

ZONING ORDINANCE
FOR THE
CITY OF HUMBOLDT, KANSAS

PREPARED AT THE DIRECTION OF THE
HUMBOLDT CITY PLANNING COMMISSION

BY
RIGGS ASSOCIATES
PLANNERS · LAND PLANNERS · LANDSCAPE ARCHITECTS
Lindsborg, Kansas

Official Copy as Incorporated by Ordinance No. 1449 & 1450

EFFECTIVE DATE: January 14, 2010

Public Officials

City of Humboldt, Kansas

Mayor

Robert E. Sharp

City Council

Vada Aikins

Otis Crawford

Jerry Griffith

Daniel Julich

Sean McReynolds

Sam Murrow

Don Walburn

Jeremy Weilert

Planning Commission

Gregg Korte

Joe Works

Lorene Ellison

Shirley Breiner

Mark Criger

Don Becannon

Clint Hillmon

City Administrator

Larry Tucker

City Clerk

Jean M. Flores

City Attorney

Fred Works

PLANNING CONSULTANT

Riggs Associates

Planners · Land Planners · Landscape Architects

Lindsborg, Kansas

TABLE OF CONTENTS

CHAPTER		PAGE NO.
17.02	TITLE	1
	17.02.010.....	1
17.04	PURPOSE AND INTENT	2
	17.04.010.....	2
17.06	AUTHORITY AND JURISDICTION	3
	17.06.010 Authority	3
	17.06.020 Jurisdiction	3
	17.06.030 Notice to County	3
	17.06.040 Agricultural Exclusion	3
17.08	INTERPRETATION AND CONSTRUCTION	4
	17.08.010 Rules of interpretation	4
	17.08.020 Rules of Construction	5
	17.08.030 Zoning Procedure	5
17.10	DEFINITIONS	6
	17.10.010 Definitions	6
	17.10.1800 Words or Terms.....	25
17.12	DISTRICTS AND BOUNDARIES	26
	17.12.010. District Classifications	26
	17.12.020 Zoning District Map	26
	17.12.030 Annexation Rule.....	26
17.14	“F-P” FLOODPLAIN DISTRICT	27
	17.14.010 Intent and Purpose of District.....	27
	17.14.020. District Regulations	27
	17.14.030 Special Use Regulations	27
	17.14.040 Intensity of Use Regulations	28
	17.14.050 Height Regulations	28
	17.14.060 Yard Regulations.....	28
	17.14.070 Sign Regulations	28
	17.14.080 Parking and Loading Regulations	28
17.16	“A-L” AGRICULTURAL DISTRICT	29
	17.16.010 Intent and Purpose of District.....	29
	17.16.020 District Regulations.....	29
	17.16.030 Use Regulations.....	29
	17.16.040 Intensity of Use Regulations	33
	17.16.050 Height Regulations	33
	17.16.060 Yard Regulations	33
	17.16.070 Sign Regulations	34
	17.16.080 Parking and Loading Regulations	34

17.18	“R-S” RESIDENTIAL SUBURBAN DISTRICT	35
	17.18.010 Intent and Purpose of District.....	35
	17.18.020 District Regulations.....	35
	17.18.030 Use Regulations.....	35
	17.18.040 Intensity of Use Regulations	37
	17.18.050 Lot Coverage.....	37
	17.18.060 Height Regulations.....	37
	17.18.070 Yard Regulations.....	37
	17.18.080 Sign Regulations	38
	17.18.090 Parking and Loading Regulations	38
17.20	“R-I” SINGLE-FAMILY DWELLING DISTRICT	39
	17.20.010 Intent and Purpose of District.....	39
	17.20.020 District Regulations.....	39
	17.20.030 Use Regulations.....	39
	17.20.040 Intensity of Use Regulations	40
	17.20.050 Lot Coverage.....	40
	17.20.060 Height Regulations.....	40
	17.20.070 Yard Regulations.....	41
	17.20.080 Sign Regulations	41
	17.20.090 Parking and Loading Regulations	41
17.22	“R-2” TWO-FAMILY DWELLING DISTRICT	42
	17.22.010 Intent and Purpose of District.....	42
	17.22.020 District Regulations.....	42
	17.22.030 Use Regulations.....	42
	17.22.040 Intensity of Use Regulations	43
	17.22.050 Lot Coverage.....	43
	17.22.060 Height Regulations.....	43
	17.22.070 Yard Regulations.....	44
	17.22.080 Sign Regulations	44
	17.22.090 Parking and Loading Regulations	44
17.24	“R-3” MULTIPLE-FAMILY DWELLING DISTRICT	45
	17.24.010 Intent and Purpose of District.....	45
	17.24.020 District Regulations.....	45
	17.24.030 Use Regulations.....	45
	17.24.040 Intensity of Use Regulations	45
	17.24.050 Lot Coverage.....	46
	17.24.060 Height Regulations.....	46
	17.24.070 Yard Regulations.....	46
	17.24.080 Sign Regulations	47
	17.24.090 Parking and Loading Regulations	47
17.26	“PUD” PLANNED UNIT DEVELOPMENT	48
	17.26.010 Intent.....	48
	17.26.020 Uses	48
	17.26.030 General Provision	48
	17.26.040 Standards and Conditions for Planned Unit Development.....	49
	17.26.050 Application for Approval of Preliminary Plan.....	52
	17.26.060 Final Plan Approval	55
	17.26.070 Recording	56
	17.26.080 Enforcement and Modification of Provisions of the Plan	56

	17.26.090 Amendments.....	57
	17.26.100 Platting	57
17.28	“M-H” MANUFACTURED HOME DISTRICT	58
	17.28.010 Intent and Purpose of District.....	58
	17.28.020 District Regulations.....	58
	17.28.030 Use Regulations.....	58
	17.28.040 Intensity of Use Regulations	58
	17.28.050 Lot Coverage	58
	17.28.060 Height Regulations	58
	17.28.070 Yard Regulations.....	58
	17.28.080 Sign Regulations	59
	17.28.090 Parking and Loading Regulations	59
	17.28.100 Special Manufactured Home Requirements.....	59
17.30	“M-P” MANUFACTURED HOME PARK DISTRICT	60
	17.30.010 Intent and Purpose of District.....	60
	17.30.020 District Regulations.....	60
	17.30.030 Use Regulations.....	60
	17.30.040 Park Requirements	61
	17.30.050 Application Procedure.....	64
17.32	“C-S” HIGHWAY SERVICE DISTRICT.....	66
	17.32.010 Intent and Purpose of District.....	66
	17.32.020 District Regulations.....	66
	17.32.030 Use Regulations.....	66
	17.32.040. Intensity of Use Regulations	69
	17.32.050 Lot Coverage	70
	17.32.060 Height Regulations	70
	17.32.070 Yard Regulations.....	70
	17.32.080 Sign Regulations	70
	17.32.090 Parking and Loading Regulations	70
	17.32.100. Landscape Regulations.....	70
	17.32.110. Traffic Regulations.....	70
17.34	“C-1” CENTRAL BUSINESS DISTRICT	71
	17.34.010 Intent and Purpose of District.....	71
	17.34.020 District Regulations.....	71
	17.34.030 Use Regulations.....	71
	17.34.040 Intensity of Use Regulations	76
	17.34.050 Height Regulations.....	77
	17.34.060 Yard Regulations.....	77
	17.34.070 Sign Regulations	77
	17.34.080 Parking and Loading Regulations	77
	17.34.090 Landscape Regulations.....	77
	17.34.100 Traffic Regulations.....	77
17.36	“C-2’ GENERAL COMMERCIAL DISTRICT	78
	17.36.010 Intent and Purpose of District.....	78
	17.36.020 District Regulations.....	78
	17.36.030 Use Regulations.....	78
	17.36.040 Intensity of Use Regulations	83

	17.36.050	Height Regulations	83
	17.36.060	Yard Regulation	83
	17.36.070	Sign Regulations	83
	17.36.080	Parking and Loading Regulations	83
	17.36.090	Landscape Regulations.....	83
	17.36.1000.	Traffic Regulations.....	83
17.38		“C – 3” ADULT ENTERTAINMENT DISTRICT	84
	17.38.010	Intent and Purpose of District.....	84
	17.38.020	District Regulations.....	84
	17.38.030	Use Regulations.....	84
	17.38.040	Intensity of Use Regulations	84
	17.38.050	Height Regulations	84
	17.38.060	Yard Regulations.....	85
	17.38.070	Sign Regulations	85
	17.38.080	Parking and Loading Regulations	85
	17.38.090	Landscape Regulations.....	85
	17.38.100.	Traffic Regulations.....	85
	17.38.110.	Adult Use and Location Restrictions.....	85
17.40		“I-1” LIGHT INDUSTRIAL DISTRICT	87
	17.40.010.	Intent and Purpose of District.....	87
	17.40.020	District Regulations.....	87
	17.40.030	Use Regulations.....	87
	17.40.040	Intensity of Use Regulations	89
	17.40.050	Height Regulations	90
	17.40.060	Yard Regulations	90
	17.40.070	Sign Regulations	90
	17.40.080	Parking and Loading Regulations	90
	17.40.090	Landscape Regulations.....	90
	17.40.100.	Traffic Regulations.....	90
17.42		“I-2” HEAVY INDUSTRIAL DISTRICT	91
	17.42.010	Intent and Purpose of District.....	91
	17.42.020	District Regulations.....	91
	17.42.030	Use Regulations.....	91
	17.42.040	Intensity of Use Regulations	94
	17.42.050	Height Regulations	94
	17.42.060	Yard Regulations	94
	17.42.070	Sign Regulations	95
	17.42.080	Parking and Loading Regulations	95
	17.42.090	Landscape Regulations.....	95
	17.42.100	Traffic Regulations.....	95
17.44		SIGN REGULATIONS.....	96
	17.44.010	General Requirements	96
	17.44.020	Specific Requirements.....	96
	17.44.030	Permits and Fees Required	102
	17.44.040	Non-conforming Signs	103
	17.44.050	Removal of Signs from Vacant Buildings.....	103

17.46	PARKING AND LOADING REGULATIONS	104
	17.46.010 Requirements.....	104
	17.46.020 Schedule of Minimum Off-street Parking & Loading Requirements.....	104 - 106
	17.46.030 Plans and Approval Required.....	107
	17.46.040 Construction Requirements.....	107
	17.46.050 Layout and Design Requirements.....	107
	17.46.060 Maintenance.....	107
	17.46.070 Performance.....	107
	17.46.080 Application.....	107
17.48	LANDSCAPE REQUIREMENTS	108
	17.48.010 Minimum Landscape Requirements.....	108
17.50	TRAFFIC REGULATIONS	109
	17.50.010 Minimum Requirements for Traffic Regulations.....	109
17.52	BUILDINGS AND USES AFFECTED	110
	17.52.010 Minimum Building Requirements.....	110
	17.52.020 Building and Structures Moved In.....	111
	17.52.030 Elevation.....	111
17.54	ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS	112
	17.54.010 Qualifications and Supplementations to District Regulations.....	112
	17.54.020 Fences.....	115
	17.54.030 Building Setback Lines.....	116
	17.54.040 Lots of Record.....	116
	17.54.050 Canopy and Marquee.....	116
	17.54.060 Temporary Uses Permitted.....	117
	17.54.070 Wind Energy Conversion System (WECS).....	117
	17.54.080 Joint Driveways and Garages.....	119
	17.54.090 Protection of Sewer and Other Utility Lines.....	119
	17.54.100 Mining and Extraction of Minerals.....	119
	17.54.110 Vacated Streets and Alleys.....	129
	17.54.120 Sanitary Sewerage Requirements.....	119
	17.54.130 Wireless Communications Towers.....	120
17.56	NON-CONFORMING USES	122
	17.56.010 Non-conforming Uses Which May Be Continued.....	122
	17.56.020 Non-conforming Uses Which May Not Be Continued.....	122
17.58	ENFORCEMENT, VIOLATION AND PENALTY	124
	17.58.010 Enforcement.....	124
	17.58.020 Certificate of Occupancy.....	124
	17.58.030 Plans.....	124
	17.58.040 Violation and Penalty.....	125
17.60	BOARD OF ZONING APPEALS	126
	17.60.010 Board of Zoning Appeals Established.....	126
	17.60.020 Election of Officers.....	126
	17.60.030 Rules of Procedure.....	126
	17.60.040 Meetings.....	126
	17.60.050 Records.....	126

	17.60.060 Filing Fee.....	127
	17.60.070 Public Hearing and Notice	127
	17.60.080 Powers and Jurisdiction.....	127
	17.60.090 Procedure.....	128
	17.60.100 Variances to this Zoning Ordinance.....	128
	17.60.110 Exceptions to this Zoning Ordinance	129
	17.60.120 Performance.....	131
17.62	AMENDMENTS.....	132
	17.62.010 Amendments.....	132
	17.62.020 Applications	132
	17.62.030 Filing Fee.....	133
	17.62.040 Public Hearing and Notice	133
	17.62.050 Zoning Classifications of Lesser Change.....	134
	17.62.060 Protest.....	134
17.64	VALIDITY	135
	17.64.010.....	135
17.66	CERTIFICATE OF APPROVAL	136
	17.66.010.....	136
	17.66.020.....	136
	17.66.030.....	136

ZONING ORDINANCE

CITY OF HUMBOLDT, KANSAS

A COMPREHENSIVE ZONING ORDINANCE REGULATING AND RESTRICTING THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS, AND OTHER PLACES SURROUNDING THEM; REGULATING AND RESTRICTING THE DENSITY OF POPULATION; DIVIDING THE CITY OF HUMBOLDT, KANSAS, ZONING JURISDICTION INTO DISTRICTS FOR SUCH PURPOSES; ADOPTING A ZONING DISTRICT MAP OF THE CITY OF HUMBOLDT, KANSAS ZONING JURISDICTION SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; DEFINING CERTAIN OF THE TERMS USED IN SAID ORDINANCE; ESTABLISHING A BOARD OF ZONING APPEALS; PROVIDING FOR CHANGES AND AMENDMENTS TO THE EXISTING REGULATIONS; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING AND REPLACING EXISTING CHAPTER 17, ZONING, OF THE HUMBOLDT CITY CODE AND ALL AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY THAT:

CHAPTER 17.02

TITLE

SECTIONS

17.02.010

17.02.010. This Ordinance shall be known and may be cited as the Zoning Ordinance for the City of Humboldt, Kansas, and shall repeal and replace existing Chapter 17, Zoning, of the Humboldt City Code and all amendments thereto.

CHAPTER 17.04

PURPOSE AND INTENT

SECTIONS

17.04.010

17.04.010 These provisions of these Regulations are adopted for the purposes and intent of providing for the health and welfare of the citizens of the Humboldt Zoning Jurisdiction through promotion of appropriate patterns and practices of urban development. Within this general purpose, the Zoning Regulations are intended to:

1. Promote the health and general welfare of the citizens.
2. Provide for adequate light, air and acceptable noise levels.
3. Encourage the most productive use of urban land resources through promotion of compatible land use patterns.
4. Prevent the overcrowding of land and undue concentration of population.
5. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.
6. Protect property values and conserve energy resources.
7. Regulate and restrict the location and use of buildings and the uses of land within each district for residential, commercial, industrial, and other purposes.
8. Regulate and restrict the height, number of stories, and size of buildings; the percentage of the lot that may be occupied by buildings and other structures; and the size of yards and other open spaces.
9. Guard against loss of life and damage to property due to flooding through protection of natural drainage features.
10. Preserve features of historical significance and the conservation of natural resources.
11. Implement goals, policies, and proposals of the comprehensive plan for the zoning jurisdiction.

CHAPTER 17.06

AUTHORITY AND JURISDICTION

SECTIONS

17.06.010

17.06.020

17.06.030

17.06.040

17.06.010 **AUTHORITY:** The Regulations set forth herein are adopted under authority of state statutes and in accordance with the adopted Land Use Plan for the City of Humboldt, Kansas.

