions of the Board including appeals, variances and conditional uses as exceptions shall be made by motion and decided by a majority vote of the members present and voting.

The Board shall adopt rules for its operation in the form of bylaws which shall include hearing procedures and will not be in conflict with the ordinance designating the Planning Commission as the Board, the applicable state statutes and the provisions of these regulations. Such bylaws shall be subject to the approval of the Governing Body. The Governing Body shall establish a scale of reasonable fees to be paid in advance by the appealing party.

102 Jurisdiction. The Board shall have the following jurisdiction and authority as a quasi-judicial body:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination call hereinafter referred to collectively as "decision") made by the Community Development Director in the administration and enforcement of these regulations subject to the procedure and standards set out in Section 10-106.
- B. To hear and decide on variances from specific terms of these regulations subject to the procedure and standards set out in Section 10-107.
- C. To hear and decide on conditional uses as exceptions subject to the procedure and standards set out in Section 10-108.

103 Notice of Hearing. For the hearing on each appeal for a decision, variance or conditional use; public notice of the date, time and place of the hearing, the legal description or a general description sufficient to identify the property under consideration, and a brief description of the subject of such hearing shall be published once in the official newspaper so that at least 20 days shall elapse between the date of such publication and the date for the hearing. All notices shall include a statement that a complete legal description is available for public inspection and shall indicate where such information is available when only a general description of the property is provided in the notice. A copy of such notice shall be mailed to each party making the appeal and to the Secretary of the Planning Commission.

The property for consideration of any appeal to the Board must be located within the city limits. The Board shall also provide notice to all owners of record of real property located within 200 feet of the exterior boundary of the property under consideration both within the city limits and extending outside the city limits when necessary. If the applicant's property is located adjacent to but within the city limits, the area of notification in addition to the 200 feet inside the City, shall be extended to 1,000 feet in the unincorporated area. When the distance of such notice extends outside the City and into an adjacent or nearby city limits, such notice shall be given for 200 feet inside the other city limits. Such notice shall be mailed so that at least 20 days shall elapse between the mailing date and the hearing date. A list of such owners of record of real property with their addresses and zip codes shall be provided by the applicant. Failure to receive such notice after it has been properly addressed and deposited in the mail shall not invalidate any subsequent action taken by the Board. If there is no quorum present for the meeting or at the time of the hearing, the members in attendance may agree to hold another meeting in the future at a stated date, time and place for which when announced at the present meeting, no further public notice need be given.

The Board may give additional notice to other persons as it may from time to time provide by its rules. Such rules may include requirements for additional notice to be provided for by the posting of signs on the property to be considered in the appeal application.

104 Conduct of Hearing. The Board shall select a reasonable time and place for the hearing on each appeal of a decision, variance or conditional use as an exception. All hearings shall be open to the public; however, when hearing such appeals the Board exercises quasi-judicial functions and, thus, may upon proper motion proceed to deliberate in closed session according to K. S.A. 75-4318(a). No binding action may be taken and all voting must be conducted in an open meeting. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. Every decision of the Board shall be filed without unreasonable delay with the Community Development Director and shall be open to public inspection during reasonable business hours.

- 105 Finality and Judicial Review of Decisions. Any order or determination of the Board on an appeal for a decision, a variance or a conditional use as an exception, shall be final decisions and shall be subject to judicial review, but not appealable to the Planning Commission or the Governing Body. Any person, official or governmental agency, jointly or separately dissatisfied by any decision of the Board, may present to the County District Court, a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief there from based on a determination of the reasonableness of any such order or determination. Such petition shall be filed with the Court within 30 days after the date of filing the final decision with the Community Development Director.
- 106 Appeals. An appeal from a decision of the Community Development Director with respect to the interpretation, application or enforcement of these regulations may be taken to the Board by any person aggrieved, or by any officer of the City, or any governmental agency or body affected by any decision of the Community Development Director.
- A. Time for Appeals. Appeals shall be made within 30 days after a decision has been made by the Zoning Administrator by filing an application for appeal. Upon the Chairperson's receipt of an application for appeal and notification to the Community Development Director, the Director shall forthwith transmit to the Chairperson all of the papers constituting the record upon which the decision being appealed was based.
- B. Application. An application for an appeal shall
1. be filed with the Chairperson
  2. specify the grounds for such an appeal
  3. Include the legal description of any property involved with the appeal.
  4. Be accompanied by an ownership list as required by Section 10-103 and the filing fee
  5. provide such additional information as may be prescribed by rule of the Board
- C. Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board, after the application for appeal has been filed, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case. the proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on petition with notice to the Zoning Administrator and on the basis of due cause shown.
- D. Hearing and Notice. A hearing on the application for such an appeal shall be held and notice thereof given as specified under Sections 10-103 and 104 and which are consistent with the general procedures and records required by Section 10-101.
- E. Decision. The Board may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Community Development Director, and may issue or direct the issuance of a zoning permit and/or occupancy certificate. No conditions may be attached to such a decision that could not otherwise have been available to the Community Development Director in making the initial decision. The Board shall render a written decision in the form of a resolution on the appeal without unreasonable delay after the close of a hearing and, in all cases, within 45 days after the close of the hearing.

107 VariANCES. The Board may authorize such variances from the terms of these regulations as will not be contrary to the public interest and provided that the spirit of the regulations shall be observed, public safety and welfare secured and substantial justice done. Variances may be authorized only in those specific instances enumerated in Section 10-107.C and then only when the Board has made findings of fact based upon the standards set out in Section 10-107.D that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the owner, lessee or occupant of land or structures. According to K.S.A. 12-759(e), any such variance shall not permit any use not permitted by these regulations in the zoning district in which the variance is requested.

- A. Application. An application for a variance shall
1. Be filed with the Community Development Director or his/her designee.
  2. Provide the legal description of the property involved with the variance
  3. Be accompanied by an ownership list as required by Section 10-103 and the filing fee
  4. Contain the following information as well as such additional information as may be prescribed by rule of the Board:
    - i. The particular requirements of these regulations which prevent the proposed use or construction;
    - ii. The characteristics of the subject property which prevent compliance with the requirements of these regulations;
    - iii. The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction; and
    - iv. The particular hardship which would result if the particular requirements of these regulations were applied to the subject property.
- B. Hearing and Notice. A hearing on the application for such a variance shall be held and notice thereof given as specified under Sections 10-103 and 104 and which are consistent with the general procedures and records required by Section 10-101.
- C. Authorized. Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in Section 10-107.D, and may be granted only in the following instances and in no others:
1. To vary the applicable minimum lot area, lot width and lot depth requirements.
  2. To vary the applicable bulk regulations, including maximum height and lot coverage and minimum yard requirements.
  3. To vary the dimensional provisions for permitted obstructions in required yards including fences in Section 3-103F.
  4. To vary the applicable number of required off-street parking spaces and the amount of off-street loading requirements of Article 5.
  5. To vary the applicable dimensional sign provisions of Section 7-102 regarding general standards and Section 7-104 regarding district regulations.
  6. To vary the applicable requirements in Sections 10-107 C1 through 5 above in conjunction with conditional use applications for nonconforming, nonresidential structures and uses under provisions of Section 8-105.
  7. To vary the applicable provisions permitted by the Floodplain Regulations. (See Appendix for Floodplain Regulations.)

D. Standards.

1. The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented to it at the hearing that all the conditions required by K.S.A. 12-759(e) have been met which are listed below:
  - i. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district. and is not created by an action or actions of the property owner or the applicant;
  - ii. That granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - iii. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
  - iv. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
  - v. That granting the variance desired will not be opposed to the general spirit and intent of these regulations.
2. In determining whether the evidence supports the conclusions required by Section 10-107.D, the Board shall consider the extent to which the evidence demonstrates that:
  - i. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced;
  - ii. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property;
  - iii. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and
  - iv. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.

- E. Conditions and Restrictions. In granting a variance. the Board may impose such conditions upon the premises benefitted by the variance as may be necessary to comply with the standards set out in Section 10-107.D which would reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of these regulations, including methods for guaranteeing performance such as are provided for in Section 10-108.D. Failure to comply with any of the conditions for a variance which are later attached to a zoning permit shall constitute a violation of these regulations.

- F. Decisions and Records. The Board shall render a written decision containing specific findings of fact in the form of a resolution on an application for a variance without unreasonable delay after the close of a hearing, but in all cases within 45 days after the close of the hearing. The Community Development Director shall maintain complete records of all actions of the Board with respect to applications for variances in order to properly issue permits.
- G. Period of Validity. No variance granted by the Board shall be valid for a period longer than 180 days from the date on which the Board grants the variance, unless within such 180-day period a zoning permit is obtained and the variance requested is started. The Board may grant extensions not exceeding 180 days each, upon written application, without further notice or hearing.

108 Conditional Uses. The Board may grant as an exception to the provisions of these regulations, the establishment of only those conditional uses that are expressly authorized to be permitted in a particular zoning district or in one or more zoning districts. No such conditional use shall be granted unless it complies with all of the applicable provisions of these regulations.

- A. Application. An application for a conditional use shall
  - 1. Be filed with the Community Development Director
  - 2. Provide the legal description of the property involved with the conditional use
  - 3. Be accompanied by an ownership list as required by Section 10-103 and the filing fee. and.
  - 6. contain the following information as well as such additional information as maybe prescribed by rule of the Board:
    - i. A statement or diagram showing compliance with any special conditions or requirements imposed upon the particular conditional use by the applicable district regulations or Section 10-1080 if applicable;
    - ii. A statement as to why the proposed conditional use will not cause substantial injury to the value of other property in the neighborhood;
    - iii. A statement as to how the proposed conditional use is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable district regulations; and
    - iv. Present data in support of the standards specified in Section 10-108C.
- B. Hearing and Notice. A hearing on the application for such a conditional use as an exception shall be held and notice thereof given as specified under Sections 10-103 and 104 and which are consistent with the general procedures and records required by Section 10-101.
- C. Standards. The Board may grant a conditional use when it makes specific written findings of fact based upon the particular evidence presented to it at the hearing which support conclusions that:
  - 1. The proposed conditional use complies with all applicable regulations, including lot size requirements, bulk regulations, use limitations and performance standards: unless a concurrent application is in process for a variance.
  - 2. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood.
  - 3. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to

streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- i. The location, nature, size and height of buildings, structures, walls and fences on the site;
  - ii. The nature and extent of landscaping and screening on the site.
4. Off-street parking and loading areas will be provided in accordance with the standards set forth in Article 5 of these regulations. Such areas will be screened from adjoining residential uses and located so as to protect such residential uses from injurious effects.
  5. Adequate utility, drainage and other such necessary facilities have been installed or will be provided by platting, dedications and/or guarantees.
  6. Adequate access roads, entrance and exit drives and/or access control is available or will be provided by platting, dedications and/or guarantees and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and roads.

D. Conditions. In granting a conditional use, the Board may attach such conditions upon the premises and/or the applicant benefitted by the conditional use as may be necessary to comply with the standards set out in Section 10-108C in order to reduce or minimize any potentially injurious affect upon other property in the neighborhood and to carry out the general purpose and intent of these regulations. Such conditions may include, but not be limited to:

1. Further restrictions on bulk regulations
2. Time of operation and ownership limitations
3. Screening, landscaping and fencing
4. Provision of utilities, drainage and other public improvements
5. Additional access or access control
6. Off-street parking and loading requirements;
7. Platting, dedications and/or guarantees. In addition to the guarantees referred to below for parking and/or screening, covenants which run with the land or the property to guarantee that conditions will be carried out at a future date may be filed with the County Register of Deeds. After an application is made and a zoning permit is issued for the conditional use, failure to comply with any of the conditions placed on such use shall constitute a violation of these regulations.

In lieu of actual construction of required off-street parking or the initial provisions for screening, the Board may accept, in the name of the City, a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the Board and conditioned upon actual completion of such improvement within a specified time. Such securities shall be filed with the Clerk. The Governing Body may enforce such securities by all equitable means.

E. Decisions and Records. The Board shall render a written decision containing specific findings of fact in the form of a resolution on an application for a conditional use without unreasonable delay after the close of a hearing, but in all cases within 45 days after the close of the hearing.

The Community Development Director shall maintain complete records of all actions of the Board with respect to applications for conditional uses in order to properly issue permits.

- F. Period of Validity. No conditional use granted by the Board shall be valid for a period longer than 180 days from the date on which the Board grants the conditional use, unless within such period a zoning permit is obtained and the conditional use requested is started. The Board may grant extensions not exceeding 180 days each, upon written application, without further notice of a hearing.

**ARTICLE 11. SITE PLAN REVIEW CRITERIA**

100 Purpose. The purpose of this Article is to establish requirements for Site Plan Review in Goddard and increase public participation in the design and physical development of the community.

101 JURISDICTION. These regulations shall apply to all land located within the City of Goddard and within the Urban Growth Boundary as defined by the Metropolitan Area Planning Commission and Sedgwick County Board of County Commissioners.

102 PROCESS.

- A. Projects that present potential impacts to surrounding properties and neighborhoods go to the Planning Commission.
- B. The Community Development Director shall make a determination if a project is to be reviewed by the Planning Commission.
- C. Plats are reviewed separately by the Planning Commission.
- D. When required, a Site Plan Review application must then be submitted.
- E. Each submittal must include the information listed on the application.
  - a. After accepting your application for processing, the Community Development Director will review the application for completeness.
  - b. If your application is found to be incomplete, you will be notified and asked to submit the additional information required to process your application. This may delay the scheduling of your project for the Planning Commission.
- F. Applications are processed on a monthly cycle and are due 25 days prior to the Planning Commission meeting by 12:00 p.m. (If the due date falls on a weekend the application shall be submitted on the Friday before.) The City maintains a listing of the Planning Commission Calendar for all applicants.
- G. The site plan may be reviewed by the Development Review Committee (DRC), a subcommittee of the Planning Commission, before going for approval with or without conditions or disapproval by the Planning Commission.
  - a. The Development Review Committee meets within ten days prior to the Planning Commission meeting.
  - b. Each meeting is publicly noticed and an agenda is made available. All meetings are open to the public.
  - c. The committee is composed of five members including three from the Planning Commission, one from the City Council or their designee and one at large member of the community. The at large member is appointed by the Planning Commission chairperson with consent of the Planning Commission. That member shall be selected with a technical background, business or other experience which aids the review process.
  - d. Members shall serve two year terms. Initially, the three members of the Planning Commission shall serve two year terms and the other members shall serve a one year term. Members may be reappointed when their term expires. Vacancies are filled by appointment for the unexpired term. A quorum requires three members be present. The Planning Commission then meets on the second Monday of the month.

- 103 THE APPEARANCE STANDARDS CHECKLIST. Projects which are subject to review by the Planning Commission are subject to the guidelines in the Appearance Standards Checklist contained herein. The intent of the checklist is to provide ideas to the developer and to offer a standard for evaluating design consistently for each development proposal and applicant. For the majority of projects, the checklist provides the necessary tools to ensure site compatibility and quality design. The checklist is available to the public and addresses seven design elements that include the following:
- A. Relationship of Buildings to Site (building placement, access, pedestrian movement, parking, building scale and interrelationships)
  - B. Relationships to Adjoining Areas (styles, landscape transitions, harmony, trafficways)
  - C. Landscape and Site Treatment (compatibility with existing patterns, hardscape elements, plant types and sizes, exterior lighting)
  - D. Building Design (design quality, relationship to surrounding, scale, materials, colors, sightliness)
  - E. Signs (size, scale, location, materials, graphic elements, lighting)
  - F. Miscellaneous Structures and Street Hardware (compatibility, scale, materials, color, lighting, maintenance)
  - G. Maintenance Planning and Design Factors (quality of material, durability, cleaning)

The importance of the appearance standards checklist is to ensure that each proposal receives comparable treatment. The checklist enables an applicant to incorporate design related issues in the conceptual stages of the proposal, which may prevent future delays in the review process and may help reduce the need for review by the Planning Commission. The checklist does not dictate a specific architectural style, but rather encourages design compatibility with the surrounding uses and development.

104 SITE PLAN APPROVAL

PROCEDURE AND CRITERIA: PART ONE

- A. Purpose. The purpose and intent of requiring site plan approval is to:
  - 1. Encourage the compatible arrangement of buildings, off-street parking, lighting, signage, landscaping, screening, ingress and egress and drainage on and from the site.
  - 2. Maintain a pleasant and visually appealing community appearance.
  - 3. Promote public health and safety.
  - 4. Enhance or preserve property values.
  - 5. Protect and support the economic well-being of the City.
  - 6. Control the aesthetics of redevelopment or new development as provided for in K.S.A. 12-755 (a) (4).
  
- B. Applicability. All private and public principle land uses shall submit site plans and other required drawings (See PART THREE) for approval by the Planning Commission except single-family and duplexes, unless the latter are arranged in courtyard or grouped settings. Such plans are applicable to all new developments and additions to all buildings. Principle land uses includes major utility substations in all zoning districts. Minor revisions to the plans due to unforeseen circumstances may be approved by the Community Development Director after the initial plan approval by the Planning Commission. Site plans may be considered concurrently with applications for rezoning amendments and special uses.

## PROCEDURE AND CRITERIA: PART TWO

### A. Outline of Review Procedure.

1. Community Development Director provides applicant with the "Application for Site Plan Review", "Site Plan Review Criteria" and is available to explain and respond to questions on the process, contents and standards.
2. Applicant submits documents for preliminary or final review to Community Development Director so that at least 25 days elapses between the submittal date and the regular meeting of the Planning Commission. If, in the opinion of the Community Development Director, the submittal documents contain significant errors or are incomplete, the application and documents will be returned to the applicant for required changes before they can be processed.
3. Once the application and documents are accepted, Zoning Administrator circulates copies of documents to other persons as deemed necessary for technical review and comments before submitting them to the Development Review Committee (DRC), a subcommittee of the Planning Commission.
4. The Planning Commission meets monthly to consider site plans. Applicants will be notified of the Planning Commission and DRC meetings along with a copy of the agendas. Meeting information is available on the City's website and on local cable channel 7.
5. The Community Development Director prepares and submits to the DRC the results of his/her initial technical review of the documents in the format of "Report to Planning Commission on Site Plan".
6. The DRC meets to consider final documents for recommendation to the Planning Commission. Preliminary documents shall be reviewed for comments only. Recommendations of the DRC are submitted to the Planning Commission. All actions of the DRC shall be made by a majority vote of the members present and voting. The DRC and the Planning Commission may hear comments from the applicant and public; however it is not a public hearing process.
7. Based upon the recommendation of the DRC, Community Development Director shall edit form "Report to Planning Commission on Site Plan" to submit to the Planning Commission.
8. A majority vote is necessary for the Planning Commission to approve, with or without conditions, disapprove or defer for more study a site plan.
9. Community Development Director will inform the applicant of the Planning Commission's decision. Any applicant aggrieved by a decision of the Planning Commission may appeal to the Governing Body within 30 days for a determination based on the reasonableness of the decision attached to the issuance of their zoning permit. No zoning permit shall be issued by City until final approval of the site plan has been given by the Planning Commission or upon appeal, the Governing Body.

## PROCEDURE AND CRITERIA: PART THREE: REQUIRED SUBMITTAL DOCUMENTS FOR FINAL REVIEW

Note: For preliminary review, the Applicant may submit any sketches or other materials necessary to portray his basic concept for the project. All preliminary documents shall be clearly marked PRELIMINARY. The Development Review Committee will review these documents in open meeting and express their individual and collective opinions as to the acceptability of the project. The Development Review Committee will not take formal action and their comments will not bind them to any specific action at the formal review.