17.06.020 **JURISDICTION:** These Regulations shall apply to all structures and land within the incorporated area of the City of Humboldt, Kansas, plus such unincorporated areas as may be added to the zoning jurisdiction by ordinance pursuant to K.S.A. 12-749

17.06.030 **NOTICE TO THE COUNTY:** Whenever amendments to the text of these Regulations or to the Zoning District Map are proposed which will affect property located outside the corporate boundary of the City of Humboldt, written notice of such proposed action shall be given to the Governing Body of the county at least 20 days prior to the proposed action.

17.06.040 **AGRICULTURAL EXCLUSION:** Except for feedlots and floodplain regulations in areas designated as a floodplain district, the regulations contained in this Ordinance shall not apply to land and buildings under one ownership which are used exclusively for agricultural purposes, so long as such land and buildings are used for agricultural purposes and not otherwise.

CHAPTER 17.08

INTERPRETATION AND CONSTRUCTION

SECTIONS

17.08.010	Rules of Interpretation
17.08.020	Rules of Construction
17.08.030	Zoning Procedure

17.08.010 RULES OF INTERPRETATION: When interpreting the provisions of these Regulations, the following shall govern:

1. *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, and welfare of the citizens of the City of Humboldt.
2. *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.
3. *Private Agreements.* 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.
4. *District Boundary Lines.* Interpretation of zoning district boundary line locations shall be governed by the following:
 - a. Where district boundary lines are indicated as approximately following streets and alleys, highways, or railroads, such boundaries shall be construed as following the centerlines thereof.
 - b. Where district boundary lines are indicated as approximately following lot lines or section lines, such lines shall be construed as the said boundaries.
 - c. Where a boundary of a district appears to follow a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the governing body, unless otherwise indicated.
 - d. Where a district boundary line divides a lot or un-subdivided property, and the dimensions are not shown on the map, the location of such boundary shall be indicated by using the scale appearing on the Zoning Map.

17.08.020 RULES OF CONSTRUCTION: Except where clearly required to be otherwise by the context, rules of construction shall include:

1. Words or numbers used singularly or plurals shall include both singular and plural interpretation.
2. The word “may” is permissive; the word “shall” is mandatory.
3. The present tense includes the past and future tenses and the future the present.
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 individuals, firms, corporations, associations, governmental bodies, and other legal entities.
6. The words “use,” “used,” “occupy,” or “occupied,” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.
7. Unless otherwise specified, all distances shall be measured horizontally.

17.08.030 ZONING PROCEDURE: The requirements of this Zoning Ordinance permit only those uses listed in each district under USE REGULATIONS. Any owner of property desiring to use his property for some use other than the listed uses may proceed as follows:

1. When the proposed use intensity varies slightly from regulation, the property owner may file an application with the Code Enforcement Officer for a hearing with the Board of Zoning Appeals for one (1) of the following:
 - a. Variance (height, area and yard).
 - b. Exception (special use permit as outlined in the district regulations).
 - c. Appeals from Building Official’s decisions.
2. When the proposed use requires a change of Zoning Regulations and/or change in District Zoning Map, the property owner may file an application for zoning changes and proceed as set out in Chapter 17.62.
3. Any person intending to perform construction of any sort other than for agricultural structures shall provide certification of proof of compliance with Zoning Requirements to the Code Enforcement Officer.
4. Any person intending to construct a residence on an unplatted tract for other than agricultural use shall prepare a plat in accordance with the Subdivision Regulations and shall obtain the approval of the Plat by the Planning Commission and the Governing Body before requesting a zoning permit.

CHAPTER 17.10

DEFINITIONS

- 17.10.010** DEFINITIONS: For the purpose of interpreting the provisions of these Regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:
- 17.10.020** *Accessory Building.* A subordinate building or portion of the main building, the use of which customarily is incidental to that of the main building or to the main use of the premises. For the purposes of this Ordinance, the term accessory building shall include garages, tool sheds, and similar structures.
- 17.10.030** *Accessory Use.* A use of land customarily incidental and subordinate to the use of the principal building on the same lot or tract.
- 17.10.040** *Adult.* Any person aged 18 years or older.
- 17.10.050** *Adult Book and/or Video Store.* An establishment which offers for sale or rental books, magazines, photographs, films, videos, or other visual representations, and other materials oriented toward representation of sexual activity of any kind.
- 17.10.060** *Adult Entertainment Establishment.* Any premises which provides adult sexually-oriented entertainment whether live or by motion pictures, videos, photographic reproductions, or other means.
- 17.10.070** *Adult Novelty Store.* A commercial establishment offering for sale visual materials, printed matter, instruments, devices and other paraphernalia designed and intended for use in connection with sexual activities.
- 17.10.075** *Adult Use.* Any activity or use involving an adult book and/or video store, adult entertainment establishment, adult novelty store or escort agency.
- 17.10.080** *Agriculture.* The use of a tract of land, where the principal activity is to produce income from the growing of crops, horticulture, nurseries, truck farms, or the raising of fish, poultry, and cattle or other livestock, including commercial feed lots. Such definition includes the structures necessary for carrying on farming operations and, as accessory uses, the dwelling(s) of those owning and/or operating the premises, including single-wide manufactured homes. The retail sale of items produced as part of the farming operation is permitted including the operation of commercial greenhouses and hydroponic farming.
- 17.10.090** *Alley.* 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.
- 17.10.100** *Alley Line.* The line of division between the public travelway comprising the alley and the private lot.

- 17.10.110** *Alteration.* Alteration, as applied to a building or structure, is a change or rearrangement in the structural parts of an existing building or structure. Enlargement, whether by extending a side, increasing the height, or the moving from one location or position to another, shall be considered an alteration.
- 17.10.120** *Animal Hospital or Clinic.* An establishment where animals are admitted principally for examination and treatment by a Doctor of Veterinary Medicine. Boarding of animals shall be limited to that necessary for the treatment of the sick animals. This does not include open kennels or runs.
- 17.10.130** *Apartment.* A room or suite of rooms in an apartment house or other building intended, designed, used, or suitable for use by one or more persons as a place of residence with culinary accommodations.
- 17.10.140** *Apartment House.* A building or portion thereof intended, designed, used, or suitable for use as a residence for three (3) or more families living in separate apartments.
- 17.10.150** *Approved Public Sanitary Sewer System.* A sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of the City of Humboldt, Kansas and the Kansas State Department of Health and Environment.
- 17.10.160** *Approved Public Water System.* Water treatment plant and service lines approved by the governing body of the City of Humboldt, Kansas and the Kansas State Department of Health and Environment.
- 17.10.170** *Attached Accessory Building.* A building which has approximately 50% of any wall in common with a wall or portion of a principal building or is built as an integral part of the principal building.
- 17.10.180** *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/or 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, major overhaul, or open sales lots.
- 17.10.190** *Basement.* A story of a building having more than one-half (1/2) of its height below grade and which serves as substructure or foundation for the remainder of the building.
- 17.10.200** *Bed and Breakfast Inn.* A residential structure other than a hotel or boarding house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons, provided that when the inn is located in a residential district, the number of such sleeping rooms shall not exceed a maximum of six (6) sleeping rooms.
- 17.10.210** *Block.* A series of lots entirely surrounded by public rights-of-way, railroad rights-of-way, park, greenstrips, open land, or water ways.

- 17.10.220** *Board of Zoning Appeals.* Referred to herein as the “Board” which has been appointed by the Governing Body and which has the statutory authority to hear and determine appeals, special uses, exceptions, and variances to these zoning regulations.
- 17.10.230** *Boarding Home for Children.* A residential facility where children not related to the family by blood, marriage, or adoption are cared for twenty-four (24) hours a day by adult supervision which is licensed by the Kansas Department of Health and Environment.
- 17.10.240** *Boarding or Lodging House.* A building or place, other than a hotel, where by pre-arrangement and for compensation, lodging and meals for a definite period are provided for three (3) or more persons, but not exceeding twenty (20) persons, and such accommodations are not furnished to transient or overnight customers. Individual cooking facilities shall not be provided.
- 17.10.250** *Buildable Area.* That area of a parcel or lot within which a structure can be constructed without conflicting with any requirements established by these regulations.
- 17.10.260** *Building.* A structure having a roof supported by columns or walls intended, designed, used, or suitable for use for the support, enclosure, shelter, or protection of persons, animals, or property; and when separated by fire walls each portion of such structure so separated shall be deemed a separate building.
- 17.10.270** *Building Height.* The vertical distance measured from the average elevation of the finished lot grade to the highest point of a coping or a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge of gable, hip, curved, or gambrel roof.
- 17.10.280** *Building – Main.* A building in which is conducted the principal use of the lot or parcel upon which it is situated. Every dwelling in a residential district is a main building.
- 17.10.290** *Building Official.* The person or persons designated to administer the building code and related development regulations.
- 17.10.300** *Building Site.* The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building or buildings and accessory building, or by a principal use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these regulations.
- 17.10.310** *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 yard and setbacks.

- 17.10.320** *Business and Professional Office.* The office of an architect, engineer, dentist, doctor, attorney, real estate or insurance agent, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing, or administration.
- 17.10.330** *Campgrounds.* Any parcel of ground which provides space for transient occupancy and is used or intended to be used for the parking of one (1) or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground for a period exceeding thirty (30) days on a temporary basis. The term campgrounds does not include sales lots of which unoccupied camping trailers, whether new or used, are parked for the purpose of storage, inspection, or sale.
- 17.10.340** *Canopy.* Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop, or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.
- 17.10.350** *Car Wash.* An establishment having facilities designed or used exclusively for washing or cleaning motor vehicles.
- 17.10.360** *Cellar.* A room having more than one-half (1/2) of its height below grade.
- 17.10.370** *Child Care.* The process of caring for unrelated minor children as a service with or without financial arrangements. Child care shall include the term “baby-sitting” but shall not include preschools.
- 17.10.380** *Child Care Center.* A day nursery providing care for four (4) or more children for part or all of a day or night away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, head start centers giving emphasis to special programming for children, kindergartens not operated by the public schools, and other establishments offering care to groups of children. Such centers shall meet all requirements of the Kansas Department of Health and Environment for licensing.
- 17.10.390** *Clinic.* An establishment where patients who are normally not lodged overnight are admitted for examination and treatment. This definition does not include Animal Hospitals or Animal Clinics.
- 17.10.400** *Club or Lodge – Private.* A nonprofit association or organization formed for either fraternal, social, educational, philanthropic, or other similar purpose, including professional organizations, unions, and other similar organizations.

- 17.10.410** *Common Open Space.* An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets, alleys, driveways or private roads, off-street parking or loading areas. However, the area of recreational activities, such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.
- 17.10.420** *Comprehensive Plan.* The duly adopted comprehensive plan for the development of the City of Humboldt, Kansas.
- 17.10.430** *Condominium.* A multiple-family dwelling structure wherein the separate dwelling units are individually owned as opposed to rental units in an apartment or units with lots in a townhouse.
- 17.10.440** *Convenience Store.* A retail establishment offering food, drink, fuel and other convenience goods where fuel sales are incidental to sales of convenience merchandise.
- 17.10.450** *Court.* An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.
- 17.10.460** *Curb Level.* The mean level of the curb in front of the lot or in case of a corner lot, along the abutting street where the mean curb level is the highest.
- 17.10.470** *Density.* Restrictions on the number of dwelling units that may be constructed per acre or per square foot of a zoning lot area.
- 17.10.480** *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 of purchase, a lessee having a remaining term of not less than forty (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.
- 17.10.490** *District or Zone.* A section or sections of the City specifically declared within which the regulations governing the use of buildings and premises are uniform.
- 17.10.500** *Dog.* Any canine species over 6 months of age.
- 17.10.510** *Drive-In Service.* A type of retail sales establishment which encourages, recognizes, or permits patrons or customers to call for service by remote communicator, flashing of lights or by parking of motor vehicles at a particular place, intended to result in a cash sale and delivery outside of the places of business to such patrons or customers of food or beverage ready and intended for immediate human consumption without cooking or further preparation.

- 17.10.520** *Dump.* A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning, or any other means, and for whatever purpose, of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.
- 17.10.530** *Dwelling.* Any building or portion thereof which is designed and used primarily for residential purposes.
- 17.10.540** *Dwelling, Attached.* A residential building which is joined to another dwelling at one or more sides by a party wall or walls.
- 17.10.550** *Dwelling, Detached.* A residential building which is entirely surrounded by open space on the same lot.
- 17.10.560** *Dwelling, Multiple-Family.* A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services or facilities or both. The term includes dormitories and lodging and rooming houses but does not include hotels, motels, tourist inns or bed and breakfast establishments.
- 17.10.570** *Dwelling, Seasonal.* A residence intended for occasional occupancy.
- 17.10.580** *Dwelling, Single-Family.* A detached building or portion thereof designed for or occupied exclusively by one (1) family.
- 17.10.590** *Dwelling, Two-Family.* A building or semi-detached building or portion thereof designed or occupied exclusively by two (2) families living independently of each other.
- 17.10.600** *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 (1) family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.
- 17.10.610** *Escort Agency.* A business which furnishes a person to act as a companion, guide or date for another person and/or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- 17.10.620** *Exception.* An exception shall mean the allowance of a use by Special Use Permit within a given district by the Board of Zoning Appeals. Exceptions shall be limited to only those specifically authorized and listed in this Zoning Ordinance.

- 17.10.630** *Family.* Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; plus in either case, domestic servants. A family may include any number of gratuitous guests or minor children not related by blood, marriage, or adoption.
- 17.10.640** *Fence.* A free-standing structure of metal, masonry, glass, 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.
- 17.10.650** *Filling Station* Any building or premises used for dispensing and sale at retail, of any automobile fuels or oils, when the dispensing and sale are incidental to the conduct of a public garage. Where fuel sales are incidental to convenience merchandise, the premises are classified as a convenience store.
- 17.10.660** *Floodplain.* Land area subject to inundation from surplus storm water as defined by a Housing and Urban Development (HUD) flood insurance study and as depicted on a flood insurance rate map.
- 17.10.670** *Floor Area.* Floor area shall mean the gross floor area of all floors in the building including:
- a. Stairwells, elevator shafts, and mechanical equipment enclosures, except roof-mounted mechanical equipment.
 - b. Penthouses.
 - c. One-half (1/2) the basement floor area.
 - d. Interior balconies and mezzanines.
 - e. Enclosed porches.
 - f. Floor area devoted to accessory uses.
 - g. Interior and exterior walls, except where adjoining units share a common wall. In such case, measurement shall be from the center of the common wall.
- 17.10.680** *Foster Home.* A residence or building in which more than twelve (12) hour care is provided to no more than five (5) children, two or more of which are unrelated to the foster parents. Foster homes shall be permitted in all residential structures, the same as would a family.

- 17.10.690** *Fraternal and/or Service Clubs.* 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 at their annual meeting. 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.
- 17.10.700** *Frontage.* The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.
- 17.10.710** *Garage, Private.* Any accessory building designed or used only for the housing and storage of automobiles which are the property of, or provided for the exclusive use of, the occupants of the lot or premises upon which such building is located and having no provisions for the commercial repair or equipping of such vehicles.
- 17.10.720** *Garage, Public.* Any building, portion of a building, or premises designed, operated, or used for commercial purposes in the storage, sale, hiring, care, or repair of motor vehicles.
- 17.10.730** *Garage, Storage.* A building, or portion thereof, designed or used exclusively for housing four (4) or more motor-driven vehicles.
- 17.10.740** *Gasoline Service Station.* A service station shall consist of a building or group of buildings and surfaced area where automotive vehicles may be refueled and service, self-service pumps without buildings shall also be included. Such service shall not include tire recapping, body repairs, or major overhaul. (Also see "Filling Station")
- 17.10.750** *Governing Body – (Legislative Body).* Unless otherwise specified, Governing Body shall mean the City Council of the City of Humboldt, Kansas.
- 17.10.760** *Grade:*
- a. For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall facing the street shall be the grade.
 - b. For buildings having walls facing more than one street, the grade shall be the average of the grades (as defined in "a" above) of all walls facing each street.
 - c. For buildings having no wall facing a street, the average level of the finished surface of the ground adjacent to the exterior walls of the building shall be the grade.

d. Any wall approximately parallel to a street line is considered as facing the street.

- 17.10.770** *Group Homes.* Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state.
- 17.10.780** *Height of Buildings and Structures.* The vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building where not regulated by stories. A story shall be equal to twelve feet for purposes of measuring structures other than buildings.
- 17.10.790** *Home Occupation.* Any lawful activity conducted within the principal building (dwelling) or accessory buildings by members of the immediate family residing on the premises for the purpose of earning income, except as expressly prohibited below, which requires personal appearances by customers or delivery of their personal property at the dwelling for the purpose of providing goods and/or services. Home occupations shall meet all of the following conditions:
- a. The residential character of the property is maintained.
 - b. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
 - c. No display or storage shall indicate from the exterior of the buildings that they are being used in part for any purpose other than a dwelling or accessory building.
 - d. Not more than one (1) non-illuminated nameplate is used. The nameplate shall be attached to the building and shall not exceed three (3) square feet in area.
 - e. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of a person off the lot if the occupation is conducted in a residence, or outside the individual dwelling unit if conducted in other than a residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
 - f. No traffic shall be generated by such home occupation in substantially greater volumes than would normally be expected in a residential neighborhood.

- g. There shall be on file in the office of the City Clerk a consent agreement to the proposed home occupation signed by seventy-five (75) percent of all Owners of property within two hundred (200) feet of the property whereon such use is to be operated.
- h. A letter of consent shall also be required from the owner of record for a property to be used for home occupation purposes. This shall specifically apply to rental properties. This letter of consent shall be submitted with the consent petition required in paragraph “g”.
- i. The Owner shall have received from the City of Humboldt Board of Zoning Appeals, a Special Use Permit to operate such home occupation in accordance with the provisions of this Ordinance and other applicable rules and regulations. Such permit shall be personal to the applicant thereof and shall not be assignable.
- j. A Special Use Permit shall be reconsidered by the City of Humboldt Board of Zoning Appeals, with regard to revoking the permit if a review petition stating problems regarding the home occupation has been submitted and signed by fifty (50) percent of all owners of property within two hundred (200) feet of the premises whereon the home occupation is conducted.
- k. The following uses shall not in any event be considered home occupations within this definition:
 - 1.) Funeral homes.
 - 2.) Restaurants.
 - 3.) Grocery stores.
 - 4.) Stables, animal kennels, or hospitals.
 - 5.) Tourist accommodations including bed and breakfast establishments, unless specifically permitted in the district.
 - 6.) Renting of trailers or equipment.
 - 7.) Auto and other vehicle repair.
 - 8.) Adult Entertainment

17.10.800 *Hospital.* An establishment used primarily for inpatient care and to provide health, medical, mental, and surgical care of the sick or injured, excluding animal hospitals.

17.10.810 *Hotel or Motel.* A commercial building used as a temporary abiding place for persons who are being lodged for compensation with or without meals.

- 17.10.820** *Institution of Higher Learning.* A college, university, or incorporated academy providing general academic instruction equivalent to the standards prescribed by the State Board of Education. Dormitories, fraternity houses, sorority houses, and other student housing, which are constructed on campus, shall be considered accessory buildings.
- 17.10.830** *Institution (Nonprofit).* A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- 17.10.840** *Kennel.* Any place, area, building, structure, or enclosure where more than two domesticated animals, commonly considered to be household pets, more than three months old, are boarded, cared for, housed, fed, trained, or bred. This definition includes both private and commercially operated facilities.
- 17.10.850** *Laboratory, Medical.* An establishment which provides bacteriological, biological, medical, X-ray, pathological, and other similar analytical or diagnostic services.
- 17.10.860** *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, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.
- 17.10.870** *Laundry (Self-Service or coin).* An establishment equipped with individual coin-operated washing, drying, or dry cleaning machines.
- 17.10.880** *Laundry.* An establishment where commercial laundry and dry cleaning work is undertaken.
- 17.10.890** *Lodging House.* A residential building or place where lodging is provided (or which is equipped regularly to provide lodging) by pre-arrangement for definite periods, for compensation, for three (3) or more persons in contra-distinction to hotels open to transients.
- 17.10.900** *Lot.* A parcel of land shown as a unit on a recorded subdivision plat.
- 17.10.910** *Lot Area.* The total horizontal area within the lot lines of a lot.
- 17.10.920** *Lot, Corner or External.* A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on both streets.
- 17.10.930** *Lot Coverage.* The total area of building expressed as a percentage of the total lot, plot, or tract. (Includes both principal and accessory buildings.)
- 17.10.940** *Lot, Depth Of.* A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.
- 17.10.950** *Lot, Double Frontage.* An internal lot having a frontage on two (2) streets.

- 17.10.960** *Lot, Interior.* Any lot which does not constitute a corner lot.
- 17.10.970** *Lot Line, Front.* A boundary line of a lot which coincides with a street boundary lines. The word “street” as used in this definition shall not include alley.
- 17.10.980** *Lot Line, Rear (Internal).* A boundary line of a lot which does not coincide with a street boundary line but may coincide with an alley line.
- 17.10.990** *Lot Line, Side (Internal).* A boundary line of a lot which does not coincide with a street boundary line. The word “street” as used in this definition does not include alley.
- 17.10.1000** *Lot of Record.* A lot which is a part of a subdivision, the map of which has been recorded in the office of the register of deeds, or a lot described by metes and bounds, the description of which was recorded in the office of the register of deeds prior to the adoption of these regulations.
- 17.10.1010** *Lot, Reversed Corner.* A corner lot, the rear lot line of which either abuts upon or is directly across an alley from the side lot line of another lot or parcel.
- 17.10.1020** *Lot Width.* The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front lot line be less than thirty-five (35) feet in width.
- 17.10.1030** *Lot Zoning.* A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.
- 17.10.1040** *Manufactured Home.* A factory-built structure or structures equipped with the necessary utility service connections and made so as to be transportable as a unit or units on its or their own running gear and designed to be used as a dwelling unit irrespective of how affixed to the land. The transportation system is designed so that the manufactured home may be moved from time to time. The term shall include two (2) or more separately towed units which, when bolted or otherwise fastened together, 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 manufactured homes shall be either skirted or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas, shall be anchored to the ground. All manufactured homes intended for new installation in the zoning jurisdiction of the City of Humboldt after the effective date of this ordinance shall bear a certification plate pursuant to the “National Manufactured Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. 5401 et seq., as amended.

- 17.10.1050** *Manufactured Home, Dependent.* A manufactured home which does not have a flush toilet and bath or shower.
- 17.10.1060** *Manufactured Home, Independent.* A manufactured home which has a flush toilet and a bath or shower.
- 17.10.1070** *Manufactured Home Park.* Any area, parcel, or tract of ground equipped as required for support of manufactured homes and used or intended to be used by two (2) or more occupied manufactured homes. Such manufactured home park shall be under one ownership and control, but under no circumstances shall the manufactured home spaces be sold or offered for sale individually. The term does not include a sales area on which unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale. A manufactured home may, however, remain on a space for purposes of sale by the resident owner or the manufactured home park owner. No more than fifteen (15) percent of the manufactured homes may be for rent at any one time.
- 17.10.1080** *Manufactured Home, Residential Design.* A manufactured home on permanent foundation which has (a) minimum dimensions of twenty-two (22) body feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes.
- 17.10.1090** *Medical, Dental, or Health Clinic.* Any building designed for use by one or more persons lawfully 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, psychiatrists, and podiatrists; and in which no patients are lodged overnight.
- 17.10.1095** *Mini-warehouse.* A building or group of buildings in a compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the dead storage of excess personal property of an individual or family when such is not located on the lot with their residence, such as a passenger motor vehicle, recreational vehicle, motorcycle, water craft, and/or other items of personal property generally stored in residential accessory structures.
- 17.10.1100** *Modular Home.* A dwelling structure located on a permanent foundation with permanently connected utilities, consisting of pre-selected, prefabricated units, or modules designed to meet the requirements of the building code, and transported to and/or assembled on the site of its permanent foundation; as opposed to a dwelling structure which is custom built on the site of its permanent location; and also as opposed to a manufactured home, either single-wide, double-wide, or of multiple width.
- 17.10.1110** *Motel.* A group of buildings including either separate cabins or a row of connected cabins or rooms which contain individual sleeping accommodations for transient occupancy and which have individual entrances.
- 17.10.1120** *Motor Vehicle Repair Shop.* A building or portion of a building, arranged, intended, or designed to be used for making repairs to motor vehicles.
- 17.10.1130** *Nonconforming Lot of Record.* A platted lot which does not comply with the lot size requirements for any permitted use in the district in which it is located.

- 17.10.1140** *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.
- 17.10.1150** *Nursing Homes or Convalescent Homes.* An institution or agency licensed by the State for the reception, board, care, or treatment of three or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholism or narcotics.
- 17.10.1160** *Parcel.* All contiguous lands (including lots and parts of lots) held in one (1) ownership.
- 17.10.1170** *Parking Area, Public or Customer.* An area other than a private parking area, street, or alley, used for parking of automobiles and available for public or semi-public use.
- 17.10.1180** *Parking Space.* A surfaced area of not less than two hundred (200) square feet on private or public property, either within or outside a building, suitable in size and location to store one standard automobile.
- 17.10.1190** *Paved Parking.* A vehicular parking area which has been surfaced with an applied material, such as concrete or asphalt, which shall be of sufficient quality and consistency to provide a dust-free, all-weather condition.
- 17.10.1200** *Permanent Foundation.* A foundation of formed and poured-in-place concrete or masonry units laid up with such reinforcing materials as may be required for quality construction.
- 17.10.1210** *Person.* Any natural individual, firm, trust, partnership, association, or corporation.
- 17.10.1220** *Place or Court.* An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.
- 17.10.1230** *Planned Development.* A tract of land meeting specified minimum site size whereon all elements of development may be designed as inter-related aspects of an overall improvement concept in accordance with the provisions of these regulations.
- 17.10.1240** *Planning Commission.* The City Planning Commission of Humboldt, Kansas unless otherwise specified.
- 17.10.1250** *Plat.* A layout of a subdivision indicating the location and boundaries of individual properties.
- 17.10.1260** *Platting.* Whenever the terms platting, platted, or subdivided are used in the Zoning Ordinance, it shall refer to the process established by the duly adopted subdivision regulations of the City of Humboldt.

- 17.10.1270** *Preschool.* A public or privately owned facility with defined curriculum which offers preparatory education for minor children aged 5 years and younger. The term does not include kindergarten.
- 17.10.1280** *Premises.* A parcel together with all buildings and structures thereon.
- 17.10.1290** *Principal Structure.* The main use of land or structures as distinguished from a subordinate or accessory use.
- 17.10.1300** *Private Club.* An association, other than fraternal or service club, organized and operated either for or 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 at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests provided that such sale or service is in compliance with all applicable federal, state, county, and local laws.
- 17.10.1310** *Professional Office.* Any building or part thereof used by one or more persons engaged in the practice of law, medicine, accounting, architecture, engineering, or other occupation customarily considered as a profession.
- 17.10.1320** *Public Utility.* Any business which furnishes the general public telephone service, electricity, cable television, natural gas, or water and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.
- 17.10.1330** *Recycling Facility.* Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to scrap metals, paper, rags, tires, bottles and other such materials.
- 17.10.1340** *Restaurant.* A public eating establishment, including, but not limited to, the types of business establishments customarily referred to as cafeterias, coffee shops, dairy bars, restaurants, and soda fountains, but not a drive-in establishment, unless specified.
- 17.10.1350** *Restaurant, Drive-In.* An eating establishment where, for compensation, food is prepared and dispensed having only incidental consumption within the principal building on the premises.
- 17.10.1360** *Rooming House.* A building or portion thereof other than a hotel, motel or bed and breakfast establishment where lodging of three (3) or more persons is provided for compensation.

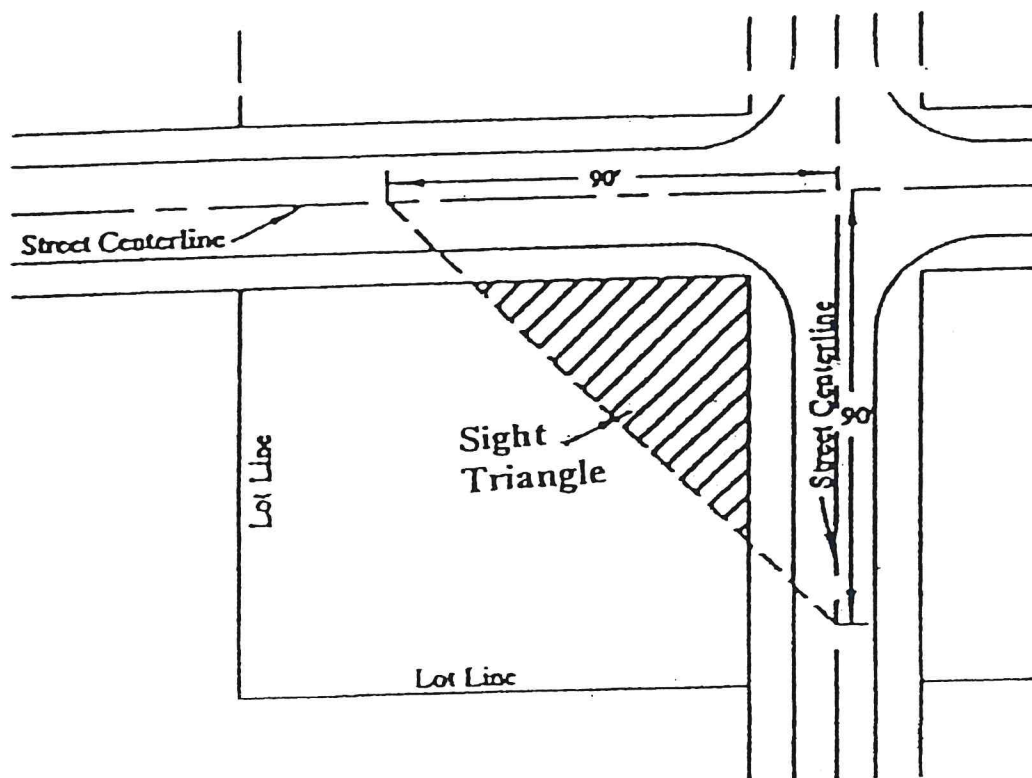
- 17.10.1370** *Salvage Yard.* Any land or building used for the collection, storage or sale of wastepaper, trash, rags, fibrous material, scrap metal, or other discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof, or materials from the demolition of buildings or structures. In the agricultural and residential districts, no more than two (2) licensed or unlicensed motor vehicles which are in the process of restoration to operating condition may be stored; provided, however, such vehicles are stored inside a structure or screened from public view.
- 17.10.1380** *Sanitary Landfill.* A lot or parcel of land used primarily for the disposal, abandonment, dumping, burial, or burning of garbage, sewage, trash, refuse, junk, discarded machinery, or motor vehicles or parts thereof or other waste and which is in conformance with the requirements of the Kansas Department of Health and Environment.
- 17.10.1390** *School.* A public elementary or secondary educational facility which is under direction and control of the State Board of Education and the State Superintendent of Public Instruction and/or a Parochial elementary or secondary educational facility which offers the same general curriculum as that provided by a comparable public educational facility.
- 17.10.1400** *Service Station.* An establishment consisting of a building or group of buildings and surfaced area where automotive vehicles may be refueled and serviced; such service shall not include tire recapping, body repairs, or major overhaul. (Also see "Filling Station")
- 17.10.1410** *Setback.* The distance between the lot line and building line.
- 17.10.1420** *Sign.* Any words, numerals, figures, devices, designs, or trade marks by which anything is made known, such as are used to designate an individual firm, profession, business, or a commodity and which are visible from any public street or air. For various types of signs see CHAPTER 17.44.
- 17.10.1430** *Site.* See "Parcel."
- 17.10.1440** *Site Triangle.* An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-one-half (2½) feet and ten (10) feet above the grades of the bottom of the curb of the intersecting streets, measured from the point of intersection of the centerline of the streets, ninety (90) feet in each direction along the centerline of the streets. At the intersection of major or arterial streets, the ninety (90) foot distance shall be increased to one hundred twenty (120) feet. (See illustration at the end of this CHAPTER.)