105 General Requirements. All exhibits required for the permanent file (noted in the following paragraphs) must be able to be reduced to 11" x 17" size by photo reduction, etc. However, larger mounting boards, material samples, or other exhibits not meeting this criteria may be used for Planning Commission presentation.

One (1) hard copy original full size black or blue-line prints and one (1) electronic version of the following required drawings shall be submitted to the Community Development Director for presentation to the Planning Commission.

An adequate number of color photographs are required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installation on other sites that are similar to the applicant's proposal.

The applicant may combine required information into drawings at their discretion. Separate plans such as landscape and lighting plans may be necessary to adequately exhibit the design intent. Plan submittals which are illegible shall be rejected by the Community Development Director at the time of submittal.

To protect the health, safety and general welfare of the Community, the Community Development Director may require a licensed professional to prepare certain plans. A licensed engineer, for example, may be required to prepare a drainage plan when the City's storm water system is impacted by site development.

a. Building Construction, Exterior Remodeling, and Additions (Including Parking Lots and Landscaping).

1. Site Plan. A site plan is required showing the following information:

- a. Scale and north arrow
- b. Address of site
- c. Proposed Zoning District
- d. Land use designation
- e. Gross floor area of each building
- f. Gross tract area
- g. Percent lot coverage
- h. Building heights
- i. All property and street pavement lines
- j. Existing and proposed contours
- k. Yards and building set back lines
- l. Fire lane easements (usually 20' wide)

- m. Sidewalks and/or pedestrian ways
  - n. Utility easements and lines
  - o. Storm water structures, including possible retention/detention facilities, and related easements or reserves.
  - p. Vision triangle as defined by the Zoning Regulations
  - q. Boundary and elevation of the 100 year flood, if applicable
  - r. Building pad minimum elevation
  - s. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by the Zoning Regulations. Give the number of spaces actually proposed, including handicapped parking spaces. Give the maximum number of employees, customers, and office vehicles that would be at the facility at any one time.
  - t. Proposed ingress and egress to the site, including on-site parking areas(s), parking stalls, adjacent drives, and adjacent intersections. Delineate traffic flow with directional arrows and indicate the location of direction signs or other motorist's aids (if any)
  - u. Location of all existing isolated trees having a diameter of six (6) inches or more (tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included)
  - v. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated.
  - w. Location of all existing (to remain) and proposed buildings on the site and all buildings within one hundred and fifty (150) feet of the site's boundaries.
  - x. Location of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and isofootcandle diagram
  - y. Location and size of existing and proposed free standing signs
2. Elevation view drawings. Elevation view drawings are required showing the following information:
- a. Scale
  - b. Elevations of all proposed and related existing structures
  - c. All signs to be mounted on the elevations
  - d. Designation of the kind, color, and texture of all primary materials to be used
3. Material Samples. Material samples are required for all major materials. All material samples must be keyed to the drawings to show location and area.
4. Landscaping materials. Landscaping materials shall be labeled and a schedule shown which includes:
- a. Common and botanical name of each species
  - b. Symbol used for plant on the site plan
  - c. Size of each planting in terms of:
    - 1. Trunk caliper for shade/canopy and ornamental trees.

2. Plant height above the ground surface (when planted), for evergreen trees.
3. Plant container size for shrubs, ground covers and perennials.

b. Free-Standing Ground Signs.

1. Site Plan. A site plan is required showing the following information:

- a. Scale and north arrow
- b. Address of site
- c. All property lines
- d. All streets and sidewalks
- e. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, adjacent drives and adjacent intersections. Delineate the traffic flow with directional arrows and indicate the location of direction signs and other motorist's aids (if any).
- f. Location of existing and proposed landscaping
- g. Location and height of all buildings on the site and all buildings within fifty (50) feet of the site's boundaries
- h. Location and height of all existing (to remain) and proposed signs on the site, complete with route of new electrical supply lines. Show required setbacks for sign from property lines
- i. Location and routing of electrical supply
- j. Surface area of the sign in square feet

2. Elevation. An elevation view is required of each face of the proposed sign showing the following information:

- a. All specifications including size of letters and graphics
- b. Description of sign and frame materials and colors including supports
- c. Planter box details (if provided); ie., construction of box, materials, plant types, sizes, number, and spacing

3. Detailed Drawings. Detailed drawings showing the following information will be required to be submitted to the Zoning Administrator for technical review:

- a. Footings
- b. Electrical wiring diagram

4. Wall-Sign.

1. Sign Drawing. A scaled drawing of each face of the proposed wall sign is required showing the following information:

- a. Address of the site
- b. All size specifications, including the size of letters and graphic
- c. Description of sign and frame materials and colors
- d. Wall anchorage details (note: anchorage must be interior to the sign or camouflaged)

2. Elevation. An elevation view drawn to scale of the entire wall of the building to which the sign is to be fixed, correctly locating the sign.

3. Detailed Drawings. Detailed drawings showing the following information will be required to be submitted to the Community Development Director for technical review:
  - a. Electrical wiring diagram
  
5. Lighting.
  - a. Site Plan. A site plan is required showing the following information:
    1. Scale and north arrow
    2. Address of site
    3. Proposed ingress and egress to the site, including on-site parking area(s), and parking stalls
    4. Adjacent streets and sidewalks
    5. Existing landscaping that will be retained and proposed landscaping
    6. Location and height of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries
    7. Location of all existing (to remain) and proposed lighting standards, complete with routing of new electrical supply lines
    8. Isofootcandle lines diagram. The Zoning Administrator shall make a determination whether the submittal of an isofootcandle diagram is required. When required, the diagram shall include light output for lighted signage. *See Part Four, Section C-3 k* for guidelines.
  - b. Lighting Standard Drawing. A scaled drawing of the proposed lighting standard(s) is required and should show the following information:
    1. All size specifications and elevation view
    2. Information on lighting intensity
    3. Materials, colors
    4. Ground or wall anchorage details

#### PROCEDURE AND CRITERIA: PART FOUR: APPEARANCE STANDARDS

106 Introduction. The following appearance criteria is intended to establish a checklist other items that effect the physical aspects of Goddard's environment. Pertinent to appearance is the design of the site, building and structures, plantings, signs, street hardware, and miscellaneous other objects that may be observed by the public.

These are performance standards not specific requirements. They identify areas of design judgment to be applied to a proposed project by the Planning Commission. The application of these criteria is on the basis of judgments made by the members of the Planning Commission as to what constitutes acceptable standards of appearance.

107 Definitions of Terms.

1. Appearance - The outward aspect visible to the public.
2. Applicant - The individual or firm requesting consideration of a project by the Planning Commission.
3. Appropriate - Sympathetic, or fitting, to the context of the site and the whole community.
4. Appurtenances - The visible, functional objects accessory to and part of buildings.
5. Architectural Concept - The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development that produces the architectural character.
6. Architectural Feature - A prominent or significant part or element of a building, structure, or site.
7. Architectural Style - The characteristic form and detail, as of buildings of a particular historic period.
8. Attractive - Having qualities that arouse interest and pleasure in the observer.
9. Berm - A raised form of earth to provide screening or to improve the aesthetic character.
10. Cohesiveness - Unity of composition between design elements of a building or a group of buildings and the landscape development.
11. Compatibility - Harmony in the appearance of two or more external design features in the same vicinity.
12. Conservation - The protection and care that prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.
13. Exterior Building Component - An essential and visible part of the exterior of a building.
14. External Design Feature - The general arrangement of any portion of a building, sign, landscaping, or structure and including the kind, color, and texture of the materials of such portion, and the types of roof, windows, doors, lights, attached or ground signs, or other fixtures appurtenant to such portions as will be open to public view from any street, place, or way.
15. Final Review - The review at which final approval of the plans of a proposed project may (or may not) be given by the Planning Commission.
16. Graphic Element - A letter, illustration, symbol, figure, insignia, or other device employed to express and illustrate a message or part thereof.
17. Harmony - A quality that represents an appropriate and congruent arrangement of parts, as in an arrangement of varied architectural and landscape elements.
18. Landscape - Plant materials, topography, and other natural physical elements combined in relation to one another and to man-made structures.
19. Light Cut-Off Angle - An angle from vertical, extending downward from a luminary, which defines the maximum range of incident illumination outward at the ground plane.
20. Logic of Design - Accepted principles and criteria of validity in the solution of the problem of design.
21. Mechanical Equipment - Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
22. Miscellaneous Structures - Structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences and walls, kennels, transformers, drive-up facilities.

23. Obtrusive Light- Unwanted light which, because of quantitative, directional, or spectral attributes in a given context, gives rise to annoyance, discomfort, distraction, or a reduction in the ability to see essential information.
  24. Plant Materials -Trees, shrubs, vines, ground covers, grass, perennials, annuals, bulbs.
  25. Preliminary review - First review of the Development Review Committee to review sketch plans and basic approach to planning a project.
  26. Proportion - Balanced relationship of the size of parts to each other and to the whole.
  27. Scale-Proportional relationship of the size of parts to one another and to the human figure.
  28. Screening - Structure or planting that conceals from view from public ways the area behind such structure or planting.
  29. Shrub - A multi stemmed woody plant other than a tree.
  30. Site break - A structural or landscape device to interrupt long vistas and create visual interest in a site development.
  31. Street Hardware - Man-made objects other than buildings that are part of the streetscape. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, litter boxes, fire hydrants.
  32. Streetscape -The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.
  33. Structure - Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.
  34. Utilitarian structure - A structure or enclosure relating to mechanical or electrical services to a building or development.
  35. Technical Review - Review by the Zoning Administrator or others designated by him of requirements which are technical in nature.
  36. Utility hardware - Devices such as poles, cross arms, transformers, and vaults, gas pressure regulating assemblies, hydrants, and buffalo boxes that are used for water, gas, oil, sewer, and electrical services to a building or a project.
  37. Utility service - Any device, including wire, pipe, and conduit, which carries gas, water, electricity, and communications into a building mechanical or electrical services to a building or development.
- 108 Appearance Criteria. These criteria are not intended to restrict imagination, or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the city.
1. Relationship of Buildings to Site.
    - a. The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
    - b. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged (but not required) to provide an interesting relationship between buildings.

- c. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from view from public ways.
- d. Without restricting the permissible limits of the applicable zoning district, height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

2. Relationship of Buildings and Site to Adjoining Area.

- a. Proposed buildings or improvements shall be made compatible with adjacent buildings of different architectural styles by such means as screens, sight breaks, and materials.
- b. Attractive landscape transition to adjoining properties shall be provided.
- c. Harmony in texture, lines, and masses is required. Monotony shall be avoided.
- d. Parking lots and queing areas shall be screened by architectural or landscape features. The Community Development Director shall make a determination of the intensity and extent of screening to be required.
- e. The arrangement of site, architectural and landscape features shall be harmonious with the streetscape of adjoining streets.

3. Landscape and Site Treatment. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- a. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
- b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Spectator effects shall be reserved for special locations only.
- d. Utility of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture, and color, and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used. Design with plant materials for low water usage and following xeriscape landscape principles is recommended.
- f. In locations where plants will be susceptible to injury by pedestrian or motor traffic they shall be protected by appropriate curbs, tree guards, or other devices. When landscaping is used to screen parking lots or queing areas the minimum width of planting area shall be five feet.

- g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged.
- i. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer. Screening walls and fencing shall be compatible with proposed building materials of nearby architectural improvements.
- j. In areas where general planting will not prosper, "hard" materials such as fences, walls, and paving of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- k. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design and excessive brightness avoided within the site and beyond property lines. (See Illumination guidelines under Minimum Functional Standards.)

4. Building Design.

- a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
- c. (i) Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.  
(ii) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally compatible, used for all building walls and other exterior building components wholly or partly visible from public ways. Metal structures either for storage use or business usage of a square footage greater than 200 square feet shall not have sides faced with metal cladding. Facing materials for these structures shall be stone, brick, stucco or other approved materials.  
(iii) Materials shall be of durable quality.  
(iv) In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.
- d. Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another.
- e. Colors shall be harmonious and shall use only compatible accents.
- f. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials compatible with the

buildings, or they shall be so located as not to be visible from any public ways.

- g. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
- h. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
- i. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

5. Signs.

- a. Every sign shall have good scale and proportion- in its "design and in its visual relationship to buildings and surroundings.
- b. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
- c. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- d. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- e. Each sign shall be compatible with the signs on adjoining premises.
- f. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

6. Miscellaneous Structures and Street Hardware.

- a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

7. Maintenance-Planning and Design Factors.

- a. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.
- b. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect damage, and abuse.

- c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate debris, leaves, trash, debris, rubbish shall be avoided.
- d. Maintenance of required screening and/or landscaping shall follow the requirements of Section 3.104.O of the Zoning Regulations to ensure improvements are maintained in good condition.

109 MINIMUM FUNCTIONAL STANDARDS: In addition to the appearance standards, the following minimum functional standards shall be shown, in the submittal, as a precondition to review by the Planning Commission.

110 SCREENING AND LANDSCAPING: Screening and/or landscaping shall be provided on all properties developed for multiple-family (except single family and duplexes, unless arranged in a courtyard setting), institutional, office, business or industrial uses when such uses are established on property within or adjacent to any residential districts in accordance with the standards and procedures listed below. In addition to the requirement for screening and/or landscaping as stated above, screening and/or landscaping may further be required to preserve the value of an existing use or the potential for future development of any adjacent land or land across a right-of way.

- A. Screening shall be provided along all side or rear lot lines adjacent to such residential districts.
- B. Landscaping shall be provided along a front lot line to the depth of at least 10 feet whenever such front lot line is adjacent to or across from such residential districts. No other uses except driveways and signs shall be allowed in such a landscaped area.
- C. Screening shall be provided on all required development sufficient to reasonably hide from ground level view all loading docks, trash receptacles, outdoor storage, outdoor display, outdoor working areas, parking spaces and similar uses from such residential districts.
- D. Screening on the side or rear lot line may be reduced in height and intensity in the front yard area extending to the front lot line, i.e., the street right-of-way; however, screening shall not be required along such lot lines in that portion of the front yard which may be landscaped.
- E. Whenever properties are developed adjacent to an alley, screening may be omitted at driveways deemed essential for ingress and egress to uses established on the property.
- F. Screening may consist of fencing and/or landscaping provided that such screening will serve to adequately reduce:
  - 1. The visual effects on the environment caused by adjacent nonresidential or higher density residential uses;
  - 2. Noise;
  - 3. Lighting;
  - 4. Glare; and
  - 5. Blowing trash.
- G. Screening fences must maintain the following standards:
  - 1. Not less than six feet in height.
  - 2. Slatting shall provide a 90% reduction in the passage of light.
  - 3. Only gates which open to the street shall be allowed to remain open during the hours of operation.

- H. Landscaping shall:
  - 1. Maintain a reduced visual impact to a height of not less than six feet year-around, within one year of planting.
- I. Landscaping and/or tree placement in street right-of-way.
  - 1. Ornamental trees (20' or less at maturity)
    - a. Shall have no less than a 5' separation from curb or sidewalk, water or sanitary sewer lines, power poles or street lights.
    - b. Shall have no less than a 3' separation from parking area, buried utility, underground storm sewer, driveway approaches.
    - c. May be planted under electric aerial utility power lines, taller trees may not.
  - 2. Shade trees (20' or greater at maturity)
    - a. Shall have no less than a 7' separation from curb or driveway.
    - b. Shall have no less than a 6' separation from sidewalk parking area, water or sanitary sewer lines, buried utility lines, underground storm sewer, street lights.
    - c. May not be planted in drainage or utility easements.
  - 3. Shrubs (4' or less at maturity or trimmed)
    - a. Shall have no less than a 2' separation from driveway approaches, sidewalks, parking areas, utility meters, manholes, storm sewer structures, power poles, utility pedestals, street lights.
    - b. Shall be restricted to 33 inches in height within the vision triangle.
- J. Landscaping planting sizes at the time of planting:
  - 1. Ornamental trees min. 1 1/2" trunk caliper
  - 2. Shade/Canopy trees min. 2" trunk caliper
  - 3. Evergreen trees min. 6' height
  - 4. Shrubs min. 2 gallon container
- K. All screening and landscaping shall meet the requirements of the required vision triangle. (See Section 2-102 of the Zoning Regulations for definition VISION TRIANGLE).
- L. Landscaping along the front lot line shall involve bringing the soil surface to a smooth finished grade and installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.
- M. The selection of landscape materials shall consider the "mature" growth and habit of such plants so that vegetation will not overhang or obstruct the public street or a sidewalk area in such a manner as to conflict with pedestrian and vehicular access. Plant materials shall be selected from the current "Preferred Tree Species for South Central Kansas" by the Kansas Urban Forestry Council, "Recommended Shade Trees, Conifer Trees, Ornamental Trees, Shrubs, and Grasses for Wichita Kansas", and lists prepared by the Planning Commission (copies of which are available from the Community Development Director unless otherwise specifically approved by the Planning Commission).
- N. The type of fencing should be compatible with the kind and intensity of the land use and the architectural style of the development and adjacent properties.
- O. The Planning Commission may, in its discretion, temporarily or permanently waive the requirements for screening and/or landscaping if:

1. The adjacent land use in the residential district may not necessitate nor benefit from such a requirement; or
  2. The adjacent land use may already have provided adequate screening for which additional screening may be a duplication; or
  3. The future land use for the adjacent area can not readily be determined at this time and that upon mutual agreement of the Planning Commission and the applicant that the requirements may be waived and the matter reviewed at a specified date in the future. In the meanwhile, the Planning Commission shall require that either a letter of assurance or a covenant be submitted to run with the land; or a guarantee in the form of a corporate security bond, cashier's check, escrow account or other security be submitted to ensure that such requirements will be met when a determination is made. The Planning Commission may determine the sufficiency of the assurance based on the length of time anticipated before a decision, the size and cost of the potential work involved, and the need to ensure that the requirement is met regardless of any change in ownership.
  4. None of the above shall prevent the Planning Commission from requiring temporary screening on all or a portion of a side or rear yard wherein a nonresidential use is proposed for development adjacent to an existing single-family dwelling and thereby a potential nuisance or hazard may be created for the homeowner.
- P. All plant materials shall be healthy and/or fencing in place prior to issuance of an occupancy certificate. Planning Commission approval may be given without the landscaping installation; provided, written assurances are given which are satisfactory to the Community Development Director that the planting will take place when the proper season arrives.
- Q. Fencing. As provided for in Section 3.103.F, 2-5 of the Zoning Regulations, the following provisions shall govern the construction and location of fences on any zoning lot:
1. In any yard except a front yard: Accessory uses meeting the bulk regulations of Section 6.100.C; children's recreational and laundry drying equipment; and open and closed fences not exceeding six feet in height with additional height permitted for security design measures.
  2. Fences in a front yard: On lots with single or two-family dwellings and all types of manufactured and mobile homes, (in a courtyard setting only) fences not exceeding four feet in height are permitted which are constructed with at least 75% open space; however, no chain link fences are permitted unless approved as a conditional use. In all other circumstances, including decorative walls as perimeter boundaries and entryways to subdivisions, open and closed fences are permitted which do not exceed six feet m height. Additional security design measures may be placed above the six feet limitation.
  3. Construction standard for all fences: No fence shall be constructed which will constitute a hazard to traffic or a danger to persons or animals.
  4. Conditional use for fences: The Board of Zoning Appeals may as a conditional use approve the construction of higher fences and/or less open space in all' yards and many district if the Board finds that the public welfare is preserved.