- 17.10.1450** *Special Use Permit.* A special use permit is a written permit issued by the Zoning Administrator with the written authorization of the Board of Zoning Appeals. This special use permit provides permission under special conditions to make certain special exception of uses in certain zoning districts as stipulated in the specific district Zoning Regulations.
- 17.10.1460** *Stable, Private.* An accessory building and premises for the keeping of horses, ponies, mules or cows, owned by occupants of the premises, and not kept for remuneration, hire or sale.
- 17.10.1470** *Stable, Public.* A stable other than a private or riding stable as defined herein.
- 17.10.1480** *Stable, Riding.* A structure and premises in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.
- 17.10.1490** *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.
- 17.10.1500** *Story, Half.* A space under a sloping roof which has the line of intersection of the roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
- 17.10.1510** *Street.* A right-of-way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.
- 17.10.1520** *Street Line.* A dividing line between a lot, tract, or parcel of land and the contiguous street.
- 17.10.1530** *Street Network.*
- a. Arterial Street. A street which provides for through traffic movement between and around areas and across the city with direct access to abutting property; subject to necessary control of entrances, exits, and curb uses.
 - b. Collector Street. A street which provides for traffic movement between arterial and local streets with direct access to abutting property.
 - c. Local Street. A street which provides direct access to abutting land and for local traffic movement, whether in business, industrial, or residential areas.

- 17.10.1540** *Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including fences, driveways, hard surfaced walk and terraces, or public items, such as utility poles, street light fixtures, and street signs.
- 17.10.1550** *Structural Alterations.* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of these regulations, the following shall not be considered structural alterations.
- a. Attachment of a new front where structural supports are not changed.
 - b. Addition of fire escapes where structural supports are not changed.
 - c. New windows where lintels and support walls are not materially changed.
 - d. Repair or replacement of non-structural members.
 - e. Alterations for the safety of the building and normal repairs and maintenance.
- 17.10.1560** *Subdivision.* The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term subdivision includes re-subdivision, and the term "re-subdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided for sale, use, or other purpose which varies from the latest, approved subdivision of the same. See the land Subdivision Regulations.
- 17.10.1570** *Subdivision Plat.* A plan or map prepared in accordance with the provisions of the duly adopted Subdivision Regulations and recorded with the Register of Deeds.
- 17.10.1580** *Tavern.* An establishment in which the primary function is the public sale and serving of cereal malt beverages.
- 17.10.1590** *Theater, Moving Picture.* A building or part of a building devoted to the showing of moving pictures on a paid admission basis.
- 17.10.1600** *Theater, Outdoor Drive-In.* An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.
- 17.10.1610** *These Regulations.* The document duly approved and adopted by the Planning Commission and the City Council of Humboldt, Kansas, which establishes zoning requirements.
- 17.10.1620** *Tourist Cabins.* See "Motel."

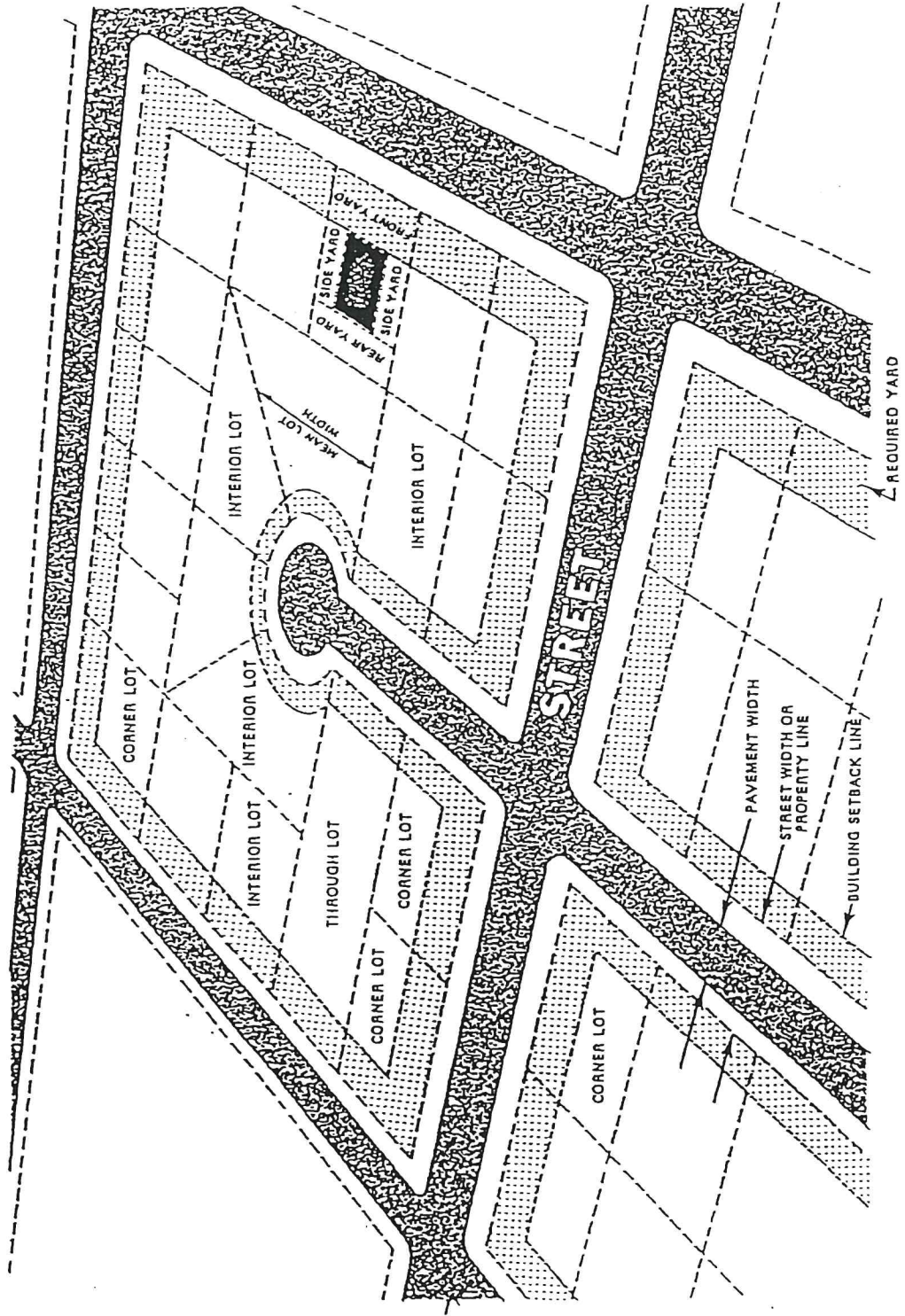
- 17.10.1630** *Tourist Home.* A dwelling in which overnight accommodations are provided or offered for transient guests for compensation. (Also see Bed and Breakfast Inn)
- 17.10.1640** *Townhouse.* A multiple-family dwelling unit which is individually owned along with a lot or other tract of land, as opposed to a condominium.
- 17.10.1650** *Tract.* A plot or parcel of land other than a lot in a subdivision which is recorded in the office of the Register of Deeds.
- 17.10.1660** *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.
- 17.10.1670** *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.
- 17.10.1680** *Variance.* A modification or variation of the provisions of these Regulations, as applied to a specific parcel of property, as distinct from rezoning.
- 17.10.1690** *Way.* A street, an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
- 17.10.1695** *Wind Energy Conversion System (WECS)* A wind energy system consisting of a wind turbine, tower, and associated control or conversion electronics which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
- 17.10.1700** *Yard.* An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the depth of the front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
- 17.10.1710** *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 street shall be considered a front yard.
- 17.10.1720** *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.

- 17.10.1730** *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.
- 17.10.1740** *Zone or District.* A portion, area, or section of the Humboldt, Kansas zoning jurisdiction for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open spaces about buildings are herein established.
- 17.10.1750** *Zoning Administrator.* The Code Enforcement Officer has been authorized and empowered by the Governing Body to administer the requirements of these Zoning Regulations.
- 17.10.1760** *Zoning Area.* The area to be zoned as set out on the Official Zoning Map filed of record.
- 17.10.1770** *Zoning Regulations.* The term zoning regulations or this or these regulations shall mean the requirements stipulated in the regulations herewith attached.
- 17.10.1780** Words or terms not herein defined shall have their ordinary meaning in relation to the context.



Corner Lot Sight Control Triangle

BLOCK DIAGRAM SHOWING LOT TYPES, SET BACKS AND TERMS ...



CHAPTER 17.12

DISTRICTS AND BOUNDARIES

SECTIONS

- 17.12.10** **District Classifications**
- 17.12.20** **Zoning District Map**
- 17.12.30** **Annexation Rule**

17.12.010 **DISTRICT CLASSIFICATIONS:** In order to classify, regulate, and restrict the location of trades, industries, residential uses, and other uses; the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the Humboldt Zoning Jurisdiction is divided into districts designated as follows:

- “F – P” Floodplain District
- “A – L” Agriculture District
- “R – S” Residential Suburban District
- “R – 1” Single-Family Dwelling District
- “R – 2” Two-Family Dwelling District
- “R – 3” Multiple-Family Dwelling District
- “PUD” Planned Unit Development
- “M– H” Manufactured Home District
- “M– P” Manufactured Home Park District
- “C – S” Highway Service District
- “C – 1” Central Business District
- “C – 2” General Commercial District
- “C – 3” Adult Entertainment District
- “I – 1” Light Industrial District
- “I – 2” Heavy Industrial District

17.12.020 **ZONING DISTRICT MAP:** The boundaries of the zoning districts are shown on the map and/or sections thereof attached hereto and made a part of this Ordinance, which map is designated as the “Zoning Map,” City of Humboldt, Kansas. The Zoning Map and all the notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if said map and all the notations, references, and other information shown thereon were all fully set forth or described herein. Copies of the Zoning Map are properly attested and are on file with the City Clerk of Humboldt, Kansas.

17.12.030 **ANNEXATION RULE:** All territory which may hereafter be annexed to the city shall be annexed as “R – 1” Single-Family Dwelling District until or unless otherwise established by ordinance.

CHAPTER 17.14

“F-P” FLOODPLAIN DISTRICT

SECTIONS

17.14.010	Intent and Purpose of District
17.14.020	District Regulations
17.14.030	Special Use Regulations
17.14.040	Intensity of Use Regulations
17.14.050	Height Regulations
17.14.060	Yard Regulations
17.14.070	Sign Regulations
17.14.080	Parking and Loading Regulations

17.14.010 INTENT AND PURPOSE OF DISTRICT: The “F-P” Floodplain District is intended for application in those areas of the community which are subject to inundation from surplus stormwater as defined by the Allen County Flood Insurance Study and accompanying Flood Insurance Rate Map, Panel Number 280, 285, 290 and 295 and any subsequent additions or amendments thereto, prepared for Allen County by the Federal Emergency Management Agency. This zone is intended for application throughout the zoning jurisdiction in locations where an official floodplain delineation has been established. The regulations are intended to minimize the extent of floods and reduce the height and violence thereof; to minimize the hazard of loss of lives and property caused by floods; and to secure safety from floods through the confinement of floods, within reasonable limits by regulating and restricting areas of development along or in natural water courses and drainways.

17.14.020 DISTRICT REGULATIONS: In the “F-P” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the permitted uses in the parent district, to which this district is made a part, provided that such uses and structures meet the minimum requirements of 17.14.030 of these Zoning Regulations.

17.14.030 SPECIAL USE REGULATIONS: Notwithstanding the requirements of the parent district, the other requirements of this Zoning Ordinance, the following regulations shall supplement the regulations of the parent district, of which this district is made a part. These regulations shall supersede those of the parent district where there is a conflict among regulations.

1. Where by reason of flooding potential, and where the special flood studies and map indicate the possibility of detrimental or limiting conditions for development, no person, firm or corporation shall initiate any development or substantial improvement, or cause the same to be done, without first obtaining a separate permit for development for each such building or structure in accordance with the detailed floodplain requirements. The application for a development permit shall be prepared in writing upon forms furnished for that purpose and shall be filed in the office of the City Clerk. The application shall be accompanied by explanatory background information as required, which shall include as a minimum:

- a. Identification and description of the work to be covered by the permit.
- b. Description of the land on which the proposed work is to be done by lot, block, tract and house and street address or similar description that will readily identify and definitely locate the proposed building or work.
- c. Indication of the use or occupancy for which the proposed work is intended.
- d. Provisions of plans and specifications for proposed construction.
- e. Evidence of compliance with the floodplain regulations.
- f. Signature of the permitted or his authorized agent who may be required to submit evidence to indicate such authority.
- g. Provision of other information as may be required by the Code Enforcement Officer.

In areas within the Humboldt Zoning Jurisdiction which are designated as “F-P” Floodplain, all developed uses of land and buildings shall meet the minimum standards and requirements for development within flood hazard areas as outlined and defined by the Allen County Floodplain Study and any amendments thereto.

17.14.040 INTENSITY OF USE REGULATIONS: The lot coverage and intensity of use of the parent district, of which this district is made a part, shall be maximum allowable.

17.14.050 HEIGHT REGULATIONS: The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements subject to additional requirements as prescribed by this Ordinance.

17.14.060. YARD REGULATIONS: The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements subject to additional requirements as prescribed by this Ordinance.

17.14.070 SIGN REGULATIONS: The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for sign regulations.

17.14.080 PARKING AND LOADING REGULATIONS: The parking and loading regulations of the parent district, of which this district is made a part, shall be the minimum requirements subject to additional requirements as prescribed by this Ordinance.

CHAPTER 17.16

"A – L" AGRICULTURAL DISTRICT

SECTIONS

17.16.010	Intent and Purpose of District
17.16.020	District Regulations
17.16.030	Use Regulations
17.16.040	Intensity of Use Regulations
17.16.050	Height Regulations
17.16.060	Yard Regulations
17.16.070	Sign Regulations
17.16.080	Parking and Loading Regulations

17.16.010 INTENT AND PURPOSE OF DISTRICT: This district is intended to provide a location for land situated on the fringe of the urban area to be used for agricultural purposes, but which will be undergoing urbanization in the foreseeable future. Therefore, the agricultural uses and activities should not be detrimental to urban land uses. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The types of uses, and intensity of use of land authorized in this district is designed to encourage and protect agricultural uses until urbanization is warranted and the appropriate changes in district classification are made.

17.16.020 DISTRICT REGULATIONS: In the "A – L" District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the uses listed in 17.16.030 below.

17.16.030 USE REGULATIONS:

1. General farm operations, not including:
 - a. The spreading, accumulation, feeding, or use of garbage in any manner on the open surface of the land.
 - b. A use or activity engaged in within three hundred (300) feet of a residential or retail business structure, if such use or activity results in continuous odor, dust, or noise.
 - c. The construction of agricultural buildings or structures closer than ninety (90) feet to the centerline of a principal public way.
2. Single-family dwelling units on a minimum of two (2) acres for exclusive use by the farm family or employees. (Site size subject to utility service requirements.)
3. Residential design manufactured homes.

4. Manufactured homes incidental to general farm operations on the same tract or parcel with the principal dwelling provided the manufactured home is used exclusively by the farm family or employees, and provided that, in the case where individual wells and/or septic systems are used, spacing is in accordance with all applicable sanitary regulations.
5. Group homes, foster homes and boarding homes for children.
6. Churches and similar places of worship and parish houses.
7. Farms and ranches.
8. Golf courses and other open land recreational uses, except miniature golf courses, driving tees, or other intensive commercial uses, such as automobile race track or amusement park.
9. Greenhouses, nurseries, and garden centers.
10. Institutions of higher learning, including dormitory accommodations when located on the same tract as the educational buildings.
11. Privately-owned parks, playgrounds, golf courses, stables or other outdoor recreational areas, such as campgrounds, youth camps, gun clubs, and archery, trap, and skeet ranges.
12. Public and semi-public parks, playgrounds, campgrounds, stables, fishing preserves, or other recreational areas and community buildings owned and operated by a public agency or non-profit organization.
13. Public or parochial elementary, junior high, high schools and private schools with equivalent curriculum.
14. Licensed child care centers.
15. Stands for sale of agricultural products or commodities raised or prepared on the premises.
16. Customary accessory uses and structures located on the same tract with the principal use, including barns, sheds, tennis courts, swimming pools, private garages, garden houses, barbecue ovens, fireplaces, and similar uses.
17. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.

18. Utility lines and facilities necessary for public service, and including refuse disposal area conducted under a landfill or sanitary fill method, public and semi-public storage and repair facilities, sewage disposal, water supply and treatment facilities, dams, and power plants, subject to applicable Kansas Department of Health and Environment regulations.
19. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning appeals and subject to conditions as the Board may impose.
 - a. Any public building erected or land used by any department of the City, County, State, or Federal Government.
 - b. Airport or heliport.
 - c. Cemetery, crematory or mausoleum.
 - d. Electronic communications towers, provided that towers within one hundred fifty (150) feet of a dwelling district zone may have a height of no more than eighty (80) feet; and customary accessory uses incidental to electronic communications towers, such as parking areas, electronics, and generator buildings (not to include broadcast studios). Also see CHAPTER 17.54, Wireless Communications Towers.
 - e. Home occupations.
 - f. Hospitals, isolation homes, penal institutions, sanitariums or asylums for the treatment of mental illness, alcoholism or narcotics addiction on a tract of land three (3) acres or larger.
 - g. Preschools.
 - h. Oil and gas exploration and extraction
 - i. Dog kennels
 - j. Riding stables
 - k. Water Retention Areas
 - l. Racetrack, animal or vehicular
 - m. Development of natural resources and extraction of raw materials such as rock, gravel, sand, etc.
 - n. Nursing and care homes subject to inspection and license requirements.

- o. Seasonal or temporary uses such as recreation camp or similar enterprises.
- p. Telephone exchange, electric substations or similar public utilities.
- q. Agricultural product storage (elevators) when no other business is in combination with said storage.
- r. Animal feed lots not within 1,500 feet of a residence other than that of the owner or operator subject to the license requirements of the State and subject to the following minimum sanitation and odor practices. (The intent is to establish a healthful environment around the feed lot.)

Operation:

- (1) Manure shall be removed or disposed of in one of the following manners:
 - (a) Spraying or spreading on land followed by disking or plowing.
 - (b) Grinding or dehydrating in properly designed dehydrators.
 - (c) Stockpiling in a compost plant in an isolated area at least three (3) miles from a residential area.
- (2) Insect and rodent control:
 - (a) Removal of manure and disposal as outlined above.
 - (b) Use of chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.

Drainage

- (1) All ground surfaces within pens shall be so graded and compacted to insure proper drainage.
- (2) Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or drainage area where it will deposit and form sludge banks where flies and mosquitoes can breed.
- s. Radio or television transmitters.
- t. Private clubs (as defined in these regulations).
- u. Kennels-Breeder and Boarding, provided that:
 - (1) The minimum lot size shall be not less than two (2) acres.

- (2) No kennel buildings or runs shall be located nearer than 75 feet to any property lines.
- (3) All kennel runs or open areas shall be screened around such areas or at the property lines to prevent the distraction or excitement of the dogs. Such screening may be mature, dense deciduous foliage (double row), solid masonry, brick, or stone wall, louvered wood, stockade or chainlink fence with aluminum strip intertwined or other equivalent fencing providing a sight barrier to the dogs.
- v. Riding stables and academies providing no structure housing horses shall be located nearer than 600 feet to the boundary of any residential district.
- w. Light manufacturing operations provided that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
- x. Raising of Fur Bearing Animals.

17.16.040 INTENSITY OF USE REGULATIONS: Tracts in this district shall be subject to the following minimum size requirements:

- 1. Tracts served by private water wells and septic systems — five (5) acres.
- 2. Tracts served by a public water system and a private septic system — three (3) acres.
- 3. Tracts served by a public water system and public sewer system — two (2) acres.

17.16.050 HEIGHT REGULATIONS: Except as otherwise provided in the height, area, bulk, and dimensional requirements of this Ordinance, no building or structure shall exceed the following height restrictions:

- 1. When a building or structure is within one hundred fifty (150) feet of a dwelling district zone, said building or structure shall not exceed thirty-five (35) feet in height.
- 2. When a building or structure is more than one hundred fifty (150) feet from a dwelling district zone, said building or structure shall not exceed sixty (60) feet in height. Buildings and structures used for nonagricultural purposes shall not exceed thirty-five (35) feet in height.

17.16.060 YARD REGULATIONS

1. *Front Yard.*
 - a. There shall be a front yard having a depth of not less than fifty (50) feet except as required for arterial and collector streets or roads. (See Additional Height, Area, and Use Regulations)
 - b. Where a lot or tract has double frontage, the required front yard shall be provided on both streets or roads.
 - c. Where a lot or tract is located at the intersections of two (2) or more streets or roads, there shall be a front yard on each street or road side of said lot or tract. No accessory building shall project beyond the front yard line on either street or road.
2. *Side Yard.* There shall be a side yard on each side of every building, structure or zoning lot which said yard shall not be less than twenty-five (25) feet.
3. *Rear Yard.* Except as hereinafter provided in the additional height, area, and use regulations of this Ordinance, there shall be a rear yard having a depth of not less than twenty-five (25) feet.

17.16.070 SIGN REGULATIONS: See CHAPTER 17.44

17.16.080 PARKING AND LOADING REGULATIONS: See CHAPTER 17.46

CHAPTER 17.18

“R – S” RESIDENTIAL SUBURBAN DISTRICT

SECTIONS

17.18.010	Intent and Purpose of District
17.18.020	District Regulations
17.18.030	Use Regulations
17.18.040	Intensity of Use Regulations
17.18.050	Lot Coverage
17.18.060	Height Regulations
17.18.070	Yard Regulations
17.18.080	Sign Regulations
17.18.090	Parking and Loading Regulations

17.18.010 INTENT AND PURPOSE OF DISTRICT: The “R – S” Residential Suburban District is established to provide for single-family rural residential development at a low density and to allow certain public facilities. It is the intent of the district regulation to protect the health, safety, and general welfare of persons residing in the district; to prevent uses which would devalue property; to regulate population density; and to provide adequate open space around buildings and structures. This zone is intended for application in developing areas at the fringe of the City, and is intended to minimize conflicts of incompatible uses of land and protect the public health and welfare until the area is more fully developed.

17.18.020. DISTRICT REGULATIONS: In the “R – S” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the following uses listed in 17.18.030 below.

17.18.030 USE REGULATIONS:

1. General farm operations. This shall not include or permit:
 - a. Any activity within three hundred (300) feet of another residential district which activity is noxious or offensive by reason of dust, odor, or noise.
 - b. Feedlots
2. Single-family non-farm dwellings.
3. Residential design manufactured homes.
4. Group homes, foster homes and boarding homes for children.
5. Temporary structures incidental to construction work but only for the period of work. Basements and cellars may not be occupied for residential purposes until the building is completed.
6. Golf courses, except commercial miniature golf courses or driving tees.

7. Public parks, playgrounds, and recreational areas owned and operated by a public agency.
8. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces.
9. Raising of trees, shrubs and grasses not sold on the premises.
10. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:
 - a. Private Stables
 - b. Raising and care of livestock for show and pleasure, provided:
 - 1) When an “R – S” District or a portion thereof is reclassified to another more restrictive residential zone, those uses granted by special use permit for animal shelters or similar related uses shall be completely discontinued within a period of six (6) months from the date of reclassification.
 - 2) Livestock shall not be kept for commercial purposes.
 - 3) Livestock permitted shall be properly sheltered and proper sanitation shall be maintained at all times.
 - 4) Livestock cages or pens permitted shall not be closer than fifty (50) feet to any residence.
 - c. Churches and similar places of worship.
 - d. Home occupations.
 - e. Hospitals and/or clinics for people on a lot, plot, or tract of land five (5) acres or larger.
 - f. Licensed child care center.
 - g. Nursing home, sanitarium, rest home, homes for the aged, or convalescent home on a lot, plot, or tract of land five acres or larger.
 - h. Preschools.
 - i. Schools – public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.

- j. Cemetery, crematory, or mausoleum when used in conjunction with a cemetery.
- k. Any public building erected or land used by any department of the City, County, State, or Federal Government.
- l. Telephone exchange, electric substations, regulator stations, and other public utilities.
- m. Oil and gas exploration, extraction, and/or production.
- n. Extraction and/or mining of minerals.
- o. Wireless communications towers. See CHAPTER 17.54.

17.18.040 INTENSITY OF USE REGULATIONS: Lots in this district shall be subject to the following minimum size requirements:

- 1. Lots served by private water wells and septic systems — five (5) acres, with a minimum lot width of one hundred forty (140) feet.
- 2. Lots served by a public water system and a private septic system — three (3) acres, with a minimum lot width of one hundred forty (140) feet.
- 3. Lots served by a public water system and a public sewer system — nine thousand (9,000) square feet. Lots shall have an average lot width of not less than seventy (70) feet.

17.18.050 LOT COVERAGE: The principal building and accessory buildings shall not cover more than thirty (30) percent of the lot area.

17.18.060 HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height.

17.18.070 YARD REGULATIONS:

- 1. Front Yard.
 - a. There shall be a front yard having a depth of not less than thirty(30) feet, except as required for arterial and collector streets in CHAPTER 17.54.
 - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.

- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Ordinance shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the lot line.
2. Side Yard. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of eight (8) feet on each side of the principal building.
3. Rear Yard. There shall be a rear yard having a depth of not less than thirty(30) feet.

17.18.080. SIGN REGULATIONS: See CHAPTER 17.44.

17.18.090 PARKING AND LOADING REGULATIONS: See CHAPTER 17.46.

CHAPTER 17.20

“R – 1” SINGLE-FAMILY DWELLING DISTRICT

SECTIONS

17.20.010	Intent and Purpose of District
17.20.020	District Regulations
17.20.030	Use Regulations
17.20.040	Intensity of Use Regulations
17.20.050	Lot Coverage
17.20.060	Height Regulations
17.20.070	Yard Regulations
17.20.080	Sign Regulations
17.20.090	Parking and Loading Regulations

17.20.010 INTENT AND PURPOSE OF DISTRICT: The “R – 1” Single-Family Dwelling District is established for the purpose of low density, single-family dwelling use and to allow certain public 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 in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

17.20.020 DISTRICT REGULATIONS: In the “R – 1” District, no building or structure shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in 17.20.030 below.

17.20.030 USE REGULATIONS:

1. Single-family dwellings.
2. Residential design manufactured housing.
3. Group homes, foster homes and boarding homes for children.
4. Churches and similar places of worship and parish houses.
5. Non-illuminated golf courses, except miniature golf courses and driving tees operated for commercial purposes.
6. Hospitals for people only on a lot, plot, or tract of land five (5) acres or larger.
7. Nursing or convalescent homes on a lot, plot, or tract of land five (5) acres or larger.
8. Public parks, playgrounds, recreational areas.

9. Schools – public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.
10. Customary accessory uses and structures located on the same lot with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but which do not include uses unrelated to the principal use or any activity commonly conducted for gain.
11. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.
12. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:
 - a. Any public building erected or land used by any department of the City, County, State, or Federal Government.
 - b. Home occupations.
 - c. Telephone exchange, electric substations and regulatory stations, or other public utilities.
 - d. Raising of crops, trees and shrubs not sold on the premises.
 - e. Licensed child care centers.
 - f. Water Retention Areas.
 - g. Preschools.

17.20.040 INTENSITY OF USE REGULATIONS: Every lot shall have an area of not less than five thousand (5,000) square feet and an average width of not less than fifty (50) feet.

17.20.050 LOT COVERAGE: The principal building and accessory buildings shall not cover more than forty (40) percent of the lot area.

17.20.060. HEIGHT REGULATIONS: No building shall exceed thirty-five (35) feet in height.

17.20.070 YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than fifteen (15) feet, except as required for arterial and collector streets in CHAPTER 17.54.
 - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the lot line.
2. Side Yard.
 - a. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of five (5) feet on each side of the principal building, except as provided for zero lot-line development.
 - b. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public uses, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.
3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

17.20.080 SIGN REGULATIONS: See CHAPTER 17.44.

17.20.090 PARKING AND LOADING REGULATIONS: See 17.46.

CHAPTER 17.22

“R – 2” TWO-FAMILY DWELLING DISTRICT

SECTIONS

17.22.010	Intent and Purpose of District
17.22.020	District Regulations
17.22.030	Use Regulations
17.22.040	Intensity of Use Regulations
17.22.050	Lot Coverage
17.22.060	Height Regulations
17.22.070	Yard Regulations
17.22.080	Sign Regulations
17.22.090	Parking and Loading Regulations

17.22.010. INTENT AND PURPOSE OF DISTRICT: The “R – 2” Two-Family Dwelling District is intended for the purpose of allowing a slightly higher density than in district “R – 1”, yet retaining the residential qualities. This district allows duplex uses, single-family homes, certain community facilities, and certain special uses.

17.22.020 DISTRICT REGULATIONS: In the “R – 2” District, no building or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 17.22.030 below.

17.22.030 USE REGULATIONS:

1. Single-family dwellings.
2. Residential design manufactured homes.
3. Group homes, foster homes and boarding homes for children.
4. Two-family dwellings.
5. Community recreation buildings owned and operated by a public agency.
6. Churches and similar places of worship and parish houses.
7. Non-illuminated golf courses, except miniature golf courses and driving tees operated for commercial purposes.
8. Hospitals and clinics on a parcel of land not less than two (2) acres in size (but not animal hospitals or mental hospitals).
9. Institutions of higher learning, including dormitory accommodations.

10. Public parks, playgrounds, and recreation areas.
11. Schools – public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.
12. Nonprofit institutions of an educational, philanthropic, or eleemosynary nature, but not penal institutions.
13. Nursing and convalescent homes on a tract of land not less than two (2) acres in size.
14. Customary accessory uses and structures located on the same lot or group of lots with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but does not include use unrelated to the principal use of any activity commonly conducted for gain.
15. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is complete.
16. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose:
 - a. Any special use permitted in the “R-1” District.

17.22.040 INTENSITY OF USE REGULATIONS: Lots in this district shall be subject to the following minimum size requirements:

1. Single-Family Dwellings. A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet with a minimum lot width of fifty (50) feet.
2. Two-family Dwellings. A lot on which there is three thousand seven hundred fifty (3,750) square feet per family. This regulation shall also be applicable to two-family structures being converted to individually owned units. Also see CHAPTER 17.54, Additional Height, Area, and Use Regulations.
3. Dormitories, lodging houses, nursing homes, and boarding houses shall, in addition to meeting the above requirements for single-family buildings, provide at least five hundred (500) square feet of lot area for each occupant.

17.22.050 LOT COVERAGE: The principal building and accessory buildings shall not cover more than forty (40) percent of the lot area.

17.22.060. HEIGHT REGULATIONS: No building shall exceed forty-five (45) feet in height.

17.22.070 YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than thirty (30) feet, except as required for arterial and collector streets in CHAPTER 17.54.
 - b. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Ordinance shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the property line.
2. Side Yard.
 - a. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of five (5) feet except as provided for zero lot-line development.
 - b. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.
3. Rear Yard. There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

17.22.080. SIGN REGULATIONS: See CHAPTER 17.44.

17.22.090. PARKING AND LOADING REGULATIONS: See CHAPTER 17.46.

CHAPTER 17.24

“R – 3” MULTIPLE-FAMILY DWELLING DISTRICT

SECTIONS

17.24.010	Intent and Purpose of District
17.24.020	District Regulations
17.24.030	Use Regulations
17.24.040	Intensity of Use Regulations
17.24.050	Lot Coverage
17.24.060	Height Regulations
17.24.070	Yard Regulations
17.24.080	Sign Regulations
17.24.090	Parking and Loading Regulations

17.24.010. INTENT AND PURPOSE OF DISTRICT: The “R – 3” Multiple-Family Dwelling District is intended for the purpose of allowing moderate to high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities, and certain special uses, yet retaining the basic residential qualities.