111 ILLUMINATION (Illuminance Level): The illuminance level of development in the City aesthetically impacts the nighttime appearance of the community. Obtrusive light such as glare, light trespass and light pollution upon individual sites causes a negative visual effect within the site and surrounding areas. The following guidelines shall be followed to promote safety, security, conserve energy and provide a visually pleasing pattern in lighting design:

- A. Lighting levels shall be appropriate to the level of activities and tasks planned for site development. Levels shall meet minimum and maximum standards of the Illuminating Engineering Society of North America (IESNA). Other resources such as the USA Pattern Lighting Code, Leadership in Energy & Environmental Design's Exterior lighting requirements in LEED Rating System Version 2.1 and International Dark-Sky Association's IDA Outdoor Lighting Code Handbook may also be consulted.
- B. A maximum level of light shall be reviewed by the Planning Commission when detrimental to surrounding land uses or the general appearance of the proposed development. Undue light trespass is not permitted into residential areas. Plan the location, mounting height and aiming of luminaires to avoid light trespass.
- C. Minimize light pollution by lighting design to eliminate upward light emission.

# Preferred Trees for South Central Kansas



Growing trees successfully depends on the selection of the right trees for the intended site. It is important to match the growing conditions and space available on the site with the cultural requirements and projected size of each tree to be planted. The following four charts show the tolerances of individual trees to various environmental conditions as well as the major landscape attributes of each tree. Not all recommended trees for South Central Kansas are included. The preferred trees listed were recommended by industry professionals such as city foresters, local tree boards, county and horticulture extension agents, commercial arborists and retail/production nursery interests. For a more extensive list see *Shade & Ornamental Trees for Kansas MF-2688*

## KEY TO USING THIS INFORMATION:

**TREE SPECIES AND CULTIVARS:** The names of the trees are listed in the center of four different charts. Three of the charts list deciduous trees grouped by average mature height. The fourth chart lists evergreen trees. Cultivars are listed if they possess improved plant characteristics like better fall color; a unique form; more attractive flowers, fruit; greater heat tolerance; or increased pest resistance.

**ENVIRONMENTAL TOLERANCES:** The left side of each chart indicates the recommended environmental conditions of each tree; including full sun (**S**), light shade (**L**), soil pH adaptability, and soil moisture tolerances (**Dry** or **Wet**). Each chart also shows how resistant each tree is to insect and disease pests. A "**G**" (for good) under the appropriate column indicates the tree is strongly tolerant of the characteristic indicated. An "**F**" (for fair) signifies that the tree shows some tolerance. A blank space in a column indicates the tree is not tolerant and should not be subjected to that environmental condition. Specific information on the "pH adaptable", "soil moisture", and "pests" categories follows:

**pH ADAPTABLE:** (**G**) = tree may tolerate soils with a pH up to 8.0 or more; (**F**) = tree generally will tolerate an alkaline soil up to a pH of 7.5; (blank) = tree may not tolerate alkaline soils; do not plant in alkaline soils to avoid the problem of iron or manganese chlorosis.

**SOIL MOISTURE:** while most trees prefer a moist and well drained soil, some of these species will tolerate moderate drought (**D**) or occasional wet (**W**) periods. Some trees will tolerate both to some extent and they are indicated with **DW**. See *Drought-Tolerant Tree for South-Central Kansas (MF-3246)* for a list of drought tolerant trees.

**PESTS:** (**G**) = tree is usually free of insect and disease problems; (**F**) = tree encounters insect or disease pests on an infrequent basis and often is not permanently damaged; (blank) = tree may suffer from pests which may permanently damage or kill the tree and/or the tree may exhibit minor insect and disease problems on a frequent basis which may affect the aesthetics of the tree or insects may commonly be a nuisance.

**LANDSCAPE ATTRIBUTES:** The right side of each chart includes average mature height and spread of each tree, which can be variable depending on growing conditions and other factors. Landscape attributes of flowers, fruit, and fall color are also listed.

**FLOWERS:** (**G**) = the flowers are showy; (**F**) = the flowers are not particularly showy, but may possess other desirable characteristics such as fragrance; (blank) = the flowers are generally considered insignificant.

**FRUIT:** (**G**) = fruits are generally aesthetically pleasing; (**F**) = fruits are not considered showy, but may provide other interest or benefits such as attracting wildlife; (blank) = no showy or useful fruit.

**FALL COLOR:** (**G**) = the autumn leaf color is typically quite good; (**F**) = the fall color may provide interest in some years; (blank) = autumn foliage color is generally not considered an asset of this particular tree.

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ENVIRONMENT				SMALL DECIDUOUS TREES (usually under 20 feet at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	DW	F	<b>Amur Maple</b> ( <i>Acer tataricum</i> subsp. <i>ginnala</i> ) Cultivars: 'Compactum'; 'Flame'. Seeds readily.	15-20	15-25	F		G
SL	G	D	F	<b>Tatarian Maple</b> ( <i>Acer tataricum</i> ) Cultivar; Hot Wings has attractive red fruit.	20-25	15-25	F	F	F
SL	G	D	F	<b>Eastern Redbud</b> ( <i>Cercis canadensis</i> ) var. <i>alba</i> (white flowers); Cultivars: 'Forest Pansy' and 'Merlot' have red/purple new growth.	20-25	20-25	G		F
SL	G	D	G	<b>Oklahoma Redbud</b> ( <i>Cercis canadensis</i> var. <i>texensis</i> 'Oklahoma') Glossy green leaves, more intense flower color, insect resistance	15-20	15-20	G		F
SL	G	DW	G	<b>Chinese Fringetree</b> ( <i>Chionanthus retusus</i> ) Cultivar 'Tokyo Tower'	15-20	15-20	G		F
SL	G	D		<b>Winterberry Euonymus</b> ( <i>Euonymus bungeanus</i> ). Seeds readily.	15-20	10		G	F
S	F	D	F	<b>Flowering Crabapple</b> ( <i>Malus</i> spp.) For disease resistant cultivars see Crabapple publication MF-875.	varies	varies	G	G	F
SL	G	D	G	<b>Smoketree</b> ( <i>Cotinus</i> spp.) American Smoketree ( <i>C. obovatus</i> ) and Red Smoketree varieties ( <i>C. coggygria</i> ). Hybrid 'Grace' has vigorous purple growth.	20	15	F		G

ENVIRONMENT				MEDIUM DECIDUOUS TREES (usually 20 to 40 feet at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	D	G	<b>Trident Maple</b> ( <i>Acer buergerianum</i> ) Some trees could suffer winter damage north of Newton.	20-35	20-30			G
SL	G	D	G	<b>Hedge Maple</b> ( <i>Acer campestre</i> )	25-35	25-35			G
SL	F	D	G	<b>Shantung Maple</b> ( <i>Acer truncatum</i> ) Hybrids also available: Norwegian Sunset; Pacific Sunset (hybrids with Norway Maple). Range of fall color, yellow-red.	25-30	25-30			G
SL	F	DW	G	<b>European Hornbeam</b> ( <i>Carpinus betulus</i> ) Cultivars 'Fastigiata' and 'Frans Fontaine' are columnar cultivars.	30-40	20-30			F
S	G	D		<b>Goldenrain Tree</b> ( <i>Koelreuteria paniculata</i> ) Host to boxelder bugs. Seeds readily.	30-40	30-40	G	G	F
S	G	DW	G	<b>Osage Orange</b> ( <i>Maclura pomifera</i> ) Cultivars: 'Wichita' and 'Whiteshield'. Use fruitless and thornless cultivars only.	30-40	20-40			G
S	F	D		<b>Flowering Crabapple</b> ( <i>Malus</i> spp.) For disease resistant cultivars see Crabapple publication MF-875.	varies	varies	G	G	F
S	G	D	G	<b>Chinese Pistache</b> ( <i>Pistacia chinensis</i> ) <b>Do not plant north of Harvey County.</b> Use cold-hardy seed source if possible. Seeds readily. Cultivar 'Keith Davey' is seedless and has red fall color.	30-35	30-40		F	G
S	F	D	F	<b>Callery Pear</b> ( <i>Pyrus calleryana</i> ) Cultivars: 'Aristocrat'; 'Capital'; 'Chanticleer'; and 'Cleveland Select'. Cultivar 'Bradford' is not recommended. Seeds readily.	30-40	10-45	G		G
S	G	D	G	<b>Chinkapin Oak</b> ( <i>Quercus muehlenbergii</i> )	35-40	40-45		F	F
SL	F	D	F	<b>Japanese Tree Lilac</b> ( <i>Syringa reticulata</i> ) Cultivar: 'Ivory Silk'	25	20	F		

ENVIRONMENT				LARGE & VERY LARGE DECIDUOUS TREES (usually 40 feet and larger at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	DW		<b>Freeman Maple</b> ( <i>Acer x freemanii</i> ) Cultivars: Autumn Blaze; Autumn Fantasy. The cultivars are prone to bark sunscald/frost cracking due to exposure and frequent winter temperature fluctuations.	50-60	40-50			G
SL		W		<b>Red Maple</b> ( <i>Acer rubrum</i> ) Cultivars: 'Autumn Flame'; 'October Glory'; Red Sunset; Burgundy Belle. The species and cultivars are prone to bark sunscald/frost cracking due to exposure and frequent winter temperature fluctuations.	40-60	35-50	F		G
SL	F	D	F	<b>Sugar Maple</b> ( <i>Acer saccharum</i> ) Caddo (seedling). Cultivars: 'Legacy'; 'John Pair'; 'Autumn Splendor'; All are more heat tolerant and leaf tatter resistant cultivars.	40-60	30-50			G
S		W	F	<b>River Birch</b> ( <i>Betula nigra</i> ). Cultivar Heritage has larger leaves, better salmon-white bark.	40-60	40-50			F
SL	G	DW		<b>Common Hackberry</b> ( <i>Celtis occidentalis</i> ) Cultivar Prairie Sentinel is columnar.	40-60	40-50		F	F
S	G	D	G	<b>Ginkgo</b> ( <i>Ginkgo biloba</i> ) Cultivars: 'Autumn Gold'; 'Princeton Sentry' (narrow pyramidal form). Slow-growing. Use named MALE cultivars only.	50-60	25-40			G
S	G	DW		<b>Thornless Honeylocust</b> ( <i>Gleditsia triacanthos</i> var. <i>inermis</i> ). Cultivars Skyline; 'Shademaster'; Honeylocusts are susceptible to many pests.	40-60	30-50			F
SL	G	DW	G	<b>Kentucky Coffee Tree</b> ( <i>Gymnocladus dioica</i> ) Seedless is available.	50-60	30-45		F	F
S		W	F	<b>Sweetgum</b> ( <i>Liquidambar styraciflua</i> ) Fruit can be a nuisance.	50-75	35-50		F	G
SL	G	DW	G	<b>London Planetree</b> ( <i>Platanus x acerifolia</i> ) Cultivar 'Bloodgood' has resistance to anthracnose. Exclamation has disease resistance and strong central leader.	60-80	50-65		F	
S	F	DW	G	<b>Sawtooth Oak</b> ( <i>Quercus acutissima</i> )	40-50	30-45		F	F
S	F	DW	G	<b>White Oak</b> ( <i>Quercus alba</i> )	50-60	40-60		F	F
S	F	DW	F	<b>Swamp White Oak</b> ( <i>Quercus bicolor</i> )	50-60	40-60		F	F
S	G	D	G	<b>Texas Red Oak</b> ( <i>Quercus buckleyi</i> )	50-60	40-60		F	G
S	F	DW	F	<b>Shingle Oak</b> ( <i>Quercus imbricaria</i> )	50-60	40-60			F
S	G	DW	G	<b>Bur Oak</b> ( <i>Quercus macrocarpa</i> ) Large fruit can be a nuisance.	60-80	50-70		F	
S	G	D	F	<b>English Oak</b> ( <i>Quercus robur</i> ) Many columnar cultivars available: Crimson Spire; 'Fastigiata'; Kindred Spirit; Regal Prince	40-60	45-65		F	
S	F	D	F	<b>Red Oak</b> ( <i>Quercus rubra</i> )	60-75	40-60		F	G
S	G	DW	F	<b>Shumard Oak</b> ( <i>Quercus shumardii</i> )	60-80	40-60		F	G
SL		DW	F	<b>Willow Oak</b> ( <i>Quercus phellos</i> )	50-60				
S		DW	G	<b>Baldcypress</b> ( <i>Taxodium distichum</i> ) Cultivar 'Frio River' has excellent pH tolerance. 'Shawnee Brave' has upright pyramidal growth. Knees can be a problem in the landscape.	50-70	20-50		F	G
SL	F	W	F	<b>American Linden</b> ( <i>Tilia americana</i> ) Cultivar 'Redmond' pyramidal form. Lindens are favored by honey bees.	50-60	35-40	F		F
SL	G	W	F	<b>Littleleaf Linden</b> ( <i>Tilia cordata</i> ) More rounded. Cultivar: 'Greenspire' (pyramidal). Lindens are favored by honey bees.	35-45	25-40	F		F
S	G	DW	G	<b>Silver Linden</b> ( <i>Tilia tomentosa</i> ) 'Sterling' is an improved cultivar. Lindens are favored by honey bees.	40-45	25-35	F		
S	G	DW	F	<b>American Elm</b> ( <i>Ulmus americana</i> ) Cultivars: 'Jefferson'; 'New Harmony'; Prairie Expedition; 'Princeton'. Choose disease resistant cultivars.	60-80	40-60			F
S	G	DW	G	<b>Elm hybrids</b> ( <i>Ulmus</i> ) Accolade; Danada Charm; 'New Horizon'; 'Patriot'; 'Prospector'. Bred for attractive foliage and disease resistance.	>45	>40			F
SL	G	DW	F	<b>Lacebark Elm</b> ( <i>Ulmus parvifolia</i> ). Also available: cultivars Athena; Allee; 'Emerald Prairie'; many others.	40-60	35-50			F
SL	F	D	F	<b>Japanese Zelkova</b> ( <i>Zelkova serrata</i> ) Cultivars 'Green Vase', 'Halka', and 'Village Green' have improved growth habit. 'Musashino' is columnar.	40-45	25-30			G

ENVIRONMENT				EVERGREEN TREES	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
S	G	D	G	<b>Incense Cedar</b> ( <i>Calocedrus decurrens</i> )	30-40	20-30			
S	G	D	F	<b>Arizona Cypress</b> ( <i>Cupressus arizonica</i> ) Cultivars 'Blue Ice'; 'Blue Pyramid'; and 'Cooke Peak'	20-30	15-20			
S	G	D		<b>Upright Chinese Juniper</b> ( <i>Juniperus chinensis</i> ). Very rust resistant. Cultivars: 'Keteleeri'; 'Robusta Green'; 'Wintergreen'; other disease resistant cultivars are available.	varies	varies		G	
S	G	D		<b>Eastern Red Cedar</b> ( <i>Juniperus virginiana</i> ) Also available: cultivar 'Canaertii' (irregular form); 'Taylor' (upright growth) many others also. Seeds readily.	30-40	25		G	
SL	G	DW	G	<b>Southern Magnolia</b> ( <i>Magnolia grandiflora</i> ) Cultivars 'Bracken's Brown Beauty' and 'Edith Bogue' are the most cold hardy.	30-40	30-40	G	G	
S				<b>Black Hills Spruce</b> ( <i>Picea glauca</i> var. <i>densata</i> )	30-40	15-20		F	
S	G	D		<b>Pinyon Pine</b> ( <i>Pinus edulis</i> ) Slower growing.	10-20	10-15		F	
S	F	D	F	<b>Vanderwolf's Pyramid Limber Pine</b> ( <i>Pinus flexilis</i> 'Vanderwolf's Pyramid') Vigorous upright selection of Limber Pine.	30-40	15-30		F	
S	F	D		<b>Austrian Pine</b> ( <i>Pinus nigra</i> ) Limited use - subject to tip and needle blights as well as pine wilt disease.	40-60	25-40		F	
S	F	D	F	<b>Southwestern White Pine</b> ( <i>Pinus strobiformis</i> )	40-60	25-40		F	
SL	G	DW	G	<b>Oriental Arborvitae</b> ( <i>Platycladus orientalis</i> or <i>Thuja orientalis</i> ) Many ornamental cultivars available.	20-30	20-25			

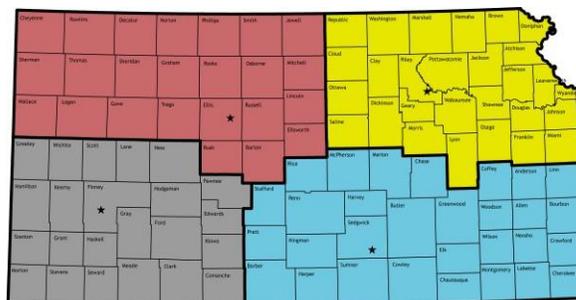
This publication is coordinated and updated by the Kansas Forest Service. For further information and assistance, or to provide feedback and recommendations to the preferred tree listing please contact:

Tim McDonnell, Community Forestry Coordinator  
 Kansas Forest Service  
[tmcdonne@ksu.edu](mailto:tmcdonne@ksu.edu)

Preferred tree lists are available for other areas of the state. Visit us on the web for more information at:  
[www.kansasforests.org](http://www.kansasforests.org)

Dr. Jason Griffin, Nursery & Landscape Specialist  
 Dept. Horticulture, Forestry & Recreation Resources  
[jgriffin@ksu.edu](mailto:jgriffin@ksu.edu)

John C. Pair Horticultural Center  
 1901 E. 95th Street S.  
 Haysville, KS 67060-8351  
 (316) 788-0492



Kansas Forest Service Community Forestry Districts.



**ARTICLE 12 SUBDIVISION REGULATIONS.**

- 100 Purpose. The purpose of this Article is to:
- A. Provide for the harmonious development of the City of Goddard and the surrounding area;
  - B. To provide for the proper location and width of streets, for building lines, open spaces, drainage, safety and recreational facilities, and for the avoidance of congestion of population;
  - C. To provide for the minimum width, depth and area of lots;
  - D. To specify the extent to which, and the manner in which, roadways shall be graded and improved;
  - E. To specify the extent to which, and the manner in which water, sewer and other utility mains an dipping and connections or other physical improvements shall be installed;
  - F. To provide for the actual construction of such physical improvements and secure to the Governing Body control thereof; and
  - G. To provide for the exercise of the powers conferred by K.S.A. § 12-741 et seq.
- 101 JURISDICTION. These regulations shall apply to all land located within the City of Goddard and within the Urban Growth Boundary as defined by the Metropolitan Area Planning Commission and Sedgwick County Board of CountyCommissioners.
- 102 APPLICABILITY. Any owner or owners of land subdividing the same into lots and blocks or tracts or parcels for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or establishing any street, alley or other property intended for public use or for the use of a purchaser or owner of lots, tracts or parcels of land fronting on or adjacent thereto, shall cause a subdivision plat to be made in accordance to these regulations.
- 103 DUTIES OF THE PLANNING COMMISSION – BOARD OF ZONING APPEALS. The Planning Commission – Board of Zoning Appeals shall administer the provisions of these regulations and, in furtherance of such authority, the said Commission shall:
- A. Maintain permanent and current records with respect to these regulations, including amendments thereto.
  - B. Receive and file all preliminary plats, and final plats, together with applications therefor.
  - C. Forward copies of the preliminary plat to other appropriate governmental agencies and departments and public utilities for their report and recommendations, when such report and recommendations are necessary or desirable.
  - D. Forward final plats to the Governing Body, together with the recommendations of the Planning Commission – Board of Zoning Appeals.
  - E. Review and approve, approve conditionally, or disapprove preliminary plats.
  - F. Review and approve or disapprove final plats and transmit the same to the Governing Body for acceptance of dedications of streets, alleys and other public ways and sites.
  - G. Make such other determinations and decisions as may be required of the Planning Commission – Board of Zoning Appeals from time to time by these regulations, or the applicable sections of the Kansas Statutes Annotated.
- 104 FILING FEES. The filing fees for Subdivision plats, lot splits and corrections of plats shall be established by a resolution of the Governing Body.
- 105 ENFORCEMENT. No plat or subdivision shall be approved which does not comply with the provisions of these regulations.