17.24.020 DISTRICT REGULATIONS: In the “R – 3” District, no building shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended, or designed for other than one of the uses listed in 17.24.030 below.

17.24.030 USE REGULATIONS:

1. Any use permitted in the “R – 2” Two-Family Dwelling District.
2. Multiple-Family Dwellings.
3. Bed And Breakfast Establishments.
4. Rooming and lodging houses.
5. Private clubs, fraternities, sororities, and lodges, except those where the chief activity is a service customarily carried on as a business.
6. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:
 - a. Any special use permitted in the “R – 2” Two-Family Dwelling District.

17.24.040 INTENSITY OF USE REGULATIONS: Lots in this district shall be subject to the following minimum size requirements:

1. Single-Family Dwellings: A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet.
2. Two-Family Dwellings: A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand five hundred (3,500) square feet per family.
3. Multi-Family Dwellings: A lot on which there is erected a multiple-family dwelling shall contain an area of not less than six thousand (6,000) square feet, or two thousand (2,000) square feet per family, whichever area is the larger.
4. Bed and Breakfast Establishments: A lot on which there is a bed and breakfast establishment shall contain an area of not less than 6,000 square feet.
5. Dormitories, lodging houses, nursing homes, rooming houses and boarding houses – same as “R – 2” District requirements.
6. Minimum lot width shall be 50 feet.
7. Where a single lot of record as of the effective date of this Ordinance, as defined in the definitions section of this Ordinance, has less area than that specified for multiple-family dwellings, and its boundary lines, along their entire length, touched lands under other ownership on the effective date of this Ordinance and have not since been changed, such lot may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this district, provided the structure conforms with other yard and height requirements of this district.

17.24.050. LOT COVERAGE: The principal building and accessory buildings shall not cover more than forty (40) percent of the lot area.

17.24.060. HEIGHT REGULATIONS: No building shall exceed forty-five (45) feet in height.

17.24.070 YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than fifteen (15) feet, except as required for arterial and collector streets in CHAPTER 17.54.
 - b. Where a lot or lots have a double frontage, the required front yard shall be provided on both streets.

- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the property line.
- 2. Side Yard.
 - a. There shall be a side yard on each side of a principal building which shall be one-third (1/3) the height of the building or ten (10) percent of the width of the lot, whichever is the greater, with a minimum of five (5) feet.
 - b. Where more than one principal building is constructed on a tract for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.
 - 3. Rear Yard. There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

17.24.080 SIGN REGULATIONS: See CHAPTER 17.44.

17.24.090 PARKING AND LOADING REGULATIONS: See CHAPTER 17.46.

CHAPTER 17.26

"PUD" PLANNED UNIT DEVELOPMENT DISTRICT

SECTIONS

17.26.010	Intent
17.26.020	Permitted Uses
17.26.030	General Provisions
17.26.040	Standards and Conditions for Planned Unit Development
17.26.050	Application for Approval of Preliminary Plan
17.26.060	Final Plan Approval
17.26.070	Recording
17.26.080	Enforcement and Modification of Provisions of the Plan
17.26.090	Amendments
17.26.100	Platting

17.26.010. INTENT. The intent of the Planned Unit Development District is to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

The "PUD" District in this ordinance is an overlay zone which may be used in conjunction with any of the standard residential, commercial or industrial zones. Although the specific conditions within this district are predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met. A development plan shall be submitted by each applicant for "PUD" zoning in accordance with the provisions and conditions that follow.

17.26.020. PERMITTED USES. All uses, however such uses must be approved as shown on the development plan as specified in the regulations.

17.26.030. GENERAL PROVISIONS.

1. The Planning Commission shall make a report to the Governing Body setting forth its reasons for recommendation of approval or denial of the application, along with specific evidence and facts showing that the proposed Planned Unit Development meets or does not meet the following conditions:
 - a. Said Planned Unit Development shall be in general conformity with the provisions of the adopted comprehensive plan.
 - b. Said Planned Unit Development shall not have a substantially adverse effect on the development of the neighboring area.

2. The Planned Unit Development District may be established exclusively for residential, commercial or industrial development or any combination of those types of development.

3. The minimum size allowed for a Planned Unit Development shall be as follows:

Residential	2 acres
Commercial	3 acres
Industrial	5 acres

Any "PUD" which has combined two or more types of use into a single plan shall have a minimum allowable size for the "PUD" equal to the sum of the minimum land areas required for each of the two or more types contained therein.

4. Height, bulk and setback requirements may be varied so as to promote an efficient and creative "PUD".

17.26.040. STANDARDS AND CONDITIONS FOR PLANNED UNIT DEVELOPMENT.

1. Upon recommendation of the Planning Commission the Governing Body may from time to time adopt general policies or specific rules and regulations for Planned Unit Developments and place said policies or rules and regulations of public record in the office of the Zoning Administrator; provided said policies and/or rules and regulations are not inconsistent with the adopted standards and conditions; and provided that no policies, rules or regulations shall be revised or added to, so as to be applicable to a specific proposal for a Planned Unit Development after an application for preliminary approval of a specific development plan has been filed.

2. A Planned Unit Development shall not be inconsistent with the following general standards for use of land, and the use, type, bulk, design, and location of buildings, the density or intensity of use, open space, public facilities and the development by geographic division of the site.

a. The applicant shall satisfy the Planning Commission and the Governing Body that he has the ability to carry out the proposed plan and shall prepare and submit a schedule of construction. The proposed construction shall begin within a period of 18 months following approval of a final plan by the Governing Body, and a minimum of fifty percent (50%) of the total planned construction shall be completed within a period of three (3) years following such approval or the approval of the plan. The period of time established for the completion of the development may be modified from time to time by the Governing Body upon the showing of good cause by the developer.

- b. The applicant may designate divisible geographic sections of the entire parcel to be developed as a unit, and shall, in such case, specify reasonable periods within which developments of each such unit must be commenced. In the case of residential Planned Unit Developments, the Governing Body may permit in each unit deviations from the number of dwelling units per acre established for the entire planned development, provided such deviation shall be adjusted for in other sections of the development so that the number of dwelling units per acre authorized for the entire planned development is not affected.
- c. The developer shall provide and record easements and covenants, shall make such other arrangements, and shall furnish such performance bonds, escrow deposit, or other financial guarantees as may be determined by the Planning Commission and approved by the Governing Body, to be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.
- d. The site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development. The streets and driveways on the site of the proposed development shall be adequate to serve the residents or occupants of the proposed development. If it is determined that traffic control signals are required to prevent traffic hazards or congestion in adjacent streets, the control signals shall be provided at the developer's expense.
- e. The development shall not impose an undue burden on public services and facilities, such as water and sewer systems and fire and police protection.
- f. The entire tract or parcel of land to be submitted for Planned Unit Development shall be held in single ownership or control, or if there are two or more owners, the application for such Planned Unit Development shall be filed jointly.
- g. The location and arrangement of structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with the surrounding land uses, and any part of a Planned Unit Development not used for structures, parking and loading areas, or access-ways shall be landscaped or otherwise improved.
- h. Off-street parking and loading shall be provided in accordance with CHAPTER 17.46.
- i. When a commercial or industrial use within a Planned Unit Development district abuts a residential district, a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high and having a visual density of not less than ninety (90%) percent per square foot, shall be provided adjacent to any adjoining residential district except where the commercial or industrial development is separated from the residential zone by a street right-of-way. A ten (10) foot wide landscape buffer which shall consist of trees, shrubs and evergreens located along the property line which shall be maintained by the owner or owners of the property in the Planned Unit Development district, may be substituted for the solid or semi-solid fence when approved by the City.

j. All commercial and industrial buildings shall set back not less than forty-five (45) feet from the right-of-way of any street and twenty (20) feet from any district boundary line that does not abut a street right-of-way. Additional setback from a heavily traveled thoroughfare may be required by the Governing Body, when recommended by the Planning Commission for protection of health, safety, and general welfare.

k. Building coverage shall not exceed the following percentages of the net developable area of each individual parcel and of the total development for each type of Planned Unit Development:

Residential	40% maximum
Commercial	35% maximum
Industrial	35% maximum

l. A minimum of thirty (30%) percent of the net area of the part of Planned Unit Development reserved for residential development shall be provided for open space as defined by these regulations. At least one-half (1/2) of this open space shall be provided for the leisure and recreational use of all "PUD" residents and maintained by owners of property in the development as through a homeowner's association in the case of a townhouse or a residential subdivision. The common open space shall be developed for appropriate recreational facilities and a minimum of fifty (50%) percent of the proposed recreational facilities shall be constructed prior to the development of one-half (1/2) of the project, and all recreational facilities shall be constructed by the time the project is seventy-five (75%) percent developed.

m. The "PUD" shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the Governing body if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the Planned Unit Development or of the entire community.

n. Modifications of the zoning or other regulations that would otherwise be applicable to the site may be permitted, providing the design of the Planned Unit Development and the amenities incorporated in it are not inconsistent with the interest of the public generally.

o. No residential use shall have direct access onto an arterial street.

p. All commercial or industrial areas must have access to a collector or arterial street, however, no individual commercial or industrial use may have direct access onto collector or arterial streets, unless deemed necessary by the Planning Commission

- q. Sidewalks shall be built to city specifications along all public and private streets, however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrians access between each use in the Planned Unit Development.
- r. Consideration shall be given for the provision of bicycle traffic along collector and arterial streets or along the approved pedestrian-sidewalk system.

17.26.050. APPLICATION FOR APPROVAL OF PRELIMINARY PLAN.

- 1. An application for a Planned Unit Development shall be handled in the same manner prescribed for amending the zoning ordinance. The same requirements for notice, advertisement of public hearing, protests and adoption shall be required as in conventional zoning.
- 2. The applicant shall prepare and submit twenty (20) copies of the preliminary development plan for review and recommendation by the Planning Commission, which said plan shall include:
 - a. A site plan showing:
 - (1) Contours at intervals of two (2) feet.
 - (2) General location, size and use of all proposed structures in conformance with the yard requirements; or designation of individual lots if such lots are proposed to be sold to individual owners.
 - (3) All points of ingress and egress, driveways, circulation aisles, parking lots, parking spaces, and service areas.
 - (4) All streets adjoining subject property and the width of the existing right-of-way.
 - (5) Areas set aside for public and private open space with the type of recreational facilities planned for each area indicated.
 - (6) Designation of individual parcels if the proposed development is to be set up in separate construction phases.
 - (7) Location of required screening.
 - (8) Location of natural features such as ponds, tree clusters and rock out-cropping.
 - (9) Existing development on adjacent properties within two hundred (200) feet.

- b. The above described site plan shall also include a section designated as “General Provisions” and said section shall include the following items when said items are applicable.
- (1) Net area _____ square feet or _____ acres. (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one (1) parcel is proposed, designate net area by parcel as well as total net area.)
 - (2) Density shall not exceed _____ dwelling units per acre or a total of _____ dwelling units for the entire plan. No parcel or unit of the plan shall exceed a density of _____ units per acre for the individual parcel by more than twenty (20%) percent.
 - (3) Building coverage shall not exceed _____ of the net area of the Planned Unit Development by individual or total development.
 - (4) A minimum of _____ percent of the development plan shall be provided for common open space as defined by this regulation. (Note: Normally, this figure should be approximately fifty (50%) percent.)
 - (5) A minimum of fifty (50%) percent of the recreational facilities shall be constructed prior to the development of one-half (1/2) of the project and all recreational facilities shall be constructed by the time the project is seventy-five (75%) percent developed.
 - (6) If more than one (1) parcel is proposed, a statement relating to the sequence of development shall be included.
 - (7) Required number of off-street parking spaces: _____.
 - (8) Gross floor area proposed: _____ square feet. (Commercial “PUD” only)
 - (9) All proposed land uses shall be listed by parcel.
- c. A statement or adequate drawings shall be included describing the manner for the disposition of sanitary waste and storm water.
- d. The full legal description of the boundaries of the property or properties to be included in the Planned Unit Development.
- e. A vicinity map showing the general arrangement of streets within an area of one thousand (1,000) feet from the boundaries of the proposed Planned Unit Development.

- f. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interest in the tract of land and the proposed development.
 - g. When a Planned Unit Development includes provisions for a common open space, or recreational facilities, a statement describing the provision that is to be made for the care and maintenance for such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
 - h. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.
 - i. In the case where a Planned Unit Development calls for construction in units over a period of years, a schedule showing the proposed item and sequence within which the applications for final approval of all sections of the Planned Unit Development are intended to be filed shall be submitted.
 - j. A written statement by the applicant shall be submitted setting forth the reasons why in his opinion the Planned Unit Development would be in the public interest and would be consistent with the intent of the Governing Body on Planned Unit Development.
3. Action by Planning Commission: The Planning Commission shall, within sixty (60) days after a preliminary Planned Unit Development is filed, hold a public hearing on said development after giving notice as required by statute for hearings on amendments. Said public hearing may be adjourned from time to time and within a reasonable period of time after the conclusion of said public hearing, the Planning Commission shall prepare and transmit to the Governing Body and the applicant specific findings of fact with respect to the preliminary Planned Unit Development. The Planning Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions.
4. Action by Governing Body: The Governing Body shall or shall not approve the preliminary development plan and authorize the submitting of the final development plan. If the Governing Body approves the preliminary plan, it shall pass an ordinance designating the tract with an overlay of Planned Unit Development and so order the official zoning map to be amended.
5. Substantial or significant changes in the preliminary Planned Unit Development shall only be made after rehearing and re-approval as required for the initial approval of the preliminary plan.

17.26.060 FINAL PLAN APPROVAL.

1. After approval of a preliminary plan, the applicant shall submit an application for final approval. Said final application may include the entire Planned Unit Development or may be for a unit or section thereof as set forth in the approval of the preliminary plan and shall include changes required in the approval of the preliminary plan. The application shall include twenty (20) copies of such drawings, specifications, covenants, easements, conditions and form of performance bond as set forth in the approval of the preliminary plan and in accordance with the conditions established in the zoning regulations for Planned Unit Developments.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval, provided any modification by the landowner of the plan as tentatively approved does not:
 - a. Vary the proposed gross residential density or intensity of use by more than five (5%) percent or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area, or
 - b. Increase by more than ten (10%) percent the floor area proposed for non-residential use, nor
 - c. Increase by more than five (5%) percent the total ground area covered by buildings nor involve a substantial change in the height of buildings.
 - d. Substantially change the design of plan so as to significantly alter, as determined by the Planning Commission:
 - (1) Pedestrian or vehicular traffic flow.
 - (2) The juxtaposition of different land uses.
 - (3) The relation of open space to residential development.
 - (4) The proposed phasing of construction.
3. A public hearing need not be held for the approval of a final plan if it is in substantial compliance with the approved preliminary plan, and a public hearing need not be held to consider modifications on location and design of streets or facilities for water, storm water, sanitary sewers, or other public facilities.

In the event a public hearing is not required for final approval and the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, the Planning Commission shall, within a reasonable period of time of such filing, recommend that such plan be given final approval and forward its recommendation to the Governing Body for its final approval.

4. In the event that the final plan submitted contains substantial changes from the approved preliminary development plan, the applicant shall resubmit the original plan. This preliminary development plan shall be modified in the same manner prescribed in this article for original approval.
5. In the event that a plan or section thereof is given final approval and thereafter the land owner shall abandon said plan or section, he shall so notify the city thereof in writing. In the event the land owner shall fail to commence the Planned Unit Development within eighteen (18) months after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the land owner.