106 PROCEDURE FOR APPROVAL OF SUBDIVISION PLATS.

**PART 1. THE PRELIMINARY PLAT.**

107 FILING OF PRELIMINARY PLAT. The subdivider shall file such number of copies of the preliminary plat as the Planning Commission may deem necessary for proper review.

108 FILING FEE. The preliminary plat shall not be accepted for filing until the filing fee therefor has been paid by the subdivider.

109 CONTENTS OF PRELIMINARY PLAT. The preliminary plat shall contain the information and data set out in Section 118 of this regulation.

110 ACTION BY PLANNING COMMISSION – BOARD OF ZONING APPEALS ON PRELIMINARY PLAT. The Planning Commission – Board of Zoning Appeals shall review the preliminary plat and may conduct a public hearing, at which interested persons may attend and offer evidence supporting or opposing such preliminary plat.

- A. The Planning Commission shall thereupon determine, on the basis of all evidence before it, whether the preliminary plat generally meets the design standards and requirements of these regulations, the comprehensive plan of the area, the zoning regulations in force in the area, and other applicable provisions of ordinances or regulations of the City.
- B. If the foregoing considerations are satisfied, the Planning Commission – Board of Zoning Appeals shall approve, in writing, the preliminary plat.
- C. If the Planning Commission – Board of Zoning Appeals determines that the preliminary plat does not satisfy the foregoing conditions, it may suggest modifications which will cause the preliminary plat to satisfy such conditions. In such event:
  - (1) The subdivider may amend the preliminary plat to incorporate such modifications and resubmit the preliminary plat to the Planning Commission – Board of Zoning Appeals, which shall then grant its approval if such amendments satisfactorily incorporate the suggested modifications; or
  - (2) The subdivider may reject the suggested modifications, or may refrain from taking any action thereon within the time allowed for Planning Commission – Board of Zoning Appeals. In either event, the preliminary plat shall be deemed to have been disapproved and the Planning Commission- Board of Zoning Appeals shall furnish the subdivider with a written statement setting forth reasons for disapproval of the preliminary plat.
- D. If the Planning Commission – Board of Zoning Appeals determines that the preliminary plat does not satisfy the foregoing conditions and that modifications would be too extensive or impractical, it shall disapprove the preliminary plat and immediately notify the subdivider of its action and the reasons therefor.

- E. Notwithstanding the foregoing provisions, the Planning Commission – Board of Zoning Appeals shall approve or disapprove the preliminary plat within sixty (60) days of the date on which such plat was filed or the date on which the subdivider submitted the last item of required data (if such requirement was made within said sixty [60] days), whichever date is later, unless such time is extended by mutual consent.

- (1) If the preliminary plat is disapproved, the Planning Commission – Board of Zoning Appeals shall, within ten (10) days of such disapproval, furnish the subdivider with a statement in writing setting forth the reasons for such disapproval and specifying with particularity the aspects in which the proposed preliminary plat fails to conform to the requirements of these regulations, the comprehensive plan, zoning regulations in force in the area and other applicable provisions of the ordinances of the city.

111 FAILURE OF PLANNING COMMISSION – BOARD OF ZONING APPEALS TO ACT ON PRELIMINARY PLAT. If the Planning Commission – Board of Zoning Appeals fails to approve or disapprove a preliminary plat within sixty (60) days of the date on which such plat was filed or the date on which the subdivider submitted the last item of required data, whichever date is later, such preliminary plat shall be deemed to have been approved, unless the subdivider shall have consented in writing to extend or waive such time limitation.

112 EFFECT OF APPROVAL OF PRELIMINARY PLAT.

- A. Approval of the preliminary plat shall not constitute approval of the subdivision by the Planning Commission – Board of Zoning Appeals but shall signify merely the general acceptability of the proposed subdivision.
- B. Such approval shall be considered permission to prepare the final plat, detailed plans and specifications for the proposed subdivision and for all public improvements to be constructed therein by the subdivider.
- C. Such approval shall be effective for no more than twelve (12) months from the date on which approval was granted, unless, upon application from the subdivider, the Planning Commission – Board of Zoning Appeals grants an extension of time beyond such period.
- D. If a final plat is not approved and recorded as required by these regulations within such twelve-month period, or such longer period as may be allowed under this section, approval of the preliminary plat shall be revoked and the preliminary plat must be resubmitted to the Planning Commission – Board of Zoning Appeals as if such plat had never been approved, except that no additional fee shall be charged for such resubmission.

**PART 2. FINAL PLATS.**

113 FILING OF FINAL PLATS. The final plat, using a photographic process on 0.004 inch Mylar cronoflex engineering photographic film, or its equivalent, together with the same number of copies as are required for submission of a preliminary plat shall be filed with the Planning Commission – Board of Zoning Appeals within twelve (12) months of the date on which the preliminary plat was approved.

114 ACTION BY THE PLANNING COMMISSION – BOARD OF ZONING APPEALS. The Planning Commission – Board of Zoning Appeals shall, within sixty (60) days of the date on which the plat was submitted to it, either approve or disapprove the plat. If the Planning Commission – Board of Zoning Appeals disapproves the final plat, it shall advise the subdivider in writing of the reasons for such disapproval within ten (10) days of such disapproval.

115 CONTENTS OF PLANS AND PLATS.

**PART 1. PLATTING ACCURACY.**

116 PLATTING ACCURACY. Plats shall be prepared with the following accuracy:

- A. Sketch plats shall be to a scale. They may be submitted in free hand form.
- B. Preliminary plats shall be drawn to scale, with sufficient accuracy to set forth the location of lot, block, property and boundary lines, utilities and other facilities, to the nearest foot.
- C. Final plats shall be prepared with the accuracy required for traverse data.  
The following sheets or drawings shall be submitted with the final plat:

- (1) Traverse data for the plat, including the coordinates of the boundary of the subdivision with the error of closure. The error of closure for a perimeter distance of ten thousand (10,000) feet or more shall not be more than one (1) in twenty thousand (20,000). For perimeter distances of less than ten thousand (10,000) feet, the error of closure shall not be more than one (1) in ten thousand (10,000).
- (2) The computation of all distances, angles and courses that are shown on the final plat, unless measured in the field.
- (3) All stakes, monuments or other evidence found on the ground in use, to determine the boundaries of the plat.

**PART 2. PRELIMINARY PLAT.**

117 FORM OF PRELIMINARY PLAT. The preliminary plat shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet. However, areas over one hundred (100) acres may be to a scale of one (1) inch equals two hundred (200) feet.

118 CONTENTS OF PRELIMINARY PLAT.

- A. GENERAL INFORMATION. The following general information shall be shown on the preliminary plat:

- (1) The proposed name of the subdivision. This name shall not duplicate or resemble the name of any existing subdivision within the area subject to these regulations.
- (2) Date, north point, and scale of drawing.
- (3) An identification clearly stating that the map is a preliminary plat.
- (4) The location and boundaries of the tract which will be subdivided.
- (5) The names of adjacent subdivisions or, in the case of unplatted land, the names of the owner or owners of adjacent property.
- (6) The name and address of the owner, the subdivider, and the licensed professional engineer or surveyor who prepared the plat.

B. EXISTING CONDITONS. The following existing conditions shall be shown on the preliminary plat:

- (1) The locations, widths and names of all existing public or private streets within or adjacent to the tract, together with easements, railroad rights-of-way, and other important features such as section lines and comers, city boundary lines and monuments.
- (2) Contour lines or spot elevations based on Cityof Goddard datum or Mean Sea Level (MSL) having the following intervals:
  - (a) Two (2) foot contour intervals for ground slopes less than ten percent (10%).
  - (b) Five (5) foot contour intervals for ground slopes exceeding ten per cent (10%)
  - (c) Spot elevations where the ground is too flat for contours. The date or dates of the topographic surveys shall beshown.
- (3) The location and direction of all watercourses and areas subject to flooding.
- (4) Natural features such as rock outcroppings, marshes, lakes, wooded areas, and isolated preservable trees.
- (5) Existing use of the property, including the location of all existing structures, with a designation as to which will be removed and which will remain on the property after the final plat is recorded.
- (6) The horizontal location and elevation within the subdivision, and the horizontal location in the adjoining streets and property, of existing sanitary and storm water sewers (including flow lines), water mains, culverts, underground wiring, pipe lines and gas lines proposed to serve the property to be subdivided.
- (7) Zoning on and adjacent to the tract, if any.
- (8) Location, elevation and description of the bench mark controlling the vertical survey.

C. PROPOSED SUBDIVISION PLAT. The following information with respect to the manner in which the tract is to be subdivided and developed shall be included on the preliminary plat:

- (1) Streets, showing the location, width, names and approximate grades thereof.
- (2) The relationship of all existing streets to any projected.
- (3) If a development plan has been adopted by the Planning Commission or Governing Body, such development plan shall be shown. If no such development plan has been completed, then such other features as suggested by the Planning Commission shall beshown.
- (4) Easements showing width and purpose.
- (5) Lots showing approximate dimensions, minimum lot sizes and proposed lot and block numbers.
- (6) Sites, if any, to be allocated to other than single-family dwellings.
- (7) Locations and types of utilities to be installed.
- (8) Sites, if any, to be dedicated or reserved for park, playground or other public purposes.
- (9) Proposed building setback lines, if any.

(D) ADDITIONAL DATA AND INFORMATION TO BE SUBMITTED WITH THE PRELIMINARY PLAT.

The following data and information shall be submitted in separate statements and/or maps accompanying the preliminary plat, or, if practical, such data and information may be shown on the preliminary plat:

- (1) A vicinity map, showing existing subdivisions, streets and unsubdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
- (2) A vicinity map showing the coverage of existing emergency warning devices, and the location of any new emergency warning devices, which are proposed in order to meet the requirements of Section 8-101(G), with the coverage of the proposed devices.
- (3) Proposed deed restrictions, if any, in outline form.
- (4) A statement of the manner in which the subdivider proposes to finance improvements.
- (5) A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the subdivider intends to provide for their installation, e.g., petition, actual construction, monetary guarantee, etc. If other than by petition, the plat shall indicate the approximate time that such improvements will be completed.

**PART 3. FINAL PLAT.**

119 FORM OF PLAT. The final plat shall be prepared by a licensed professional engineer, or surveyor as defined in Section 139.2 (12), using a photographic process on 0.004 inch Mylar cronoflex engineering photographic film, or its equivalent.

- (A) No final plat shall be larger than twenty-two (22) inches by thirty-four (34) inches.
- (B) The scale shall be not less than one hundred (100) feet to one (1) inch, except that the Planning Commission – Board of Zoning Appeals may order or allow a different scale where it determines that such different scale is necessary for a proper exhibit of the subdivision.
- (C) When more than one (1) sheet is used for any plat, each such sheet shall be numbered consecutively and each such sheet shall contain a notation showing the whole number of sheets in the plat and its relation to other sheets (e.g., sheet 1 of 3 sheets).
- (D) Linear dimensions shall be given in feet and decimals of a foot.

120 CONTENT OF FINAL PLAT. The final plat shall show on the face thereof:

- (A) The name of the subdivision.
- (B) The date, scale, north point, legend and controlling physical features, such as water courses, highways and railroads.
- (C) A legal description of the tract boundaries.

- (D) Reference ties to government corners or previous surveys or plats as follows:
  - (1) The distance and direction to the monuments used to locate the land described in the certificate of survey.
  - (2) The location of all other monuments required to be installed by the provisions of these regulations.
- (E) The tract boundary, block boundaries, and street and other right-of-way lines with distances and angles (and/or bearings).
  - (1) Where these lines follow a curve (all curves must be circular), the central angle, the radius, points of curvature, length of curve and length of intermediate tangents shall be shown.
- (F) Lot lines with dimensions.
  - (1) Side lot lines shall be at right angles or radial to street lines unless otherwise shown.
  - (2) Rear lot lines shall be parallel to block or tract lines unless otherwise indicated.
  - (3) Points of deflection of rear lot lines shall be indicated by angles and distances.
- (G) The width of the portion of the streets being dedicated and the width of any existing rights-of-way.
- (H) All easements shall be denoted by fine dashed lines, clearly identified, and if already of record, the recorded reference of such easements. If an easement is not already properly recorded, the plat shall include a statement of such easement. The width of the easement with sufficient ties to definitely locate it with respect to the subdivision must be shown. If the easement is being dedicated through the plat map, it shall be properly referenced in the owner's certificate of dedication and identification.
- (I) Lot numbers beginning with the number one (1), and numbered consecutively in each block.
- (J) Block numbers or letters continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
- (K) Land parcels to be dedicated for any purpose, public or private, clearly distinguished from lots or tracts intended for sale.
- (L) Building setback lines, if any.
- (M) The name of each street shown on the subdivision plat.
- (N) Location and elevation of permanent bench marks, if required.
- (O) The following certificates, which may be combined where appropriate.
  - (1) A certificate signed and acknowledged by all parties having any right, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.
  - (2) A certificate signed and acknowledged as above, dedicating to the City of Goddard, all parcels of land which the final plat shows are intended for any public use, except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.
  - (3) A certificate signed by the licensed professional engineer or surveyor responsible for the survey and final map.
    - (a) The certificate shall contain a statement certifying that the irons indicated on the plat have been set.
      - (i) The engineer or surveyor shall not sign the plat until he or she has had set all monuments, irons, or benchmarks required by these regulations.
      - (ii) Said signature shall be accompanied by the engineer's or

surveyor's seal and shall state the month and year such survey was made.

(4) The acknowledgment of a notary in the following form:

State of Kansas, County of Sedgwick, SS.

Be it remembered that on this \_\_\_\_ day of \_\_\_\_, 20 \_\_, before me, a notary public in and to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof I have hereunto set my hand and affixed my notarial seal the day and year above written.

(SEAL) \_\_\_\_\_, Notary Public

My Appointment expires: \_\_\_\_\_

(5) The certificate of the Planning Commission in the following form:

This plat of \_\_\_\_\_ has been submitted to and approved by the Goddard Planning Commission, Goddard, Kansas.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Goddard Planning Commission

By: \_\_\_\_\_ Chairman

(SEAL) \_\_\_\_\_, Secretary

(6) The plat approval and acceptance of dedications by the Governing Body, when required, in the following form:

This plat approved and all dedications shown hereon, if any, accepted by the Goddard City Council of the City of Goddard, Kansas, this \_\_\_\_ day of \_\_\_\_, 20 \_\_.

\_\_\_\_\_, Mayor

(SEAL) \_\_\_\_\_, City Clerk

(7) The plat approval and acceptance of dedications by the Board of County Commissioners, when required, in the following form:

This plat approved and all dedications shown hereon, if any, accepted by the Board of County Commissioners of Sedgwick County, Kansas, this \_\_\_ Day of \_\_\_\_\_, 20 .

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
County Commissioners

\_\_\_\_\_  
County Clerk

(SEAL)

(8) A blank space for noting entry on the transfer records in the following form:

Entered on transfer records this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

County Clerk

(9) The certificate of the County Surveyor in the following form:

State of Kansas, County of Sedgwick, SS.

Reviewed in accordance with K.S.A § 58-2005, on this \_\_\_\_\_ day of \_\_\_\_\_,  
20 .

(SEAL)

\_\_\_\_\_  
Land Surveyor's name and license number

(10) Provision for all other certifications, approvals, and acceptances which are now, or which may hereafter be required by any statute, ordinance or regulation.

(11) The form of the certification may be modified as necessary with the approval of the Planning Commission legal counsel to meet statutory or other requirements.

*NOTE: The typewritten or printed names of all persons required by this section shall appear below the signature of that person.*

121 SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH FINAL PLAT. The following additional data shall be submitted with the final plat:

- (A) A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on the platted land. The consent of all such persons shall be shown on the plat.
- (B) A certificate showing that all taxes and special assessments due and payable have been paid in full, or showing that such taxes have been protested as provided by law. In the event of a protest, the subdivider shall place money in escrow guaranteeing the payment of such taxes, in the event the protest is denied.
  - (1) In the alternative, the subdivider may submit a surety bond in favor of the Governing Body, conditioned on the payment of such taxes, in the event the protest is denied.
- (C) A copy of any deed restrictions applicable to the subdivision.

122 LOT SPLITS & BOUNDARY LINE ADJUSTMENTS.

**LOT SPLITS.**

122.1 GENERAL INTENT. The Planning Commission – Board of Zoning Appeals may approve or disapprove lot splits in accordance with the following regulations.

122.2.1 APPLICATION PROCEDURE. Requests for lot split approval shall be made by the owner of the land to Goddard Planning Commission – Board of Zoning Appeals. One (1) hard copy and one (1) electronic copy of a drawing to scale of the lots involved if there are no structures thereon, or if structures are located on any part of the lot being split, one (1) hard copy and one (1) electronic copy of a survey of the lot with the location of the structure(s) noted thereon, together with the precise nature, location and dimensions of the split, shall accompany the application.

122.3 APPROVAL GUIDELINES. Approval or disapproval of lot splits shall be made based on the following guidelines:

- (A) No lot split shall be approved if:
  - (1) A new street or alley is needed or proposed.
  - (2) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - (3) Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc., or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
  - (4) There is less street right-of-way than required by these regulations or the Comprehensive Plan, unless such dedication can be made by separate instrument.

- (5) All easement requirements have not been satisfied.
  - (6) Such split will result in a tract without direct access to a street.
  - (7) A substandard sized lot or parcel will be created.
  - (8) Such action will result in a lot being split into more than two (2) tracts except for industrial zoned, platted lots which may be split into two (2) or more tracts.
- (B) The Planning Commission – Board of Zoning Appeals may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy.
- (1) Requirements may include, but are not limited to, installation of public facilities, dedication of rights-of-way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
- (C) The Planning Commission – Board of Zoning Appeals shall, in writing, either approve with or without conditions, or disapprove the lot split within thirty (30) days of application.
- (1) If approved, and after all conditions have been met, the head of the Planning Commission shall sign and furnish a certificate of approval to be affixed to the lot-split survey, and a certified copy thereof shall be filed with the Register of Deeds, the official designated to issue building or occupancy permits, and the office of the City Clerk, and a copy shall be furnished to the applicant.

**BOUNDARY LINE ADJUSTMENT.**

122.4 GENERAL INTENT. The purpose of a Boundary Line Adjustment is to provide a process and standards for boundary line adjustments consistent with applicable ordinances and codes. Boundary line adjustments are exempt from City of Goddard subdivision requirements under certain specific conditions. This procedure is intended to provide an efficient, low-cost procedure to affirm changes to existing property lines. The City of Goddard shall issue a certificate of exemption for boundary line adjustments in conformance with the requirements and or provisions of this title or to aggregate existing lots. The issuance of a certificate of exemption for a boundary line adjustment is a memorialization that a particular boundary line adjustment is recognized by the City as a legal lot of record that is not a condition of noncompliance with the requirements of subdivision regulations.

Issuance of a certificate of exemption for a boundary line adjustment is not a guarantee that the resulting property configuration or parcel is a buildable lot; it does represent that the City of Goddard considers the lot to be a legal lot of record. However, the City makes no representation of warranty, expressed or implied, or any guarantee of any warranty, expressed or implied, as to the condition of the title to the land or fitness or suitability for any uses, permits, development or buildability whatsoever.

City of Goddard does not warrant or guarantee:

- (A) Legal or physical access to parcels for which a certificate of exemption has been issued;
- (B) Suitability of parcels for which a certificate of exemption has been issued for on-site sewage

- disposal;
- (C) Water availability for domestic or irrigation purposes to parcels for which a certificate of exemption has been issued; and/or
- (D) The issuance of building/development permits for lots, tracts or parcels, divisions or sites for which a certificate of exemption has been issued.

Boundary line adjustments are limited to legally platted, established contiguous lots, tracts, parcels, sites or divisions, parcels or tracts. This process may not be used to accomplish the purposes for which platting, replatting, plat alterations, or plat vacations were intended and required.

122.5 LIMITATIONS. All boundary line adjustment certificates of exemption request shall be subject to the following criteria:

- (A) A boundary line adjustment shall not result in the creation of any additional lots, sites, tracts, or parcels.
- (B) A boundary line adjustment shall not create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site as established herein, nor shall such adjustment or adjustments create a building setback violation.
- (C) A boundary line adjustment shall not result in the entire relocation of lots, sites, tracts or parcels. Lots may be reoriented within the perimeter or the contiguous lots.
- (D) A boundary line adjustment shall not violate or be inconsistent with any conditions for approval of a previously filed plat, short plat, or binding site plan.
- (E) Only legal lots of record shall qualify for a boundary line adjustment certificate of exemption.
- (F) No lot, as a result of the boundary line adjustment, shall be smaller than the minimum lot size required by Article 7, Design Standards, in effect at the time the application is accepted. Whenever any one or more lots involved in the proposed change is smaller than the minimum lot size requirement of the current zoning designation, the change may be approved so long as no resulting lot becomes more nonconforming than the smallest lot prior to the boundary line adjustment, except as follows:
  - I. Whenever deviations from the lot size requirements of Article 7, Design standards, are required to accommodate natural feature related to topography and/or terrain that establish natural physical barriers or boundaries.
  - II. Whenever deviations from the lot size requirements of Article 7, Design Standards, are required to accommodate structures such as buildings, roads, driveways, fences, utilities, drain fields, ditches or similar structures.
  - III. Whenever deviations from the lot size requirements of Article 7, Design Standards, are required to accommodate developed open space such as orchards, parks or similar improved, cultivated or developed open space areas.
- (G) The applicant(s) shall record conveying documents with the Sedgwick County Register of Deeds.
- (H) The property owner(s), on forms provided by the City, shall agree to indemnify, release and hold the City harmless for any losses or claims which may result from the inability of the City to issue building/development permits for lots, tracts or parcels for which a certificate of exemption has been issued including but not limited to the following: lack of legal or physical access; water availability for domestic and/or irrigation purposes, and suitability of parcels for on-site sewage disposal.

Upon the submittal and acceptance of a technically complete boundary line adjustment application, and the Administrator determines that it contains sufficient information to furnish as a basis for its approval or

disapproval, a file number will be assigned and the application date stamped for processing.

All Land Use Applications require proof that the property is a legal lot of record.

122.6 HOW TO DETERMINE WHETHER YOUR PROPERTY IS A LEGAL LOT OF RECORD.

- (A) A lot created by a recorded subdivision or short subdivision; or
- (B) A lot conforms in size meeting the requirements as defined in the City's Subdivision Regulations or Municipal Code; or
- (C) An approved certificate of exemption, or boundary adjustment.

A legal description that describes a portion of a lot, or a meets and bounds description, will not constitute a legal lot. A recorded survey does not create a legal lot.

122.7 APPLICATION PROCEDURE. Any person desiring approval of a boundary line adjustment, shall file application forms provided by the Administrator along with such other data that when read together discloses the following information:

- (A) A plat certificate/certificate of title from a title insurance company authorized to do business in the State of Kansas, confirming that the title to the lands as described and shown on said proposed Boundary Line Adjustment are vested in the owner(s) whose signature(s) appear on the application. The plat certificate shall have been issued in the preceding one hundred and twenty (120) days.
- (B) Existing legal descriptions for each lot being adjusted (i.e., existing Lot A and existing Lot B). You may obtain those documents from a title company or the assessor's office, which will also convey whether your lot is a legal lot of record.
- (C) Proposed legal descriptions for each lot being adjusted (i.e., proposed Lot A, and proposed Lot B). The department strongly recommends a licensed surveyor by the State of Kansas draw up those descriptions as it provides an accurate description and property boundaries.
- (D) Documentation all lots are Legal Lots of Record (i.e., short plat, major subdivision)
- (E) Property owner Lot A and property owner Lot B.
- (F) Current zoning designation.
- (G) Current Parcel Numbers for properties A & B.
- (H) A scaled plat drawing of the existing lot with present lot lines being shown as solid lines and the proposed lot being shown as dashed lines. Label them new lines and old lines. Indicate according to property owners - Lot A and Lot B in the appropriate properties.
- (I) All lot measurements must be shown in feet.
- (J) Show existing improvements such as buildings, wells, septic systems, roads and easements and their widths, an arrow-indicating north, and any other pertinent features.
- (K) Signed, dated and notarized signatures for all persons having interest in the property. Signature page must be an original.
- (L) Any documents attached as separate pages or exhibits must maintain 1" margins around the entire page (for recording purposes).
- (M) Provide a brief narrative of the proposed boundary line adjustment.
- (N) An application fee of \$100.00 made payable to City of Goddard.

122.8 REQUIRED PRIOR TO RECORDING.

- (A) All Taxes and Assessments for the year must be paid in full for the taxing period any division, alteration, or adjustment of real property boundary lines shall present a certificate of payment from Treasurer's. All taxes current and delinquent must be paid.

- (B) If properties are to be conveyed between two (2) separate property owners, Quit Claim Deeds should be prepared. The department strongly recommends an attorney, and/or a licensed surveyor draw up the deeds for that portion of the property being transferred.
- (C) Any recording fee(s) to Sedgwick County must be paid by the applicant(s).

122.9 APPROVAL GUIDELINES. Approval of disapproval of Boundary Line Adjustment shall be made based on the following guidelines:

- (A) No Boundary Line Adjustment shall be approved if:
  - (1) A new street or alley is needed or proposed.
  - (2) A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
  - (3) Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc., or will interfere with maintaining existing service levels, e.g. additional curb cuts, repaving, etc.
  - (4) There is less street right-of-way than required by these regulations or the Comprehensive Plan, unless such dedication can be made by separate instrument.

123 DESIGN STANDARDS.

**PART 1. GENERAL STANDARDS.**

123.1 SCOPE. All subdivision of land subject to these regulations shall conform to the design standards of Section 123.

123.2 DEVELOPMENT PLAN. No subdivision shall conflict with the comprehensive plan of the metropolitan area.

123.3 LAND SUBJECT TO FLOODING.

- (A) No land which is subject to periodic flooding or, where delineated, is within the 100- year flood plain shall be subdivided for residential use or any other use which would be incompatible with such flooding.
- (B) The provisions of paragraph (A) above shall not bar the subdivision of land which is subject to periodic flooding or which has inadequate drainage, if improvements and/or modifications are made to said land, which render such land safe for residential or other intended occupancy.
  - (1) All such improvements and modifications shall meet the standards and requirements of the Stormwater Management Advisory Board (SMAB) or other available published standards and requirements.
  - (2) The costs of such improvements shall be at no expense to the City of Goddard. However, nothing herein shall prohibit participation in the costs by state and federal agencies.
- (C) In no event shall the City of Goddard be responsible for any flooding which may occur as a result of the location of a subdivision or the inadequacy of any improvements made under Subsection B above.

123.4 ACCESS. All lots located in any subdivision shall be served directly by a public street except that private streets may be permitted as a part of a Planned Unit Development or equivalent thereto.

123.5 PARKS, PLAYGROUNDS, OPEN SPACES, SCHOOLS AND PUBLIC FACILITY SITES. The Planning Commission may require as a condition precedent to approval of any subdivision plat:

(A) That said subdivider dedicate to the appropriate public body, agency or authority, lands, sites, and locations for parks, playgrounds, open space, schools or other public facilities.

(B) That said subdivider offer to sell to the appropriate public body, agency or authority, lands, sites, and locations for parks, playgrounds, open space, schools or other public facilities.

(1) If such public body, agency or authority purchases any such offered lands, sites or locations, the purchase price for such lands, sites or locations shall not be more than the appropriate proportion of the fair market value of the entire subdivision area as undivided land as of the date on which the subdivider submits his preliminary plat of subdivision for approval, or if no preliminary plat is required to be submitted, as of the date on which the subdivider submits his plat of subdivision for approval, plus that percentage of the costs of improvements required as a part of the plat allocable to that portion being purchased.

(C) That said subdivider reserve for dedication or sale to the appropriate public body, agency or authority, lands, sites, and locations for parks, playgrounds, open space, schools or other public facilities. Provided, however, that a subdivider shall not be required to reserve such lands, sites and locations for a period longer than:

(1) Two (2) years after the date of recording the subdivision plat with the Register of Deeds; or

(2) Sixty (60) days after actual construction shall have been commenced on seventy-five (75) percent of the residential units in the subdivision, whichever shall result in a longer period of time.

(D) If such public body, agency or authority purchases any such offered lands, the purchase price for such lands, sites, and locations shall be their fair market value as of the date that such public body, agency, or, authority notifies the subdivider, in writing, of its intention to purchase such lands, sites or locations or portions thereof, plus that percentage of the costs of improvements required as a part of the plat allocable to that portion being reserved.

(E) These provisions shall apply only to subdivisions or the parts thereof designed or intended for residential development or occupancy.

123.6 LAND SUBJECT TO EXCESSIVE EROSION BY WIND OR WATER. On land which is subject to excessive soil movement by the forces of wind and/or water, and which may cause environmental health hazards, necessary preventive measures shall be a part of the subdivision plan. All such preventive measures shall adhere to the conservation standards adopted by the Sedgwick County Soil Conservation District.

## PART 2. SPECIFIC STANDARDS.

### 124 STREETS- LAYOUT AND DESIGN.

- (A) The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in relation to existing and planned streets, topographical conditions, to public convenience and safety, and their appropriate relations to the proposed uses of the land to be served by such streets.
- (B) Where such is not shown on the development plan, the arrangement of streets in a subdivision shall either:
  - (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  - (2) Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.
- (C) Local streets shall be laid out so that their use by through traffic will be discouraged.
- (D) If a subdivision abuts or contains an existing or proposed limited access highway or arterial street, the Planning Commission - Board of Zoning Appeals may require marginal access streets, reverse frontage lots with access control provisions along the rear property line, deep lots with rear service alleys or such other treatments as may be necessary for adequate protection of residential properties and separation of through and local traffic.
- (E) If a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the Planning Commission – Board of Zoning Appeals may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- (F) Reserve strips controlling access to streets shall be prohibited except where their placement has been approved by the Governing Body under conditions set forth by the Planning Commission.
- (G) Street right-of-way requirements for other than arterials shall be determined by the total aggregate needs for the functional components of the particular system being considered. The total aggregate needs shall be in increments of two (2) feet, even numbers only. The components involved shall be:
  - (1) Moving or Traffic Lanes- variable from nine (9) to twelve (12) feet per lane, depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc., and on design speed of the roadway. A moving lane may utilize a portion of the surface of certain types of curb construction. However, rights-of-way shall be computed without curb areas.
  - (2) Parking Lanes for on-street storage of vehicles. Parking lanes shall be at least eight (8) feet in width. For computation purposes, up to two (2) feet of curb or shoulder may be included as part of the parking lane.

- (3) Curb or Shoulder. Curbs shall be considered to require two (2) feet irrespective of construction type. Shoulders (for suburban or rural roadways) shall be not less than three (3) feet in width.
- (4) Border Area. For urban streets the border area (sometimes referred to as the "parking") shall be not less than fourteen and one-half (14) feet in width from the back of the curb to property line. This area shall be used for installation of utilities, street lighting, traffic control devices, fire hydrants, sidewalk and to provide a transition area in grades (if necessary) between the roadway and the property adjacent to the right-of-way. Border areas for suburban areas shall be variable in width, based on drainage needs.

*Based on the above general criteria, street rights-of-way and roadways shall be as follows:*

	<b>Urban Area</b>	<b>R-0-W for Street, In Feet</b>	<b>Roadway Width, In Feet*</b>
(1)	Collector; or Local Business, Office, Commercial and Industrial Areas; or Local-Residential Rowhouses, Garden Apartments, Multi-Family, High Rise or other similar type of dwelling units: 2 moving lanes (12') and 2 parking lanes.	70**	40**
(2)	Local Residential- Single and Two-family dwellings: 2 moving lanes (9') and 2 parking lanes.	64	34
(3)	Local Residential- VERY LOW DENSITY housing of one DU per gross acre or less, the design of the subdivision shall eliminate through traffic and a guarantee shall be provided for at least 3 off• street parking spaces per DU, either by local regulations or restrictive covenants. For townhouses or patio homes, a guarantee shall be provided for at least 2 off street parking spaces per DU plus at least 1 parking space per DU in a common parking area on or adjacent to the street: 2 moving lanes (10'), no parking lanes, roll curb optional.	54	24

	<b>Urban Area</b>	<b>R-0-W for Street, In Feet</b>	<b>Roadway Width, In Feet*</b>
(4)	Local- Marginal Access Road: 2 moving lanes - no parking, plus 7 feet of border area between curb and the main road right-of-way.	50	28
	(5) Alleys.	20	20
(6)	Sidewalk (other than adjacent to arterials)	N/A	4
	<b>Suburban Area</b>		
(7)	Collector, Industrial or Commercial: 2 moving lanes (17.5') - shoulder, ditches and border areas.	80	47***
(8)	Residential - 2 moving lanes (12.5 ') - shoulder, ditches and border area.	70	31***
(9)	Sidewalk, if required- See Section 8-103(3)	N/A	4

\*Face of curb to face of curb.

\*\*Street and roadway widths for collector may be required to be greater than the width listed for that portion one hundred fifty (150) feet back from the intersection with an arterial. The increased width shall not be more than seventy-eight (78) feet and forty-eight (48) feet respectively.

\*\*\*Including Shoulder.

- (H) All right-of-way, roadway and sidewalk standards set forth in this Subsection (G) shall be considered minimum widths. The Planning Commission – Board of Zoning Appeals, upon recommendation of the City Engineer, may increase the minimum widths set forth in this Subsection (G).
- (1) Conditions to be considered in establishing a greater width of right-of-way, sidewalk or roadway include, but are not limited to: parallel drainage and roadway systems, utility requirements, considerations for safe and efficient traffic and pedestrian movement, grade problems and intersection design.
  - (2) In applying these standards, workable street systems must be established. Once a pattern of widths based on function for a given area has been established, the pattern shall be followed throughout the street system until another system can be established or ties into a collector or arterial system.
- (I) Arterial right-of-way widths shall be as shown on the Comprehensive Development Plan.
- (1) If such widths are not shown thereon, arterial right-of-way widths shall not be less than one hundred (100) feet, except that a one hundred fifty (150) foot right-of-way shall be required within two hundred fifty (250) feet of the intersection of the center lines of an arterial street with any other arterial or collector street and taper to one hundred (100) feet at a distance of three hundred fifty (350) feet from the intersection center line.

- (2) The right-of-way for Federal Aid Secondary (PAS) roads in unincorporated areas shall not be less than one hundred twenty (120) feet.
- (J) Wherever possible, there shall be an inside tangent at least one hundred (100) feet in length introduced between reverse curves on arterial and collector streets.
- (K) Collector streets if they curve shall have a minimum centerline curve radius of at least three hundred fifty (350), based on a design speed of thirty (30) m.p.h. The curve radius may be modified to meet special conditions or other design speeds.
- (L) Streets shall be laid out so as to provide for horizontal sight distances on all curves. These distances shall be:

Local Streets:	200 feet
Collector Streets:	300 feet
Arterial Streets:	500 feet

The sight distance shall be measured within street rights-of-way from a height of four and one-half (4 1/2) feet above the proposed pavement surface in the right-hand lane of the roadway.

- (M) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.
- (N) Street jogs are to be avoided on arterial and collector streets. On local streets with a right-of-way of sixty-four (64) feet or less, center line offsets of less than one hundred fifty (150) feet shall be avoided.
- (O) Roadway grades, wherever feasible, shall not exceed the following, with due allowance for reasonable vertical curves:

Roadway Type	Percent Grade
Arterial	3%
Collector	4%
Local	5%
Marginal Access & Frontage Roads	5%

- (P) No roadway grade shall be less than 0.32 of one percent unless approved by the City Engineer. Greater percentages of grade may be required where the City Engineer deems such necessary to provide adequate drainage.
- (Q) Roadway pavement at intersections shall be rounded by the following minimum radii:

<b>Type of Roadway</b>	<b>Intersecting Width</b>	<b>Minimum Curb Radius</b>
Local Residential	Local Residential	20 Feet
Local Residential	Collector	30 Feet
Local Residential	Arterial	30 Feet
Business, Commercial or Industrial Collector or Arterial	Business, Commercial or Industrial Collector or Arterial	50 Feet

Right-of-way lines may be required to be rounded by an arc having at least the same radius as the arc of the curb, when normal right-of-way requirements are not sufficient to allow the construction of the roadway using the radii set out above.

- (R) Half-streets shall be avoided, except for arterial streets and collector streets where applicable, or where they are essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations; or, when the Planning Commission finds that it will be practicable to require the dedication of the other half of the street when the adjoining property is subdivided.
  - (1) Whenever a half-street, or portion thereof, is existing and adjacent to a tract to be subdivided, the other half of the street based on standards in (G) of this section shall be platted within such tract.
  
- (S) Dead-end streets, designed to be so permanently, shall be no longer than seven (7) times the average lot width or six hundred (600) feet, whichever is less.
  - (1) Any dead-end street in an Urban Subdivision shall additionally have a turn diameter of at least seventy (70) feet and a street property line diameter of at least one hundred (100) feet, or an alternate turnaround area such as a hammerhead, which the Planning Commission – Board of Zoning Appeals has approved as providing service equal to the foregoing requirement.
  - (2) In Suburban Subdivisions, the minimum street property line diameter shall be one hundred fifty (150) feet, or such greater amount as the City Engineer shall determine.
  
- (T) No street names shall be used which will duplicate or be confused with the names of existing streets.
  - (1) Existing street names shall be used where they are or would be logical extensions of existing streets even though separated by undeveloped land. Street names shall be subject to the approval of the Planning Commission.
  
- (U) All tangent, curve, sight distance and radii standards set forth in Section 124 shall be considered minimum standards. The Planning Commission, upon recommendation of the City Engineer, may increase the minimum standards set forth in Section 124.