17.26.070. RECORDING. Any approved final plan shall be filed of record with the Register of Deeds.

17.26.080 ENFORCEMENT AND MODIFICATION OF PROVISIONS OF THE PLAN. To further the mutual interest of the residents and owners of the Planned Unit Development and of the public in the preservation of the integrity of the plan, as finally approved, and to insure that modifications, if any, in the plan shall not impair the reasonable reliance of the said residents and owners upon the provisions of the plan, nor result in changes that would adversely affect the public interest, the enforcement and modification of the provisions of the plan as finally approved, whether recorded by plan, covenant, easement, or otherwise shall be subject to the following provisions.:

1. Enforcement by the Municipality: The provisions of the plan relating to:
 - a. The use of land and the use, bulk, and location of buildings and structures, and
 - b. The quality and location of common open space, and
 - c. The intensity of use or the density of residential units shall run in favor of the municipality and shall be enforceable in law or in equity by the municipality, without limitation on any owners or regulation otherwise granted the municipality by law.
2. Enforcement by the Residents and Owners: All provisions of the plan shall run in favor of the residents and owners of the planned development, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and to the extent said provisions, whether recorded by plat, covenant, easement, or otherwise may be enforced at law or equity by said residents and owners, acting individually, jointly, or through an organization designated in the plan to act on their behalf; provided, however, that no provisions of the plan shall be implied to exist in favor of residents and owners of the Planned Unit Development except as to those portions of the plan which have been finally approved and have been recorded.

3. Modifications of the Plan by the Municipality: All those provisions of the plan authorized to be enforced by the municipality under Paragraph 1 of this section may be modified, removed or released by the municipality (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:
 - a. No such modification, removal or release of the provisions of the plan by the municipality shall affect the rights of the residents and owners of the Planned Unit Development to maintain and enforce those provisions, at law or equity, as provided in Paragraph 2 of this section.
 - b. No modification, removal or release of the provisions of the plan by the municipality shall be permitted except upon a finding by the municipal authority, following a public hearing called and held in accordance with the provisions of this section, that the same is consistent with the efficient development and preservation of the entire Planned Unit Development, does not adversely affect either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.
4. Modification by the Residents: Residents and owners of the Planned Unit Development may, to the extent and in the manner expressly authorized by the provision of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the municipality to enforce the provisions of the plan in accordance with the provisions of Paragraph 1 of this section.

17.26.090. AMENDMENTS. A Planned Unit Development District ordinance or an approved preliminary or final development plan may be amended in the same manner prescribed in this article for approval of a preliminary or final plan. Application for amendment may be by the homeowner's association or fifty-one (51%) of the owners of the property within the "PUD".

17.26.100 PLATTING. For un-platted tracts or tracts being re-platted, the approval of the preliminary Planned Unit Development shall be considered as the approval of a preliminary plat. To complete the platting process, the applicant need only submit a final plat. Said final plat shall be in accordance with the subdivision regulations.

CHAPTER 17.28

“M – H” MANUFACTURED HOME DISTRICT

SECTIONS

17.28.010	Intent and Purpose of District
17.28.020	District Regulations
17.28.030	Use Regulations
17.28.040	Intensity of Use Regulations
17.28.050	Lot Coverage
17.28.060	Height Regulations
17.28.070	Yard Regulations
17.28.080	Sign Regulations
17.28.090	Parking and Loading Regulations
17.28.100	Special Manufactured Home Requirements

17.28.010 INTENT AND PURPOSE OF DISTRICT: It is intended that this district be established to permit manufactured homes on permanent foundations where a lot or a group of lots is owned by the manufactured home owner.

This district is intended to be appended as an overlay to any of the residential districts to provide an opportunity for individual siting and use of manufactured homes for single-family dwellings consistent with the use and density characteristics of the surrounding neighborhood.

17.28.020. DISTRICT REGULATIONS: In the “M - H” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in 17.28.030 below.

17.28.030 USE REGULATIONS:

1. Manufactured homes on permanent foundations.
2. Uses and structures permitted under the provisions of the regulations of the parent district, of which this district is made a part.

17.28.040. INTENSITY OF USE REGULATIONS: A manufactured home in an “M – H” District shall be located on a lot which conforms with the minimum lot size requirements of the parent district, of which this district is made a part.

17.28.050. LOT COVERAGE: A manufactured home and accessory buildings shall not cover more than forty (40) percent of the lot area.

17.28.060. HEIGHT REGULATIONS: The height requirements of the parent district, of which this district is made a part, shall be the maximum height requirements.

17.28.070 YARD REGULATIONS: The yard requirements of the parent district, of which this district is made a part, shall be the minimum yard requirements.

17.28.080. SIGN REGULATIONS: The sign regulations of the parent district, of which this district is made a part, shall be the minimum requirements for signs unless otherwise approved by the Planning Commission and the Governing Body.

17.28.090 PARKING AND LOADING REGULATIONS: The parking and loading requirements of the parent district, of which this district is made a part, shall be the minimum requirements unless otherwise prescribed and/or approved by the Planning Commission and the Governing Body.

17.28.100. SPECIAL MANUFACTURED HOME REQUIREMENTS: Manufactured homes sited on individually owned lots shall be subject to the following special requirements:

1. Each manufactured home shall have removed all wheels and tow bars and shall be mounted on a permanent masonry foundation which shall fully shirt the perimeter of the manufactured home, except for ventilation and crawl space access. Any such ventilation or crawl space access openings shall be screened or enclosed with an appropriate material to prevent or deter entry of rodents and insects.
2. Each manufactured home shall be an independent dwelling unit, and shall be connected to water, sewer, electric, and if necessary gas utilities.
3. Each manufactured home shall be provided with anchors and tie-downs of adequate capacity to provide stability against high winds and adverse weather conditions.
4. Each independent manufactured home shall be sited in such a manner as to preserve the visual character of the neighborhood, which shall include provisions for landscaping and other site improvements as well as off-street parking.
5. Each manufactured home shall bear a certification plate pursuant to the "National Housing Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq., as amended.
6. The manufactured home and the lot upon which it is placed shall be under single ownership, and the manufactured home shall serve as a single-family home only.
7. No manufactured home shall be older than ten (10) years at the time of initial setting.
8. Each manufactured home shall have a separate storage building of at least two hundred fifty (250) cubic feet in size and which is located on the same lot as the manufactured home.

CHAPTER 17.30

“M – P” MANUFACTURED HOME PARK DISTRICT

SECTIONS

17.30.010	Intent and Purpose of District
17.30.020	District Regulations
17.30.030	Use Regulations
17.30.040	Park Requirements
17.30.050	Application Procedure

17.30.010. INTENT AND PURPOSE OF DISTRICT: It is the intent of the “M - P” Manufactured Home Park District to permit low density manufactured home uses in a park-like atmosphere. The Manufactured Home Park District is intended for those areas where the owner proposes to develop and rent or lease individual sites.

17.30.020 DISTRICT REGULATIONS: In the “M – P” District, no building shall be used and no building shall be erected, altered, or enlarged which is arranged, intended, or designed for other than uses listed in 17.30.030 below.

17.30.030. USE REGULATIONS:

1. Independent manufactured homes located on a well-drained concrete slab.
2. Parks and playgrounds.
3. Manufactured housing service buildings, such as coin-operated washers and dryers, for exclusive use of residents of the manufactured home park.
4. Office for manager of the manufactured home park.
5. Storage building for vehicles used to tow manufactured housing units.
6. Storage building for blocks, skirts, pipe, and other material and equipment required to set up a manufactured house.
7. Accessory uses and buildings, including swimming pools, bath houses, RV and boat storage sheds, patios, etc., for exclusive use of manufactured housing residents.
8. Licensed child care centers.
9. Home occupations.
10. Churches and other similar places of worship.

17.30.040 PARK REQUIREMENTS:

1. A tract to be used for a manufactured housing park shall be large enough to accommodate fifteen (15) or more manufactured units.
2. Each manufactured housing park space shall be not less than thirty-five (35) feet wide.
3. Manufactured housing parks shall have a maximum density of eight (8) manufactured units per gross acre, and each space shall have not less than three thousand (3,000) square feet.
4. The manufactured housing park shall be located on a well-drained site properly graded to insure rapid drainage.
5. Manufactured housing parks shall provide screening when they abut residential property.
6. Each manufactured housing park having more than ten (10) lots for rent shall reserve an area for child recreation according to the following schedule:

Number of Manufactured Homes	Minimum Area of Playground
0-10	None required
10 – 20	1,500 square feet
21 – 25	2,500 square feet
25 and over	100 square feet per lot

7. The recreation area shall be located so as to be free from hazards and provided with play equipment.
8. All new manufactured housing parks shall provide a storm shelter for the occupants. All existing manufactured housing parks (at the date of the adoption of this Ordinance) are encouraged to provide storm shelters.
9. The manufactured housing shelter shall be approved, after the submission of plans by the applicant, by the Zoning Administrator. The shelter shall be constructed below ground level as a concrete structure or other material approved by the City, and provided with heavy metal doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.
10. Manufactured housing units shall be located so that there is at least a twenty (20) foot clearance between manufactured houses; provided, however, with respect to manufactured houses parked end-to-end, the clearance shall not be less than ten (10) feet. No manufactured housing unit shall be located less than ten (10) feet from the front driveway.

11. No manufactured housing unit shall be located less than twenty-five (25) feet from any property line of the manufactured housing park or from any community building within the park, including any washroom, toilet, laundry facilities, or office.
12. All manufactured housing spaces shall abut on an internal driveway that is not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to twenty-eight (28) feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to thirty-six (36) feet. Such driveways shall have unobstructed access to a public street or highway and shall have, as a minimum, a gravel surface or be paved and well maintained and lighted.
13. Manufactured housing parks containing more than twenty (20) units shall provide each lot with a concrete pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) feet in depth. In parks containing less than twenty (20) units, the parking space may be constructed of crushed rock finished to a depth of eight (8) inches.
14. All roadways and walks within the manufactured housing park shall be hard surfaced and provided with night lighting using lamps spaced at intervals of not more than one hundred (100) feet.
15. All electrical distribution systems and telephone service systems to each manufactured housing space, except outlets and risers, shall be underground. Each manufactured housing space shall be provided with a 110-volt and 220-volt service with a minimum 100-ampere individual service outlet.
16. Whenever master television antenna systems including cable systems, are to be installed, the complete plans and specifications for the system must be submitted for approval. Distribution to individual manufactured housing spaces shall be underground and shall terminate adjacent to the electrical outlet.
17. Laundry facilities for the exclusive use of the manufactured housing occupants may be provided in a service building.
18. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured housing spaces within the park. Each manufactured housing space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.

19. All manufactured housing units within the “M – P” District shall be connected to an approved public water supply and an approved sanitary sewer system with at least a four (4) inch sewer connection to each manufactured housing unit. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the manufactured housing drain and the sewer connection. Such individual unit connections shall be so constructed that they can be closed when not linked to a manufactured housing unit and shall be trapped in such a manner as to maintain them in an odor-free condition.
20. Each manufactured housing unit shall be secured by anchoring the superstructure against uplift, sliding, rotation, and overturning.
21. Outdoor laundry drying space of adequate area and suitable location shall be provided and indicated upon required plan.
22. The owner or operator shall include with the required plan the method of refuse collection and the location of refuse containers. Refuse and garbage handling methods shall meet the following minimum requirements:
 - a. Storage collection and disposal of refuse in a park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution.
 - b. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
 - c. Refuse racks shall be provided for all refuse containers. Such racks shall be designed as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
 - d. Refuse and garbage shall be removed from the park at least once each week. All refuse shall be collected and transported in covered vehicles or covered containers.
 - e. The park owner shall insure that containers at all stands are emptied regularly and maintained in a useable sanitary condition.
23. If only independent manufactured housing spaces are to be provided, no service building will be required; however, when such service building is required, it shall comply with the following regulations:
 - a. Be located twenty (20) feet or more from any manufactured housing unit.
 - b. Be adequately lighted.

- c. Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.
 - d. Provide at least one (1) lavatory, water closet, and shower for each sex; one (1) laundry tray, one (1) floor drain, and hot and cold water.
 - e. Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.
 - f. Have all rooms well ventilated with all openings effectively screened.
24. When liquefied petroleum gas is used in a manufactured home park, containers for such gas shall not hold more than twenty-five (25) gallons water capacity, shall be the liquefied petroleum gas containers approved by the United States Commerce Commission for its intended purposes, and shall be attached to the mobile home in a manner approved by the Liquefied Petroleum Gas Association.
25. A solid or semi-solid fence or wall, minimum 6 feet, maximum 8 feet high, shall be provided between the manufactured home park district and any adjoining property or property immediately across the alley which is zoned for residential purposes other than for manufactured homes. Said fence shall be so located as defined by this regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than 15 feet in width, and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the Owner.
26. The Owner or operator shall include with the required plan a budget for financing the proposed improvements.

17.30.050. APPLICATION PROCEDURE:

1. The applicant for a manufactured housing park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present ten (10) copies of the plan for review by the Planning Commission. The development plan shall show topography and the location and size of:
- a. Manufactured housing sites.
 - b. Service buildings.
 - c. Off-street parking areas.
 - d. Electrical outlets.
 - e. Sewer outlets.

- f. Water outlets.
 - g. Water lines.
 - h. Sewer lines.
 - i. Recreational areas.
 - j. Landscaped areas and walls or fences.
 - k. Roadways.
 - l. Sidewalks.
2. Following a rezoning hearing, as required by law and preliminary approval of the development plan, the Planning Commission shall submit the plan together with a record of the hearing plus its formal recommendations to the Governing Body for final approval.
 3. When final approvals have been obtained, the Zoning Administrator shall issue a permit to operate the manufactured housing park.
 4. Upon the issuance of the permit for a mobile home park or court, the City shall have the authority to have said manufactured home inspected by the proper inspecting officer of the City, and if it shall be found that the holder of said permit has made any false or misleading statements in his application or has placed or caused to be placed more manufactured homes in said manufactured home park or court than provided for and set forth in said application for permit, or that said holder of said permit has violated or caused to be violated any provision of this Article, the City Governing Body shall have the power to revoke said permit.
 5. If the City shall determine upon proper inspection by the inspecting officer of the City, that the sanitary condition of the manufactured home park shall have become so unsanitary as to endanger health or welfare of occupants of said manufactured home park or the surrounding community, or that said sanitary facilities have become inadequate to properly protect the occupants of said manufactured park, the City Governing Body shall have the power to require the holder of said manufactured home park permit, within ten (10) days, to set said manufactured home park in proper sanitary condition. If, upon notice from the City to the holder of the permit as aforesaid, the owner or manager of said manufactured home park shall fail or refuse to place said park or court in sanitary condition, the City Governing Body shall have the right to revoke said permit.
 6. Whenever a property zoned "M-P" ceases to be used for such purposes for a period of one (1) year, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former zoning district classification.
 7. After the effective date of this Ordinance, no new manufactured housing park may be operated and no existing park expanded, except in accordance with these Regulations and under permit from the Zoning Administrator.

CHAPTER 17.32

"C – S" HIGHWAY SERVICE DISTRICT

SECTIONS

17.32.010	Intent and Purpose of District
17.32.020	District Regulations
17.32.030	Use Regulations
17.32.040	Intensity of Use Regulations
17.32.050	Lot Coverage
17.32.060	Height Regulations
17.32.070	Yard Regulations
17.32.080	Sign Regulations
17.32.090	Parking and Loading Regulations
17.32.100	Landscaping Regulations
17.32.110	Traffic Regulations

17.32.010. INTENT AND PURPOSE OF DISTRICT: The "C – S" Highway Service District is intended for the purpose of grouping limited highway services in appropriate areas. Floor area is restricted, off-street parking, and landscaping is required in order to reduce possible adverse effects on adjacent properties.

17.32.020. DISTRICT REGULATIONS: In the "C – S" District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in 17.32.030 below.