- (1) Conditions to be considered in establishing greater tangent, curve, sight distance and radii standards include, but are not limited to: parallel roadway systems, considerations for safe and efficient traffic and pedestrian movement, grade problems and intersection design.
- (2) In applying these standards, workable street systems must be established. Once a pattern of widths based on function for a given area has been established, the pattern shall be followed throughout the street system until another system can be established or ties into a collector or arterial system.

125 ALLEYS.

- (A) Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed.
- (B) Alleys are to be discouraged in residential districts.
- (C) When provided, the width of an alley shall be not less than twenty (20) feet.
- (D) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
- (E) Dead-end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead-end.

126 BLOCKS.

- (A) The lengths, widths and shapes of blocks shall be determined with due regard to:
  - (1) Providing adequate building sites, suitable for the special needs of the type of use contemplated.
  - (2) Zoning requirements as to lot sizes and dimensions.
  - (3) The need for convenient access, circulation, control and safety of street traffic.
  - (4) The limitations and opportunities of topography.
- (B) A block shall not exceed one thousand three hundred (1,300) feet in length, unless such block is adjacent to a limited access highway or arterial street or unless the previous adjacent layout or topographical conditions justify a variation of this requirement.
- (C) All blocks shall be so designed so as to provide two (2) tiers of lots, unless a different arrangement is required in order to comply with Sections 124 (D) and/or 7-201(S), or is permitted by Section 7-204(G).
- (D) Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision, and provided their design meets the requirements of lot standards, traffic flow and control considerations, and development plan requirements.

- (E) In blocks of eight hundred (800) feet or more in length, one or more public crosswalks for pedestrian travel may be required to provide access to public or private facilities such as schools or parks.
  - (1) Such crosswalk shall have a right-of-way not less than ten (10) feet in width, and extend entirely across such block at approximately the midpoint of the length of such block.
  - (2) A sidewalk shall be placed along the length of such right-of-way, and constructed in accordance with the requirements for sidewalk improvements.

127 LOTS.

- (A) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision, for the type of development, and for the use contemplated.
- (B) Lot dimensions shall conform to the requirements of the zoning regulations unless established in accordance with this Subsection (B).
  - (1) In those areas where municipal water and sanitary sewer facilities are not yet available, the lots shall be so designed and arranged that they may be readily converted to urban-type building sites without replatting. When such a condition exists, land should be subdivided into lots which may be combined to create a building site with an area of not less than that required for individual sewage treatment systems.
    - (a) Usually, such lots should have a frontage of not less than seventy-five (75) feet and an area of not less than twelve thousand five hundred (12,500) square feet. In no instance shall the minimum lot width be less than sixty (60) feet.
    - (b) The creation of such a building site through use of multiple groups of lots shall be contingent upon recording restrictive covenants, which legal counsel for the Planning Department deems satisfactory, providing that until such time as municipal water and sewer service are available, no more than one (1) dwelling unit shall be built on an aggregate group of lots having an area of twenty-five thousand (25,000) square feet or less.
- (C) The maximum depth of each residential lot shall not exceed two and one-half (2) times the width thereof. For all other lots, the depth shall not exceed three (3) times the width.
- (D) The minimum widths of residential lots measured at the setback lines thereof shall not be less than:

- (1) 60 feet when the lot contains an area of at least 6,000 square feet, but less than 8,750 square feet.
  - (2) 75 feet when the lot contains an area of at least 8,750 square feet, but less than 15,000 square feet.
  - (3) 90 feet when the lot contains an area of at least 15,000 square feet, but less than 20,000 square feet.
  - (4) 100 feet when the lot contains an area of at least 20,000 square feet, but less than 30,000 square feet.
  - (5) 125 feet when the lot contains an area of at least 30,000 square feet, but less than one acre.
  - (6) 150 feet when the lot contains an area of one acre or more.
- (E) Where lots front upon a cul-de-sac or curved street having a radius of two hundred (200) feet or less, the minimum lot widths set forth in subparagraph (D) above, shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontage, as measured on the arc of such right-of-way line, is not less than fifty percent (50%) of the required lot width measured at the building setback line.
- (F) The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of these regulations or of any zoning ordinance applicable to the property. Lots shall be required to have more than the minimum area dimensions provided for in this section where such greater area or dimensions are required to meet the yard requirements of the zoning ordinance.
- (G) There shall be no double frontage lots for individual dwellings (e.g., single and two-family units), except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision in small units. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
- (H) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (I) Corner lots for residential use shall have extra width to permit appropriate building setback from an orientation to both streets.
- (J) Reversed frontage lots shall be avoided except where such are essential to provide a separation of residential development from limited access highways and arterial streets or to overcome specific disadvantages of topography and orientation.

- (K) Lots on arterial street intersections and all acute angle intersections which, in the opinion of the Planning Commission, are likely to be dangerous to traffic movement shall have a radius of not less than 20 feet at the intersection of street rights-of-ways. On business, commercial and industrial lots, a chord may be substituted for a circular arc.

128 EASEMENTS.

- (A) UTILITY EASEMENTS. Utility easements shall be provided where necessary, shall be centered on rear or side lot lines, and shall be at least twenty (20) feet wide along rear lot lines and ten (10) feet wide alongside lot lines, except that easements for street lighting purposes shall not in any event be required to exceed ten (10) feet.
  - (1) Side lot easements, when needed for other than street lighting purposes, may exceed ten (10) feet.
- (B) DRAINAGE EASEMENTS. If a subdivision is traversed by a water course, drainage way, channel or street, a storm water easement or drainage right-of-way shall be provided.
  - (1) Such easement or right-of-way shall conform substantially to the lines of such water course and shall be of such width and construction as may be necessary to provide adequate storm water drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith.
- (C) On suburban plats a triangular drainage and utility easement may be required at the corners of intersecting street rights-of-way.
  - (1) Where street rights-of-way intersect at 90 degrees, the limit of any such easement shall be defined by a line drawn between two points located on the right-of-way lines, each of which is twenty-five (25) feet back from the intersection of said right-of-way lines.
- (D) Drainage easements will be vegetated with adapted perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind or water. All such drainage easements shall adhere to the conservation standards adopted by the Sedgwick County Soil Conservation District.
- (E) VISION TRIANGLE EASEMENTS. Vision triangle easements may be required on any corner lot to provide an open and usable vision path for drivers of vehicles approaching the intersection.
  - (1) The extent of vision triangle easements shall be based on the type of intersection (3-way, 4-way, protected, unprotected, etc.), the type of street (local, collector, arterial, commercial or industrial), topography, proposed street grades (if any), and the design speeds contemplated for such roadways.

129 BUSINESS, COMMERCIAL AND INDUSTRIAL SUBDIVISIONS.

- (A) STREETS. Notwithstanding the other provisions of this regulation, the minimum width of streets adjacent to areas designed, proposed or zoned for business, commercial or industrial use may be increased by the Planning Commission to such extent as the Commission may deem necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.
- (B) BLOCKS. Blocks intended for business, commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.
- (C) MARGINAL STREET ACCESS. When lots or blocks in a proposed business, commercial or industrial subdivision front on any limited access highway or arterial street, the subdivider may be required to dedicate and improve a marginal access street to provide ingress and egress to and from such lots or blocks.

130 PLANNED UNIT DEVELOPMENTS. A comprehensive group development, including townhouses, garden apartment complexes and condominiums, together with necessary drives and ways of access, may be approved by the Planning Commission – Board of Zoning Appeals, even though the design of the project does not include standard street, lot and subdivision arrangements, provided that departure from the standards of the regulations can be made without destroying their intent.

For all condominium plats, the following shall apply:

- (A) The plat must be in 3-dimensions, relating vertical control to City or U.S.G.S. datum.
- (B) A bench mark must be set on or near the building at ground level for future reference in locating units in the plat.
- (C) The plat must show each floor plan of the permanent structure, as well as the basement and roof levels, and the area of plot plan. The dimensions and ties shown for each parcel must be definite enough with respect to both vertical and horizontal control so that the boundaries of each apartment may be accurately located by the use of standard survey methods.
- (D) All unit or apartment property lines shall be the interior surfaces of the perimeter walls, floors, ceilings, windows, and doors thereof.
- (E) A condominium plat must contain all of the certifications and approvals required for any plat. A condominium plat shall also require approval by the official authorized to issue building and occupancy permits, indicating that the building plans have been approved by his or her office, and a certification by the architect that the plat is in agreement with the building plan.

131 INSTALLATION OF REQUIRED IMPROVEMENTS.

131.1 REQUIRED IMPROVEMENTS. The subdivider of a proposed subdivision shall install, or provide for the installation of, the following facilities and improvements:

- (A) STREETS. All roadways, alleys, curbs, gutters and street drainage facilities, in accordance with the standards set forth by these regulations and by the City Engineer.
- (1) Urban streets shall be constructed of concrete, asphalt, or asphaltic concrete.
- (a) No gravel or sanded roadways shall be constructed in an urban area or to serve an urban area.
- (2) The Planning Commission – Board of Zoning Appeals may require that suburban or rural roadways required by these regulations be built to the standards set forth for urban areas, or may allow such roads to be constructed with a gravel or sanded surface.
- (a) All other materials such as oiled surface, macadam or similar materials are hereby prohibited.
- (3) The cost of such streets may be assessed to properties benefitted or paid from other funds, as directed by a resolution of the Governing Body.
- (B) SIDEWALKS. Sidewalks, in accordance with the standards set by the City Engineer under the following conditions:

**URBAN**

- (1) On both sides of the street wherever urban streets are required except:
- (a) Along streets with residential lots of two hundred (200) feet or more frontage or residential lots one (1) acre or larger in average size;
- (b) Along streets adjacent to large non-pedestrian generating uses as determined by the Planning Commission (e.g., local streets along cemeteries);
- (c) Local streets along sand pits;
- (d) Streets along parks that are developed with walks and trails; and
- (e) Where the lots have no direct access to the abutting street.

All sidewalks shall run from curb to curb of the intersecting streets rather than to property lines.

Sidewalks shall be constructed as close as possible to property lines rather than to curb lines.

## SUBURBAN

- (1) Although not normally required, the City Engineer may require sidewalks when needed to service pedestrian traffic flow leading to schools, parks, or places of public assembly.
  - (2) The cost of such sidewalks may be assessed to properties benefitted or paid from other funds, as directed by a resolution of the Governing Body.
- (C) SANITARY SEWER.\*
- (1) Laterals, constructed in accordance with the standards of the City Engineer. The cost of such lateral lines shall be assessed one hundred percent (100%) against the property benefitted.
    - (a) On a temporary basis, where permanent facilities are in the planning or construction stage, temporary facilities may be used, provided that the subdivider fully complies with Section 217 (B)(1), including subsections (a) and (b).
  - (2) Mains and submains, installed in accordance with the standards set forth in a resolution of the Governing Body and by the City Engineer.
    - (a) The cost of such installation may be assessed to properties benefitted or paid from other funds, as directed by a resolution of the Governing Body.
- (D) WATER SUPPLY SYSTEMS. A public water supply system or its equivalent in accordance with the standards set forth in a resolution of the Governing Body and by the City Engineer, in all areas where lateral sanitary sewers are required and in all urban subdivisions.
- (1) The cost of such installation may be assessed to properties benefitted or paid from other funds, as directed by a resolution of the Governing Body.
  - (2) In all other areas, a water supply approved by the Wichita-Sedgwick County Department of Health shall be provided.
  - (3) In those areas where a public water supply system exists, all mains shall be of such size as directed by the Governing Body, but in all cases shall be of sufficient size to support the use of fire hydrants as required in Section 131.1(E).
- (E) FIRE HYDRANTS. Fire hydrants, in accordance with the standards of the City Engineer, shall be provided wherever a public water supply system is required.
- (F) STORM SEWERS. A storm sewer system, separate and independent of the sanitary sewer system, meeting all of the standards set forth in a resolution of the Governing Body and by the City Engineer.
- (1) Where available, such storm sewer shall be connected to an existing storm sewer system of the City of Goddard or to the nearest major water channel. If such connection is not available, the subdivider shall provide another adequate means for the discharge of such storm sewer system.
  - (2) The cost of such installation may be assessed to properties benefitted or paid from other funds, as directed by a resolution of the Governing Body.

*\*All sanitary sewer and sewerage treatment systems are subject to regulation by the Kansas*

*State Board of Health.*

- (G) EMERGENCY WARNING SYSTEM. If existing civil defense or emergency warning systems do not cover the entire proposed subdivision to the then applicable standards of Sedgwick County Emergency Management or its successor agency, and the manufacturer of such existing warning systems, the subdivider shall install such sirens or other warning devices as may be necessary to provide coverage to such standards for the entire proposed subdivision.
- (H) STREET SIGNS. Street signs, of such location, type, and size as shall be approved by the City Engineer, giving due regard to the prevailing type, size, and pattern of location utilized throughout the area.
- (I) UNDERGROUND WIRING. Underground wiring, in all subdivisions including both electric power and telephone service, except:
  - (1) For lines rated over twelve thousand (12,000) volts.
  - (2) Appurtenances serving such lines, which may be mounted on the ground, such as transformers, transformer pads, and telephone service pedestals.
  - (3) Those proposed subdivisions or replats of existing subdivisions located in developed areas, which presently have an overhead type of distribution system.
  - (4) Street light circuits on collector or arterial streets.

All such construction and installation shall be under contract with the utility. Construction or installation shall occur after sanitary sewer lines, if any, are in place. CATV, if installed, shall be placed underground in accordance with the above requirements.

Nothing in this section shall be construed to require underground installation of lines beyond the boundaries of the area contained in the preliminary plat.

- (J) MONUMENTS AND BENCHMARKS. Monuments, placed at all block corners, angle points, points of curve in streets, and at such intermediate points as shall be required by the City Engineer.
  - (1) Monuments and benchmarks shall be of such material, diameter and length as required by the City Engineer.
  - (2) All monuments shall be securely placed and set in such a manner that the top of the monument shall be at least twelve (12) inches below grade or ground level.
  - (3) The City Engineer may add additional specifications as determined necessary.
- (K) RELOCATION OF EXISTING FACILITIES. Whenever existing sanitary or stormwater sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, or other pipe lines or transmission lines must be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision, the cost of such relocation shall be the sole responsibility of the subdivider.
- (L) SOIL CONSERVATION. Where required, applicable measures shall be taken during construction to minimize soil erosion and sedimentation by wind or water. All such measures shall adhere to the conservation standards adopted by the Sedgwick County Soil Conservation District.

- (M) OTHER IMPROVEMENTS. Where special circumstances exist, or when contemporary standards for the development of subdivisions have changed from those in place at the time of the adoption of these regulations, the City Engineer, the Planning Commission, and/or the Governing Body may require improvements beyond those specified in this section.

132 EXCEPTIONS FOR EXISTING IMPROVEMENTS.

- (A) Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements set out in Section 131, and where such improvements meet the requirements of said section and are in good condition, as determined by the City Engineer, no further provision need be made by the subdividers to duplicate such improvements.
  - (1) Where such existing improvements do not meet the requirements of section 131, the subdivider shall provide for the repair, correction, or replacement of such improvements so that all improvements meet the requirements of Section 131.
- (B) Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated to provide the minimum street right-of-way width established by these regulations and/or City of Goddard Planning Commission policy, and the subdivider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the City Engineer.
  - (1) The City Engineer shall determine what adjustment to make where the aforesaid widened streets merge with existing streets which are of smaller width at the boundary of such proposed subdivision.
    - (a) The City Engineer may reduce the minimum roadway required by these regulations to match an existing roadway system if the extension of such roadway is already improved at each end of the roadway in the subdivision and the roadway in the subdivision to be reduced is two (2) blocks or less in length.
    - (b) The City Engineer may also require lanes to be painted on such widened streets designating driving and parking areas.
    - (c) The foregoing provisions requiring the widening of pavement may be waived by the Planning Commission when the length of such pavement is less than one hundred thirty-five (135) feet.

133 AGREEMENT BOND DEPOSIT AND PETITIONS GUARANTEEING INSTALLATION OF REQUIRED IMPROVEMENTS. Except for monuments and underground wiring, one of the following methods shall be used by the subdivider to guarantee that improvements required by these regulations will be installed in accordance with approved plans and specifications.

- (A) Improvements installed at developers expense, with fiscal sureties.
  - (1) Upon final approval of plans or specifications for required improvements, the owners and/or the subdivider of the land proposed to be subdivided shall enter into an agreement with the City, under which the owners and/or

- subdivider agree to install such required improvements at their own expense, in accordance with the approved plans and specifications, within the time prescribed by the provisions of these regulations.
- (a) Such agreement shall be conditioned upon the approval of the final plat of subdivision.
- (2) Simultaneously with the execution of the agreement provided for in Subsections (1) above, the subdivider of the land proposed to be subdivided shall furnish a corporate completion bond, underwritten by a firm authorized to write bonds in Kansas, or a cashier's check, escrow account, or irrevocable letter of credit in favor of the Governing Body.
    - (a) Said financial guarantee shall be in the amount of the estimated cost of said improvements as set by the engineer's estimates.
    - (b) Said financial guarantee shall be conditioned upon the approval of the final plat and further conditioned upon the actual completion and installation of such required improvements within two (2) years of the date that the final plat is approved by the Planning Commission.
  - (3) If the subdivider furnishes a corporate completion bond, he or she shall simultaneously deposit in escrow with the Governing Body, cash in the amount of fifteen per cent (15%) of the cost of all improvements to be made in accordance with the plans and specifications approved by the Planning Commission.
  - (4) If the subdivider furnishes a cashier's check, escrow account or irrevocable letter of credit in favor of the Governing Body, fifteen percent (15%) of the amount of such cashier's check, escrow account, or letter of credit of the Governing Body, and shall be held as a deposit in escrow after the final completion of such improvements.
  - (5) The subdivider shall agree that the fifteen percent (15%) cash deposit required by Subsections (3) and (4) above will be held by the Governing Body for a period of eighteen (18) months after the final completion of such improvements for the purpose of:
    - (a) Guaranteeing and securing the correction of any defect in material or workmanship furnished for such improvements, latent in character, and not discernible at the time of final inspection or acceptance by the Governing Body; and
    - (b) Guarantee against any damage to such improvements by reason of the settling of the ground, base or foundation thereof.
  - (6) Such escrow agreement shall also provide that, as such defects develop, the deposit may be applied by the Governing Body to any amounts incurred in correcting such defects, and that the balance of such deposit, if any, held at the end of said eighteen (18) month period shall be returned by the Governing Body to the depositor, or paid to the order of the depositor, without interest.
  - (7) Nothing in this section shall be construed to relieve the subdivider of responsibility for correcting any such defects which exceed the amount

retained under Subsections (3) or (4), or to bar the Governing Body from proceeding against the subdivider for monies expended for such corrections.

- (8) Prior to offering any improvement to the Governing Body, the subdivider shall furnish good and sufficient guarantee that all indebtedness incurred for supplies, material, labor furnished, or engineering and professional services in the construction of improvements has been paid in full and that there are no claims for damage or suits against such contractor involving said improvement.

- (B) Petitions to the Governing Body, submitted as a means of guaranteeing to the Governing Body the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:
  - (1) The petitions (to be secured from the appropriate engineer) must be valid petitions as may be provided for under Kansas law.
  - (2) The engineer must concur in said petitions, and said petitions must be accepted and approved by the Governing Body, concurrently with the approval of the subdivision.
  - (3) The initiating resolution for such improvement must be adopted by the Governing Body concurrently with the petition approval, or as soon thereafter as may be provided by law.
    - (a) The cost of the publication of said resolution shall be borne by the subdivider.
  - (4) The developer must record in the office of the Sedgwick County Register of Deeds, either the petitions or a certificate signed by the petitioners stating that such petitions have been filed and approved by a Governing Body, that certain lands as described will be liable in the future for special assessments for the required improvements which are to be listed on the certificate.

134 MONUMENTS AND BENCH MARKS. Monuments and bench marks shall be installed by the subdivider before the subdivision plat is released for recording with the Register of Deeds.

135 INSTALLATION OF UNDERGROUND WIRING. The subdivider shall, prior to the release of the subdivision plat, submit a letter from the utility or utilities involved stating that satisfactory arrangements have been made by the subdivider, guaranteeing the installation of underground wiring.

136 VACATION OF UNDEVELOPED SUBDIVISION. When no lots on a subdivision plat 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 when such plat is vacated, all fiscal sureties shall be released to the subdivider.

137 IMPROVEMENT PROCEDURES.

137.1 SUBMISSION OF PETITIONS. If petitions are to be submitted to meet the requirements of Article 8, the subdivider shall so indicate at the time of submission of the preliminary plat. If the petition method is authorized by the Planning Commission, petitions shall accompany the final plat and shall be acceptable for submission to the Governing Body only with the affirmative recommendation of the City Engineer.

137.2 FINAL IMPROVEMENT PLANS. When petitions have not been authorized for submission, upon the approval of the preliminary plat, the subdivider shall have a licensed professional engineer prepare engineering drawings for proposed required improvements, containing the data and information specified in Section 9-103, of these regulations.

(A) Such drawings shall be certified by a licensed professional engineer, and shall be submitted in duplicate to the City Engineer at least thirty (30) days prior to the date that approval of the final plat is requested.

(1) Failure to submit said drawings at least thirty (30) days prior to the date that approval of the final plat is requested, will be considered automatic consent to an extension of or a waiver by the subdivider of anytime limitation for plat approval.

137.3 CONTENT OF ENGINEERING DRAWINGS. Engineering drawings for required improvements shall contain the following data and information:

(A) Plans, details, specifications and cost estimates for roadway and sidewalk construction, including a profile indicating existing topography and elevation, curb and sidewalk elevation, intersection control elevation and paving geometries for each street with a typical cross section of the roadway.

(1) The profiles of grade lines shall be shown to a scale of one (1) inch equals twenty (20) feet horizontal, and one (1) inch equals five (5) feet vertical, unless a different scale is approved by the City Engineer. All such information shall be shown on standard plan and profile sheets unless otherwise required by the City Engineer.

(B) Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.

(C) Plans, profiles, details, specifications and cost estimates of proposed water distribution systems and proposed water supply facilities and water hydrants.

(D) Plans, profiles, details, specifications and cost estimates of sewage systems and of sewage treatment plants.

(E) Grading plans for all lots and other sites in the subdivision.

- (F) When unusual site conditions exist, the Planning Commission- Board of Zoning Appeals may require such additional plans, specifications, and drawings as may be necessary for an adequate review of the improvements to be installed.
- (G) All plans shall be based on City datum or MSL (Mean Sea Level) as published by the U.S.G.S. for vertical control.
- (H) All plans for underground wiring shall be prepared by or at the direction of the utility involved.

137.4 REVIEW OF PLANS. The City Engineer shall review all engineering drawings to determine whether such drawings are consistent with the approved preliminary plat and comply with the appropriate design standards.

- (A) If such drawings are consistent and so comply, the City Engineer shall forward to the Planning Commission, a notice that they so conform and comply.
- (B) If the drawings do not so conform or comply, the City Engineer shall notify the subdivider of the specific manner in which such drawings do not so conform or comply, and he or she may then correct such drawings.
  - (1) If such drawings are not corrected, the City Engineer shall forward to the Planning Commission a notice as to the items of nonconformity or noncompliance.

137.5 APPROVAL BY PLANNING COMMISSION. The Planning Commission – Board of Zoning Appeals shall approve a final plat only when the City Engineer verifies that the plans and engineering drawings have been approved and, if authorized, that the appropriate petitions have been filed with the Planning Commission.

137.6 CONSTRUCTION OF IMPROVEMENTS. No improvements shall be constructed, nor shall any work preliminary thereto be done, until such time as a final plat and the engineering drawings accompanying it have been approved and the subdivider has complied with all of the requirements relating to the agreement, bond and deposit specified in Section 133 of these regulations.

137.7 INSPECTION. All improvements constructed or erected shall be subject to inspection by the City Engineer, or his or her designee.

- (A) The cost attributable to all inspections required by this regulation shall be charged to and paid by the subdivider.
- (B) Before any required inspections take place, the subdivider may be required to post a deposit with the City Engineer or the City Clerk, to cover the cost of such inspections.
- (C) The subdivider shall give at least forty-eight (48) hours written notification to the City Engineer prior to the performance of any of the following work:

- (1) All phases of roadway and sidewalk construction.
- (2) All phases of construction including, but not limited to water lines, sanitary sewer lines, storm sewer, underground wiring and other required improvements.

137.8 INSPECTION PROCEDURES. After notice is received as specified in Section 137.7 (C), the City Engineer, or his or her designee, may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications.

- (A) If in the opinion of City Engineer, such work does not comply with such final drawings, he or she shall have authority to order that all such work be terminated until such time as necessary steps are taken to correct any defects or deficiencies.
- (B) Upon the correction of such defects or deficiencies, the subdivider shall again notify the City Engineer as provided in Section 137.7.

137.9 FINAL INSPECTION. Upon completion of all improvements within the area covered by the final plat, the subdivider shall notify the City Engineer, who shall thereupon conduct a final inspection of all improvements installed.

- (A) If such final inspection indicates that there are any defects or deficiencies in such improvements as installed, or if there are any deviations in such improvements as installed from the final engineering plans and specifications, he or she shall notify the subdivider in writing of such defects, deficiencies or deviations, and the subdivider shall, at his or her sole cost and expense, correct such defects or deviations within six (6) months of the date of notification.
  - (1) When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the City Engineer that the improvements are again ready for final inspection.
- (B) After the final inspection is made and before acceptance of the improvement by the Governing Body, the subdivider shall execute and file an affidavit with the City Engineer, certifying that all obligations incurred in the construction of the improvement involved have been properly paid and settled.

137.10 REPORT TO PLANNING COMMISSION AND GOVERNING BODY. If a final inspection indicates that no defects, deficiencies, or deviations exist in the improvements as installed, the City Engineer shall, within ten (10) days of the submission of the subdivider's certificate of liens as required by Section 137.9 (B), certify to the Planning Commission and the Governing Body that all improvements have been installed in conformity with the engineering plans and specifications accompanying the final plat.

- (A) The receipt of such notification by the Governing Body shall constitute the date on which the eighteen (18) month period specified in Section 133 (A)(5) of these regulations shall, commence.

137.11 ACCEPTANCE OF IMPROVEMENTS. Upon the receipt by the Governing Body of the

certificate of the City Engineer that all improvements have been installed in accordance with the engineering drawings, as approved, and in conformity with the requirements of this regulation and all other applicable statutes, ordinances and regulations, the Governing Body shall thereupon by resolution accept such improvements.

(A) The improvements shall become the property of the Governing Body.

138 APPEALS, WAIVERS AND VARIANCES; VIOLATIONS AND PENALTY.

**PART 1. APPEALS**

138.1 APPEALS GENERAL. Unless otherwise provided for in these regulations the subdivider of a proposed subdivision may appeal to the Governing Body, decisions the Planning Commission makes in the enforcement of these regulations. Any such appeal shall be by a hearing de novo.

(A) In the event the Governing Body sustains the Planning Commission, the action of the Planning Commission shall be final, except as otherwise provided by law.

(B) If the Governing Body overrules the Planning Commission, the reasons therefor shall be reflected in writing or in the minutes of the meeting.

138.2 APPEALS ON IMPROVEMENT STANDARDS. Any appeal as to standards, plans or engineering drawings in connection with required improvements shall be directed to the Governing Body, whose action shall be final.

138.3 WAIVER OF REQUIRED IMPROVEMENTS OR GUARANTEES OF INSTALLATION OF SAME. Any waiver of a required improvement may only be made by the Governing Body, and then only on a showing that such improvement is not technically feasible.

138.4 VARIANCES. When there is unwarranted hardship in carrying out the literal provisions of these regulations, as to design criteria, e.g., lot width, lot depth, block length, etc., the Planning Commission may grant a variance from such provision under the following conditions.

(A) An application for a variance shall be made to the Planning Commission. The Planning Commission shall give the applicant and any other interested person an opportunity to be heard with respect to the proposed application for a variance.

(B) The Planning Commission shall not grant a variance unless it finds that the strict application of these regulations would create an unwarranted hardship and unless the proposed variance is in harmony with the intended purpose of these regulations and protects the public safety and welfare.

(C) Unless approved as provided in Section 138.3, no variance shall be granted under this section from the required improvements described in Section 131 or the standards and specifications thereof, or as to the provisions of the zoning ordinances, except those setting forth minimum lot width and/or area

requirements.

- (D) Consideration of an application for a variance pursuant to this Section does not relieve the applicant of the necessity of complying with the applicable provisions of any other regulations (including zoning regulations) of the City or County relating to variances.
- (E) When used in this section, the term "unwarranted hardship" shall mean the complete deprivation of use as distinguished from a mere inconvenience.

138.5 VARIANCE- PLANNED UNIT DEVELOPMENT. When a plat or subdivision is prepared in connection with a planned unit development authorized by any legally adopted zoning regulation regulating the same area, the Planning Commission may vary the design standards contained in this regulation to such extent as may be necessary to permit the preparation of a planned development plan which complies with the standards, conditions and restrictions of such zoning regulation.

## **PART 2. VIOLATIONS AND PENALTY.**

138.6 VIOLATIONS AND PENALTY. Any violation of this code shall be considered a separate violation for each day on which it exists and shall be punishable by a fine of not to exceed one hundred dollars (\$100) per each day of violation. The City may also seek injunctive relief to prevent further violations or to force correction of any existing violations hereunder.

139 INTERPRETATION, CONSTRUCTION AND DEFINITIONS.

139.1 INTERPRETATION AND CONSTRUCTION.

- (A) Where the conditions imposed by the provisions of these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the more restrictive provision, standard or requirement shall govern.
- (B) The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.
- (C) A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or be made lawful as a result of the adoption of these regulations.
- (D) The provisions of these regulations are cumulative and in addition to all other laws and ordinances heretofore passed, or which may be passed hereafter, governing any subject matter covered by these regulations.

139.2 DEFINITIONS. In the construction of these regulations, the following words and phrases shall have the meaning assigned by this section, unless the context clearly requires otherwise

- (1) "Alley" means a strip of land along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots.
- (2) "Arterial Street" means any street serving major traffic movements, which is designed primarily as a traffic carrier between cities or between various sections of the city, which forms part of a network of through streets, and which provides service access to abutting properties only as a secondary function.
- (3) "Block" means a tract of land bounded by streets, or by a combination of streets, railway rights-of-way or waterways.
- (4) "Building Setback Line (Front)" means a line across the front a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the fronting street right-of-way.
- (5) "Collector Street" means any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.
- (6) "Commission" means the Goddard Planning Commission.
- (7) "Comprehensive Development Plan" means any official map or street plan, the future land use map or plan, or any other plan or map of Goddard or of the Wichita • Sedgwick County Metropolitan Area Planning Commission, for the guidance of municipal growth and improvement of Goddard, the Metropolitan Area, or of Sedgwick County.
- (8) "Crosswalk" means a strip of land dedicated for public use, which is reserved across a block for the purpose of providing pedestrian access to adjacent areas.
- (9) "Cul-de-sac" means a street having only one (1) outlet and being permanently terminated by a vehicle turnaround at the other end.
- (10) "Dead-end Street" means a street having only one (1) outlet.
- (11) "Design Standards" or "Design Requirements" means all requirements and regulations relating to design and layout of subdivisions contained in Section 123 of these regulations.
- (12) "Engineer." When used in connection with designing or surveying the plat or subdivision, means a professional engineer or a surveyor, licensed by the State of Kansas or licensed to practice in the State of Kansas. When used in connection with designing or engineering any improvements either on site or off site, means a professional engineer, licensed by the State of Kansas or licensed to practice in the State of Kansas.

- (13) "Expressway" means any divided street or highway with no access from abutting property, which has either separated or at-grade access from other public streets and highways.
- (14) "Freeway" means any divided street or highway with complete access control and grade separated interchanges with all other public streets and highways.
- (15) "Frontage" means the property on one (1) side of a street between two (2) intersecting streets, measured along the line of the street, or on a dead-end street, all property abutting one (1) side of such street, measured from the nearest intersecting street and the end of the dead-end street.
- (16) "Frontage Lot" means that portion of the frontage which lies between the side lot lines of a single lot.
- (17) "Frontage Road" means a public or private marginal access roadway generally paralleling and contiguous to a street or highway and designed to promote safety by eliminating unlimited ingress and egress to such street or highway, by providing points of ingress and egress at more-or-less uniformly-spaced intervals.
- (18) "Governing Body" means the elected Governing Body of Goddard, Kansas.
- (19) "Half-street" means a street bordering one (1) or more property lines of a sub• division tract, to which the subdivider has allocated only a portion of the ultimate and intended street width.
- (20) "Improvements" means all facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business or manufacturing purpose. Improvements shall include all facilities listed in Article 7 of these regulations.
- (21) "Limited Access Highway" means an expressway or freeway, as defined in these regulations.
- (22) "Local Street" means any street designed primarily to provide access to abutting property.
- (23) "Lot" means a portion or basic parcel of a subdivision or other tract of land, intended to be the parcel by which such land is individually developed and transferred.
- (24) "Lot, Double Frontage" means a lot, two (2) opposite lot lines of which abut streets which are more or less parallel.
- (25) "Lot Depth" means the distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- (26) "Lot Line" means the boundary line of a lot.
- (27) "Lot Split" means the dividing or re-dividing of a lot or lots in a recorded plat of a subdivision, into not more than two (2) tracts each of which meet the criteria established within these regulations.

- (28) "Lot Width" means the distance on a horizontal plane between the side lot lines, measured at a right angle to the line establishing the lot depth. The lot width shall be measured at the front building setback line.
- (29) "Marginal Access Street" means a local street which is parallel with and adjacent to a limited access highway or arterial street, and which provides access to abutting properties and protection from through traffic on the limited access highway or arterial street.
- (30) "Owner" means any natural person, firm, partnership, limited partnership, corporation, L.L.C. or other legal entity which holds any right, title or interest in land sought to be subdivided under these regulations.
- (31) "Plat" means the formal document which represents, by drawing and writing, a subdivision.
- (32) "Resubdivision" means the subdivision of a tract of land which was previously lawfully subdivided, where a plat of such prior subdivision was duly recorded.
- (33) "Road" or "Roadway" means the paved or improved area existing on the street right-of-way, exclusive of sidewalks, driveways or related uses.
- (34) "Screening" means decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fencing or evergreen vegetation. When fencing is used for screening, it shall be not less than six (6) nor more than eight (8) feet in height.
- (35) "Street" means the entire street right-of-way or easement, whether public or private, and is not limited to the area of the paving or other improvements on the street right-of-way. Street includes, but is not limited to, that which is named or commonly referred to as a street, avenue, road, lane, boulevard or way.
- (36) "Street Width" means the shortest distance between the property lines abutting each side of a street right-of-way.
- (37) "Subdivider" means the owner, or any other person, firm, partnership, limited partnership, corporation, L.L.C. or other legal entity, who with the owner's authority, undertakes proceedings under the provisions of these regulations to subdivide land.
- (38) "Subdivision" means any division or redivision of land, whether by mapping, platting, conveying, changing or rearranging of boundaries, or other means. It shall further refer to the process of subdividing or to subdivided land, where appropriate to the context.
- (39) "Turn-around" means an area at the closed end of a dead-end street or cul-de-sac within which vehicles may reverse their direction without backing up.
- (40) "Vision Triangle" means a triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection.

- (a) Within the vision triangle, no one shall install, set out or maintain or to allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view. However, such restriction shall not apply to:
- (i) Public utility poles;
  - (ii) Hedges, trimmed to a height of less than thirty-three inches above gutter grade for urban roadways, or above the midpoint of the adjacent travel lane for rural roadways;
  - (iii) Trees, which are at all times kept trimmed of limbs and sucker growth, to a height of at least eight (8) feet above the ground level. If any limbs overhang the public street, limbs and sucker growth shall, at all times, be trimmed to a height of at least thirteen (13) feet six (6) inches above the street level;
  - (iv) Plant species not planted in the form of a hedge which are so planted and trimmed as to, at all times, leave a clear and unobstructed cross view;
  - (v) Ornamental fences not exceeding four (4) feet in height, provided that the ratio of the solid portion of the fence to the open shall not exceed one (1) to four (4);
  - (vi) Official warning signs or signals;
  - (vii) Places where the contour of the ground is such that there can be no cross visibility at the intersection; or
  - (viii) Signs mounted ten (10) feet or more above the ground whose supports do not constitute an obstruction.

## ARTICLE 13. AMENDMENTS

100 General Provisions for Amendments. These regulations and the districts created under the authority of these regulations may be amended from time to time by the Planning Commission following a public hearing and the approval by the Governing Body. No such amendment shall be adopted except in accordance with the procedures of this Article 13. Special use applications are not amendments, but are processed in the same manner. (See Section 13-101 for special uses.)

- A. Proposal. Amendments or special uses may be proposed: (1) by the Governing Body, (2) by the Planning Commission or (3) upon application by, or on behalf of the owner of the property affected, but only in accordance with the procedure set forth in Section 13-100B. When the Governing Body proposes an amendment, it shall transmit its proposal to the Planning Commission for a public hearing and recommendation thereon. (See Section 13-100.C for special notice of hearing procedure for Governing Body and Planning Commission applications.)
- B. Application. When the owner of the property affected proposes an amendment to any of these regulations or to any zoning district created thereby, an application shall (1) be filed with the Zoning Administrator who refers it to the Planning Commission for a hearing, (2) be in such form and contain such information as shall be prescribed from time to time by the Commission, and (3) in all instances contain the following information:
- 1) The applicant's name, address and telephone number;
  - 2) The precise wording of any proposed amendment to the text of these regulations or the exact description of the special use requested;
  - 3) In the event that the proposed amendment would change the zoning district classification of any specific property;
    - a) The name, address and telephone number of the owner of the property and, if any, the agent representing the owner;
    - b) The legal description of the property and a general description such as a street address sufficient to identify the property;
    - c) The present and proposed zoning district classifications and existing uses of the property and structures thereon;
    - d) The dimensions of the property and the zoning lot area stated in square feet or acres or fractions thereof; and
      1. For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary;

2. If such area is located adjacent to but within the City limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area: (3) If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter distance extends into the city limits, then such owners for 200 feet inside the City must also be included on the list: and (4) If at any time the notification areas described in subsections (1), (2) and (3) above extend into the city limits of another city which is adjacent or nearby, such notification shall also extend for 200 feet into the city limits of the other city.
- C. Public Hearing. The Planning Commission shall hold a public hearing on each proposed amendment that is filed with, referred to, or initiated by the Commission. The Commission shall select a reasonable time and place for such public hearing and it shall hold such hearing within 45 days from the date on which the proposed amendment is received or initiated. An applicant for an amendment may waive the requirement that such hearing be held within 45 days.
- D. Notice of Hearing. One of the following three procedures shall be selected to provide proper notice for a public hearing for any zoning amendment application:
- 1) Public notice of a hearing by the Planning Commission on a proposed amendment shall be published once in the official newspaper by the City. At least 20 days shall elapse between the date of such publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed changes in regulations or the zoning classification or zoning district boundaries of any property. If the proposed amendment would change the zoning classification of any specific property or the boundaries of any zoning district, such notice shall contain the legal description or a general description sufficient to identify the property under consideration. If a general description is used, the notice shall include a statement that a complete legal description is available for public inspection and where such description is available.

In addition to such publication notice, the City shall mail a written notice of the hearing containing information similar to the published notice thereof to the applicant and to the owners of record of all real property within the area to be altered or changed and to all owners of record of real property located within 200 feet of the exterior boundary of the area described in the amendment application both within the city limits and extending outside the city limits when necessary. If such area is located adjacent to but within the city limits, the area of notification shall, in addition to the 200 feet inside the city limits, be extended to 1,000 feet in the unincorporated area. When the distance of such

notice extends outside the City and into an adjacent or nearby city limits, such notice shall be given for 200 feet inside the other city limits. If such area is located outside the city limits, the area of notification shall extend for 1,000 feet and, if such notification extends into the city limits, then 200 feet inside the city limits must also be included. The notice to property owners including the applicant shall be mailed so that 20 days shall elapse between the mailing date and the hearing date. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Commission or the Governing Body.

- 2) Whenever five or more owners of record of real property owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication only and hearing in like manner as required by Section 11-100.C. Such zoning amendment shall not require written notice and shall not be subject to the protest petition provision of Section 11-103.
- 3) Whenever the Governing Body or the Planning Commission initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record of real property, such amendment shall require notice by publication and hearing in like manner as that required by Section 11-100C. In addition, written notice shall be required to be mailed to only owners of record of real properties to be rezoned and only such owners shall be eligible to initiate a protest petition under Section 11-103.

The Commission may give such additional notice to other persons as it may from time to time provide by its rules. Such rules may include requirements for additional notice to be provided for by the posting of signs on the land to be considered in the amendment application.

E. Conduct of Hearing.

- 1) All hearings that these regulations require the Planning Commission to conduct for amendments to changes in the text of the regulations or the zoning classifications or in district boundaries shall be open public meetings according to K.S.A. 75-4317 et seq. the Open Meetings Act. When a proposed amendment will affect the zoning classification or district boundary of specific property, however, the Commission acts in a quasi-judicial capacity and, thus, may upon proper motion proceed to deliberate in closed session according to K.S.A. 75-4318(g)(1). No binding action can be taken in such a session and all voting must be conducted in an open meeting.

- 2) Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney.
- 3) The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Commission may from time to time prescribe by rule or bylaws which are not in conflict with these regulations or applicable State statutes.
- 4) The Commission shall keep minutes of the proceedings showing evidence presented at hearings, findings of fact by the Commission, motions made and the vote of each member upon any question or recommendation. If a member is absent, abstains or disqualified, such fact shall be indicated.
- 5) The Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made a copy thereof shall be made available to the applicant and any other interested person prior to or at the public hearing.
- 6) The Commission may make recommendations on proposed amendments to specific properties which affect only a portion of the land described in the hearing notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice. A recommendation for a zoning classification of lesser change than that set forth in the notice shall not be valid, however, without republication and, where necessary, re-mailing of notices, unless the Commission shall have previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications. (See Appendix. page A-1 for Table of Comparability for Zoning Districts.)
- 7) For action on zoning amendments, a quorum of the Commission must be more than one-half of the membership as established by ordinance. A majority vote of the members of the Commission present and voting at the hearing shall be required to recommend approval or disapproval of the amendment to the Governing Body. If the Commission fails to make a recommendation on a rezoning request the Commission shall be deemed to have made a recommendation of disapproval.
- 8) A hearing may be adjourned from time to time upon a motion to continue in the future at some stated date, time and place. At the conclusion of a hearing, the Commission shall prepare its findings and the factors on which to base its recommendation and vote.
- 9) If a meeting is called or a hearing is on the agenda and no quorum is present, the members in attendance may agree to hold the hearing at another meeting in the future at a stated date, time and place or at the next regular meeting for which, when announced at the present scheduled meeting, no further public notice need be given to continue the hearing.

- F. Report by Planning Commission. Within 14 days after the close of the public portion of the hearing and voting on a proposed amendment, the Planning Commission shall submit a report to the Governing Body. A copy of this report shall also be filed with the Clerk and the Community Development Director and such copies shall be kept available for public inspection. A copy of the report shall also be mailed to the applicant. Such report shall contain a recommendation as to whether the proposed amendment should be approved or disapproved and specific written determinations on the items listed in Sections 11-100.G or 11-100.H and on such other items as the Commission may consider relevant. The report submitted to the Governing Body shall be accompanied by a summary of the hearing on the proposed amendment as required by K.S.A. 12-756(b). In lieu of a report, the above information may be contained in the minutes of the meeting and submitted to the Governing Body.
- G. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the report of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:
- 1) Whether such change is consistent with the intent and purposes of these regulations; and
  - 2) Whether the proposed amendment is made necessary because of changed or changing conditions in the zoning districts affected and, if so, the nature of such changed or changing conditions.
- H. Review Criteria for Amendments, Special Uses, or Conditional Uses. When a proposed rezoning amendment or special use would result in a zoning change for any specific property, the report of the Planning Commission accompanied by a summary of the hearing shall contain statements as to (1) the present and proposed district classifications or description of the special use, (2) the applicant's reasons for requesting such reclassification or special use, and (3) a statement of the factors where relevant upon which the recommendation of the Commission is based using the following criteria as guidelines: \*
- 1) What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood?
  - 2) What is the current zoning of the subject property and that of the surrounding neighborhood in relation to the request?
  - 3) Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration?

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\* NOTE: All the factors stated in the decision of *Golden v. City of Overland Park*, 224 Kan. 591, 584 P.2d 130 (1978) are included in this list. In using these factors as guidelines, modifications may be made in the criteria to more specifically relate them to the particular zoning change in classification or special use.

- 4) Would the request correct an error in the application of these regulations?
- 5) Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions?
- 6) Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property?
- 7) Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, and access control or building setback lines?
- 8) Would a screening plan be necessary for existing and/or potential uses of the subject property?
- 9) Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested?
- 10) If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities?
- 11) Is the subject property suitable for the uses in the current zoning to which it has been restricted?
- 12) To what extent would the removal of the restrictions, i.e. the approval of the zoning request detrimentally affect other property in the neighborhood?
- 13) Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations?
- 14) Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan?
- 15) What is the nature of the support or opposition to the request?
- 16) Is there any information or are there recommendations on this request available from professional persons or persons with related expertise which would be helpful in its evaluation?
- 17) By comparison, does the relative gain to the public health, safety or general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request?

Of those factors considered as relevant to the requested change in zoning district classification or boundary or special use, not all factors need to be given equal consideration by the Commission in deciding upon its recommendation.

101 Special Uses. Because of particular factors associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are allowed as "special uses" when their proposed location is supplemented by additional conditions such as to make the use considered compatible with the surrounding property, the neighborhood and the zoning district.

In granting a special use, the minimum requirements of approval for all similar types of permitted uses in the same district must be met, unless otherwise reduced by a specific reference in these regulations. The requirements may be made more stringent if there is potentially injurious effects which may be anticipated upon other property and the neighborhood or contrary to the welfare and convenience of the public. Such additional conditions may include, but are not limited to, requirements affecting the lot size or yard dimensions; changing street width; the extent and location of entrance or exit drives; controlling the size, location and number of signs; the period and time of operation; lot coverage and height of buildings; screening, fencing and/or landscaping to protect the surrounding property; establishing environmental standards for air and water pollution, noise, vibration, lighting and other such conditions; protection from flooding; and additional improvements such as street construction, Sidewalks, utilities and storm drainage, if necessary, including platting and/or dedications. Such conditions may be placed upon the property which is the subject of the special use application or upon the applicant or both.

Although the official zoning map is not amended, the procedure for approval of a special use shall otherwise be the same as for an amendment to change a zoning district classification or boundary which is set forth in Section 13-100 of this Article including the provisions for filing protest petitions in Section 13-103; provided, that any additional requirements which are further imposed upon the special use shall be made a part of the effectuating ordinance. Concurrent applications may be processed for changing zoning district classifications as amendments and approving special uses on the same property.

102 Project Review. In the event that certain public improvements, facilities or utilities of a type embraced within the recommendations of the Comprehensive Plan are classified as special uses or are the subject of a change in zoning district classification or boundary, the consideration of such uses by the Planning Commission in conjunction with a zoning application may also constitute their project review of such proposed use if concurrently processed under procedures required by K.S.A. 12-748, as amended; provided, that a statement of findings is included in the Commission's approval or disapproval as to whether such proposed use is or is not in conformance with the Comprehensive Plan. In case the Commission finds that the proposed use is not in conformance to the Plan and states in writing the manner in which it is not in conformance, then the Governing Body shall not proceed with construction of such a proposed use unless the Governing Body by a majority vote overrides the disapproval of the Commission and the Plan shall be deemed to have been amended and the Commission shall make the necessary changes in the Plan to reflect the vote of the Governing Body.

103 Filing of protest. Whether or not the Planning Commission approves or disapproves a zoning change, if a written protest petition against a proposed amendment for a specific property or a special use shall be filed in the office of the Clerk within 14 days after the date of the conclusion of the hearing by the Commission which is signed and an accurate legal description of their property provided by the owners of record of 20% or more of any real property proposed to be altered or changed, excluding streets or public ways, or by the owners of record of 20% or more of the real property within the total area required in the official area of notification by Section 13-102.C, excluding streets and public ways and specific statutorily excluded property as described below; then the effectuating ordinance shall not be passed except by at least a 3/4 vote of all the members of the City Council.

Property statutorily excluded by K.S. A. 12-757(f) from determining the sufficiency of a protest petition when calculating the total real property within the notification area is that which was (1) requested by the owner of the specific property for rezoning or a special use; or (2) the owner of the specific property requested for rezoning or a special use who does not oppose in writing such rezoning or special use. (See Sections 11-102 and 03 for protest petition exceptions for rezoning from a lesser restrictive to a more restrictive zoning classification.)

104 Adoption of Amendments by the Governing Body. When the Planning Commission in its report submits a recommendation of approval or disapproval of a proposed amendment or special use including the basis therefore, the Governing Body may:

- (1) Adopt such recommendation by an effectuating ordinance;
- (2) Override the Commission's recommendation by a 2/3 majority vote of the membership of the City Council: or
- (3) Return such recommendation to the Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove. If the Governing Body returns the Commission's recommendation, the Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new or amended recommendation. Upon the receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the effectuating ordinance or it need take no further action thereon. If the Commission fails to deliver its recommendation to the Governing Body following the Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Commission as a resubmission of the original recommendation and proceed accordingly.

In considering its decision under each of the above set of circumstances, the Governing Body shall take into account the guidelines in Section 13-100.H which are relevant to the proposed amendment or special use and, having reviewed the Commission's findings of fact and the factors upon which their recommendation is based, the Governing Body either adopts the Commission's findings and factors by reference or records their own findings of fact and the factors upon which their decision is based.

The proposed amendment or special use shall become effective upon publication of the respective adopting ordinance. If such an amendment affects the classification or boundaries of any zoning district, the respective ordinance shall legally describe the classification or boundaries as amended, shall order the official zoning map to be changed to reflect such amendment, and shall reincorporate such map as amended.

105 Annual Review. In order to maintain these regulations including the Official Zoning Map(s), the Planning Commission shall annually hold a public review at their first regular meeting in January to consider amendments, if any, to these regulations. Preceding such a review, the Governing Body and other affected governmental agencies and interested parties should be notified of the intent to review and their ideas requested. In preparation for such a review, the Community Development Director shall maintain a master copy of the current zoning regulations on which are recorded comments and ideas brought to the attention of the Director during the preceding year in order to maintain the intent and purpose of these regulations under changing conditions and to implement the Comprehensive Plan. Information on any relevant changes in state statutes shall be compiled for the review.

106 Judicial Review. As provided by K.S. A. 12-760, as amended, any ordinance, regulation, amendment, special use or other zoning decision provided for or authorized by these regulations shall be reasonable and any person aggrieved thereby may have the reasonableness of any decision determined by bringing an action against the City within 30 days after a final decision is made by the City. In the event that an amendment to these regulations or a special use is approved by the Governing Body, the 30-day period commences when the effectuating ordinance is published. Such action shall be brought in the Sedgwick County District Court.

**ARTICLE 14. SEVERABILITY AND EFFECTIVE DATE**

100 Severability. If any provisions of these regulations are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these regulations, so as to be completely severable and the remaining provisions of these regulations shall remain in full force and effect.

101 Effective Date. These regulations shall be in full force and effect from and after their adoption by the Planning Commission, approval by the Governing Body and adoption of an ordinance incorporating these regulations by reference, and publication of such ordinance in the official city newspaper.

ADOPTED by the Goddard City Planning Commission on September 12, 2016.

  
Doug VanAmburg, Chair

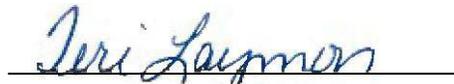
ATTEST:

  
Kelly Bergeron, Secretary

APPROVED and ADOPTED by the Goddard City Council on September 19, 2016.

  
Marcey Gregory, Mayor

ATTEST:

  
Teri Laymon, City Clerk



Adopted by Ordinance No. 793 by the City Council of the City of Goddard, Kansas on September 19, 2016, officially published on September 22, 2016 and effective on September 22, 2016.

## **BYLAWS RULES AND REGULATIONS**

*Adopted December 10, 2015*

The following rules and regulations governing the procedures of the Goddard Planning Commission/Board of Zoning Appeals, hereafter referred to as the Commission, are adopted in accordance with the planning laws of the State of Kansas.

### **ARTICLE I - OFFICERS**

1. The Commission shall organize annually at the first regular meeting after the annual appointment of new members, which is normally the first City Council in December. Commissioners are appointed by the Mayor and confirmed by the City Council for a term of three calendar years on a staggered basis, with approximately one third of the Commission reappointed each year.
2. The Commission shall elect a Chairperson and a Vice-Chairperson from among the appointed members at the annual organization meeting. The officers shall serve for one year.
3. A Secretary shall be selected for an indefinite term and it is not required to be a member of the Commission.
4. The Chairperson shall preside at all meetings and public hearings of the Commission; shall decide all points of order and procedure; shall certify plans and subdivisions plats; shall transmit reports and recommendations of the planning commission to the governing body. The Chairperson and the Secretary are required to certify plans and subdivision plats.
5. The Vice-Chairperson shall assume the duties of the Chairperson in his or her absence.
6. The Secretary shall be responsible for keeping the minutes of the Commission; sending agendas to members of the Commission; carrying out written correspondence; maintaining the records of the Commission; and performing such other duties as the Commission may require.

### **ARTICLE II - MEETINGS**

1. The Commission shall hold at least one regular meeting each month at a time and place to be designated by the Commission, provided there is business to transact.
2. Special meetings of the planning commission for obtaining public opinion on a problem or discussion of a particular problem with interested parties may be called by the Chairperson or, in the Chair's absence, by the Vice-Chairperson. Notice of special meetings shall be given by the Secretary to the members of the Commission at least three days prior to such meeting and shall state the purpose and time of the meeting.

3. All regular and special meetings hearings and records shall be open to the public, provisions for recessed executive sessions may be made but no formal action may be taken.
4. Four members, a majority of the Commission, shall constitute a quorum for the transaction of business. If a quorum is not present at a regular or special meeting, those present may either adjourn the meeting or hold the meeting to consider such matters as are on the agenda. No action at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present.
5. The order of business at all meetings shall be as follows:
  - a. Call to order
  - b. Pledge of Allegiance and Invocation
  - c. Approval of the Agenda
  - d. Citizen Comments
  - e. Approval of the Minutes
  - f. Board of Zoning Appeals
  - g. Old Business
  - h. New business
  - i. Staff Reports
  - J. Commissioner's Comments
  - k. Adjournment
6. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
7. An affirmative vote of at least three members, a majority of a required quorum of four, shall be necessary to authorize any official action of the Commission, unless otherwise specified by statute. (Some official actions, i.e., approval of a Comprehensive Plan or zoning ordinance, require the affirmative vote of a majority of all the members of the total planning commission.) Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the governing body with an explanation of the failure to establish an official vote on the subject in question. All members, including the Chairperson, shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.
8. These rules of procedure are intended to augment the Code of Meeting Procedures for Kansas Cities which has been adopted by the Goddard City Council. Where inconsistencies or conflict may exist between these rules and the Code of Meeting Procedures for Kansas Cities, these rules shall prevail.

### **ARTICLE III-AGENDA SUBJECTS**

1. Upon application by an interested party for placement upon the agenda of a Commission meeting, the Secretary of the Commission may require that all data pertaining to such subjects be presented in writing one week prior to the date of the Commission meeting.
2. Where the volume of the planning commission subjects may require such action, the Chairperson of the Commission may postpone discussion of certain subjects until sufficient time is available for the members to give proper review to such subjects.
3. Agendas shall ordinarily be provided to the members of the Commission so that they may review them at least three days prior to the Commission meeting.
4. Subjects which are not listed on a Commission agenda will ordinarily not be considered at a meeting, unless unusual conditions approved by the planning commission justify such action.

### **ARTICLE IV - HEARINGS**

1. Before the adoption or recommendation of all or any part of the Comprehensive Plan, subdivision regulations, major street plan or the zoning ordinances, the Commission shall hold a public hearing on the matter.
2. The Secretary of the Commission shall cause a notice of such public hearing to be published once in the official city newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such a hearing and shall describe such proposal in general terms.
3. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
4. The Commission may prepare recommendations and adopt the same by an affirmative vote of a majority of the Commission or by an affirmative vote of a majority of all its members as provided by law.

### **ARTICLE V - RECOMMENDATIONS**

1. An authorized representative of the Commission shall have the right to appear before the Governing Body for the purpose of reporting recommendations of the Commission.

### **ARTICLE VI - COMMITTEES**

1. The Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.

2. The Chairperson shall designate the members of each committee and shall name the Chairperson of each committee. The Commission Chairperson shall fill vacancies on committees as they are created.

**ARTICLE VII - RECORDS AND REPORTS**

1. The Commission shall keep a record of its resolutions, transactions, findings and determinations.
2. All records of the Commission shall be available for public review.
3. The Commission shall annually review the Comprehensive Plan and Zoning Code to determine if any portion has become obsolete and shall make a report to the Governing Body regarding the same on or before the first day of June of each year.

**ARTICLE VIII - PUBLICITY**

The Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public.

**ARTICLE IX - AMENDMENTS**

These rules of procedure may be amended by an affirmative vote by a majority of the Commission members provided such proposed amendment has been submitted in writing to each member of the Commission at least two (2) days prior to the meeting at which such action is to be taken.

APPROVED this 10th day of December, 2015.

  
 Doug Van Amburg, Chairman  
 Goddard Planning Commission/  
 Board of Zoning Appeals

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 Kelly Be... Secretary  
 Goddard Planning Commission/  
 Board of Zoning Appeals