17.32.030 USE REGULATIONS:

1. Ambulance services.
2. Animal hospitals or clinics.
3. Apartments on floors other than the ground floor.
4. Automobile, truck and other motor vehicle sales, service, repair and rental.
5. Bakery and pastry shops, retail.
6. Barber shops, beauty shops, chiropody, massage and similar personal services.
7. Bed and breakfast establishments.
8. Boat sales and rental.
9. Building materials, retail sales.
10. Commercial recreation facilities.

11. Car wash.
12. Electrical and telephone substations.
13. Farm and construction equipment sales; outdoor display shall be permitted provided that no machinery shall be displayed, parked, or stored in any required yard.
14. Feed and seed stores, including garden and lawn supplies.
15. Florist shops.
16. Funeral homes.
17. Garden supplies and landscape nursery.
18. Grocery stores.
19. Hospitals and Medical Clinics
20. Liquor stores.
21. Lumber yards.
22. Motels or motor hotels.
23. Newsstands
24. Parking lots, customer and private.
25. Parks, playgrounds, and community buildings.
26. Private clubs, fraternities, sororities and lodges.
27. Restaurants and drive-ins.
28. Self-service laundries and dry-cleaning stores.
29. Service stations.
30. Taverns.
31. Truck sales, service, and repair, provided there is no outside repair or repair storage.
32. Truck terminals.
33. Theaters, indoor.

34. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals:
- a. Amusement parks.
 - b. Child care centers.
 - c. Collection and distribution of recyclable items.
 - d. Drive-in theaters.
 - e. Manufactured home sales, subject to the following regulations:
 - (1) Sales Activities: In the “C – S” Highway Service District, manufactured home sales activities shall be limited to the display, storage, and sale of completed, undamaged manufactured home units, including all activities necessary to prepare said units for display on the property and transport off the property. Said activities shall include the placement or removal of towing equipment, tires and axles, blocks, skids, jacks, skirting and steps, and the connection and disconnection of utilities. Said activities shall not include construction on or in the manufactured home.
 - (2) Density: No more than eight (8) manufactured homes may exist on each acre of property used for manufactured home sales at any given time.
 - f. Miniature golf courses.
 - g. Race tracks, animal or vehicular.
 - h. Wireless communications towers subject to the provisions of CHAPTER 17.54.
 - i. Recreational vehicle (RV) parks subject to the following conditions:
 - (1) Recreational vehicle (RV) parks shall be utilized for the accommodation of travel trailers and other recreational vehicles only, and under no circumstances shall the park be utilized for occupancy by manufactured homes.
 - (2) The tract to be used for a RV park shall not be less than two (2) acres in area.
 - (3) The applicant for an RV park shall prepare or cause to be prepared a preliminary plan, drawn to a scale of not less than 1"= 100', and ten (10) copies of said plan shall be submitted to the Planning Commission for their review and recommendation. Such plans shall comply with the following minimum requirements.

- (a) contours at intervals of one foot shall be indicated on the plan.
 - (b) The RV park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - (c) RV parks shall have a maximum density of 20 RV units per gross acre and a minimum area of 1,250 square feet shall be provided for each RV space.
 - (d) Each RV space shall be at least 25 feet wide and a minimum of 50 feet in depth.
 - (e) Recreational vehicles shall be located on each space so as to maintain a setback of no less than 20 feet from any public street or highway right-of-way, and as to maintain a setback of no less than 5 feet from any boundary line of an adjoining RV space when such boundary line is not common to any public street or highway right-of-way.
 - (f) All RV spaces shall front on a private roadway of not less than 24 feet in width and all roadways shall have unobstructed access to a public street.
 - (g) A solid or semi-solid fence or wall at least six feet height, but not more than eight feet high, shall be provided between the RV park and any adjoining property which is zoned for residential purposes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by this regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than fifteen (15) feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for an RV space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner.
- (4) Upon approval of the preliminary RV park plan by the Planning Commission, the applicant shall prepare and submit a final plan, which shall incorporate any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.

- (5) Any substantial deviation, as determined by the Zoning Administrator, from the approved plan, shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be re-submitted for reconsideration and approval by the Planning Commission and Governing Body prior to the issuance of a building or zoning permit.

17.32.040 INTENSITY OF USE REGULATIONS:

1. Where the lot will be served by public water and sewer, the minimum lot size shall be ten thousand (10,000) square feet with 100 feet minimum width.
2. Where a private water and sewer service will be provided on the lot, the minimum lot size shall be eighty thousand (80,000) square feet.

17.32.050. LOT COVERAGE: The principal and accessory buildings shall not cover more than fifty (50) percent of the lot area.

17.32.060 HEIGHT REGULATIONS: No building or structure shall exceed forty-five (45) feet in height.

17.32.070 YARD REGULATIONS:

1. Front Yard.
 - a. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in CHAPTER 17.54.
 - b. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.
2. Side Yard. Where a "C – S" Zone abuts any residential District Zone, a side yard of not less than fifteen (15) feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure which shall be not less than six (6) feet in height.
3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

17.32.080 SIGN REGULATIONS: See CHAPTER 17.44.

17.32.090. PARKING AND LOADING REGULATIONS: See CHAPTER 17.46.

17.32.100. LANDSCAPING REGULATIONS: See CHAPTER 17.48.

17.32.110 TRAFFIC REGULATIONS: See CHAPTER 17.50.

CHAPTER 17.34

“C – 1” CENTRAL BUSINESS DISTRICT

SECTIONS

17.34.010	Intent and Purpose of District
17.34.020	District Regulations
17.34.030	Use Regulations
17.34.040	Intensity of Use Regulations
17.34.050	Height Regulations
17.34.060	Yard Regulations
17.34.070	Sign Regulations
17.34.080	Parking and Loading Regulations
17.34.090	Landscaping Regulations
17.34.100	Traffic Regulations

17.34.010 INTENT AND PURPOSE OF DISTRICT: The “C – 1” Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the economic level of the primary shopping district.

17.34.020 DISTRICT REGULATIONS: In the “C – 1” District, no building shall be used and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in 17.34.030 below.

17.34.030. USE REGULATIONS:

1. Adding machine and other small business machine repair, sales, and services.
2. Ambulance service.
3. Amusement places.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apartments or individual dwelling units on floors other than the ground floor.
6. Apparel and accessory stores.
7. Appliance stores.
8. Art and art supply stores.
9. Artist studios.

10. Auditoriums and similar places of public assembly.
11. Automobile accessory and supply store.
12. Automobile, truck and other motor vehicle sales and rental.
13. Automobile parking lots and garages.
14. Bakery and pastry shops (retail only).
15. Banks and other savings and lending institutions.
16. Barber shops, beauty shops and chiropody, massage, or similar personal services.
17. Bicycle shops.
18. Boat sales and rental.
19. Books and stationery stores.
20. Bowling centers and recreational buildings.
21. Building materials, retail sales.
22. Business and technical schools including schools for photography, dancing, and music.
23. Business machine sales, repair and service.
24. Catalog stores.
25. Churches.
26. Cigar and tobacco stores.
27. Clothing and costume rental shops.
28. Clothing stores.
29. Commercial recreational uses.
30. Custom dressmaking, millinery, tailoring, and similar trades.
31. Day care centers.
32. Delicatessens and catering establishments.
33. Department stores.

34. Drug stores and prescription shops.
35. Dry cleaning and laundry establishments.
36. Dry goods and notion store, including coin shops and fabric shops.
37. Electronic appliances and equipment including computer and software service.
38. Farm and construction equipment, retail sales.
39. Fire stations, police stations, jails.
40. Fix-it shops (radio, television, and small household appliances).
41. Florist and gift shops.
42. Frozen food lockers of not more than 10,000 square feet in floor area.
43. Funeral Homes.
44. Furniture and home furnishing stores.
45. Garage and auto repair shops but not including auto body and fender work and auto painting.
46. Garden supplies and landscape nursery.
47. Government buildings.
48. Grocery, fruit, and vegetable stores (retail only).
49. Hardware stores.
50. Heating and air conditioning shops, provided all merchandise is located in a building.
51. Hobby, stamp, and coin shops.
52. Hotels and motels.
53. Household appliance stores.
54. Interior decorator shops.
55. Jewelry and metal craft stores and shops.
56. Leather goods and luggage stores.

57. Libraries and museums (public).
58. Liquor stores.
59. Lock and key shops.
60. Mail order catalog stores.
61. Medical, dental, and health clinics.
62. Medical and orthopedic appliance stores.
63. Meeting halls and auditoriums.
64. Messenger and telegraph service stations.
65. Milk and milk products distribution stations.
66. Manufactured housing and recreational vehicle sales.
67. Museums
68. Music instrument sales and repair shops.
69. Music stores and studios.
70. Newspaper offices, printing and printing supply sales and service.
71. Newsstands.
72. Offices and office buildings.
73. Office supply and office equipment sales and service stores.
74. Optician and optometrist shops.
75. Paint, wallpaper and glass stores.
76. Parking lots and garages.
77. Parks and open spaces.
78. Pawn shops.
79. Pet shops.
80. Photographic equipment sales and supply stores.

81. Photographic studios.
82. Picture framing shops.
83. Prescription shops.
84. Printing and publishing houses (including newspapers).
85. Private clubs, fraternities, sororities and lodges.
86. Public buildings, including post offices, city offices, county offices, state offices and schools.
87. Radio and television studios.
88. Railway, taxi, and bus passenger stations.
89. Restaurants and snack shops, excluding drive-ins.
90. Service stations.
91. Sewing machine sales and repair.
92. Shoe repair and shoeshine shops.
93. Shoe stores.
94. Sporting and athletic goods stores.
95. Stores and shops for the conduct of retail business similar to the uses listed in this section.
96. Tailor shops.
97. Taverns.
98. Television and radio sales and service.
99. Theaters.
100. Toy stores.
101. Travel bureaus.
102. Used car lots.
103. Upholstery shops of not more than 10,000 square feet of floor area.
104. Utility company offices.

105. Variety stores.
106. Wallpaper and paint stores.
107. Watch and watch repair shops.
108. Accessory uses customarily incidental to the above uses.
109. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such conditions as the Board may impose:
 - a. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
 - b. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
 - c. Carpenter, cabinet, plumbing, or sheet metal shops, provided that any outside storage is completely enclosed by a six (6) foot sight obscuring fence.
 - d. Contractors office and equipment storage yard, provided that outside storage of equipment or materials is completely enclosed by a six (6) foot sight obscuring fence.
 - e. Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
 - f. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.
 - g. Retail lumber yards, providing all materials and equipment are stored in a completely enclosed building or are screened by a minimum six (6) foot high solid fence.
 - h. Collection and distribution of recyclable items.
 - i. Wireless communications towers subject to the requirements of CHAPTER 17.54

17.34.040 INTENSITY OF USE REGULATIONS: No requirements except those to meet fire regulations.

17.34.050 HEIGHT REGULATIONS: No building shall exceed sixty (60) feet in height except as otherwise provided in the additional height, area, and use regulations of this Ordinance.

17.34.060 YARD REGULATIONS:

1. Front Yard. No front yard is required for any building in the “C – 1” Central Business District.
2. Side Yard. No side yard is required for any building in the “C – 1” Central Business District, except where a lot sides on any residential district, in which case there shall be a fifteen (15) foot side yard.
3. Rear Yard. No rear yard is required for any building in the “C – 1” Central Business District, except where a lot abuts on a residential district, in which case there shall be a fifteen (15) foot rear yard.

17.34.070 SIGN REGULATIONS: See CHAPTER 17.44.

17.34.080 PARKING AND LOADING REGULATIONS: See CHAPTER 17.46

17.34.090 LANDSCAPING REGULATIONS: None required.

17.34.100. TRAFFIC REGULATIONS: See CHAPTER 17.50.

CHAPTER 17.36

“C – 2” GENERAL COMMERCIAL DISTRICT

SECTIONS

17.36.010	Intent and Purpose of District
17.36.020	District Regulations
17.36.030	Use Regulations
17.36.040	Intensity of Use Regulations
17.36.050	Height Regulations
17.36.060	Yard Regulations
17.36.070	Sign Regulations
17.36.080	Parking and Loading Regulations
17.36.090	Landscaping Regulations
17.36.100	Traffic Regulations

17.36.010 INTENT AND PURPOSE OF DISTRICT: The “C – 2” General Commercial District is intended for the purpose of allowing basic retail, service, and office uses in locations outside the Central Business District.

This district is intended to provide locations for commercial activities that do not need a central location but do require a location easily accessible to downtown shoppers.

Business uses needing large floor areas, particularly those not compatible with central business district densities, are included in this district.

17.36.020. DISTRICT REGULATIONS: In the “C – 2” District, no building shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in 17.36.030 below.

17.36.030 USE REGULATIONS:

1. Accessory uses.
2. Amusement places (indoors).
3. Animal hospitals, clinics and kennels providing the establishment and runs are completely enclosed in a building.
4. Antique shops and stores, providing all merchandise is displayed and sold inside a building.
5. Apparel and accessory stores.
6. Apartments on floors other than the ground floor.

7. Armory.
8. Art and art supply stores.
9. Artist studio.
10. Auditoriums and similar places of public assembly.
11. Automobile accessory and supply store.
12. Automobile and mobile home sales and service.
13. Automobile parking lots and garages.
14. Bakery and pastry shop (retail only).
15. Banks and other savings and lending institutions.
16. Barber shops, beauty shops, chiropody, massage or similar personal services.
17. Bicycle shops.
18. Books and stationary stores.
19. Bowling alleys.
20. Business and technical schools including schools for photography, dancing and music.
21. Business machine repair, sales and service including computers and related equipment.
22. Carpenter and cabinet shops employing five (5) persons or less.
23. Car wash.
24. Cigar and tobacco store.
25. Churches and other similar places of worship.
26. Clothing and costume rental.
27. Commercial recreation centers.
28. Computer and electronic stores.
29. Custom dressmaking, millinery, tailoring and similar trades.

30. Delicatessens and catering establishments.
31. Department stores.
32. Drug stores and prescription shops.
33. Dry goods and notion stores.
34. Dry cleaning and laundry establishments.
35. Fire stations, police stations and jails.
36. Fix-it shops (radio, television and small electronic appliances).
37. Florist and gift shops.
38. Funeral homes and mortuaries.
39. Furniture and home furnishing stores.
40. Golf courses including miniature golf and driving tees.
41. Government administrative buildings.
42. Greenhouses, garden centers and nurseries.
43. Grocery stores.
44. Hardware stores.
45. Hobby, stamp and coin shops.
46. Hotels and motels.
47. Household appliance stores.
48. Interior decorator's shops.
49. Jewelry and metal craft stores and shops.
50. Leather goods and luggage stores.
51. Library and museum (public).
52. Liquor stores
53. Lock and key shops.

54. Lumber and building supply stores.
55. Mail order catalog stores.
56. Medical, dental and health clinic.
57. Medical and orthopedic appliance stores.
58. Meeting halls and auditoriums.
59. Messenger and telegraph service stations.
60. Music instrument sales and repair shops.
61. Music studios.
62. Newspaper offices.
63. Newsprint, job printing and printing supply stores.
64. Offices and office buildings.
65. Office supply and office equipment stores.
66. Optician and optometrists.
67. Package liquor stores.
68. Paint and wall paper stores.
69. Parking lots and garages.
70. Parks and open spaces.
71. Pawn shops.
72. Pet shops.
73. Photographic equipment sales and supply stores.
74. Photographic studios.
75. Picture framing shops.
76. Plumbing shops.
77. Post office.

78. Printers.
79. Private clubs and lodges.
80. Radio and television studios.
81. Restaurants, including drive-ins.
82. Service stations.
83. Self-service laundries and dry cleaning establishments.
84. Sewing machine shops and stores.
85. Shoe stores.
86. Shoe repair shops.
87. Sporting and athletic goods stores.
88. Stores and shops for the conduct of retail business similar to the uses listed in this section.
89. Tailor shops.
90. Taverns.
91. Theaters.
92. Tire repair shops.
93. Toy stores.
94. Travel bureaus.
95. Used car lots.
96. Utility company offices.
97. Variety stores.
98. Watch repair shops.
99. The following uses may be allowed by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals, and under such condition as the Board may impose:

- a. All special uses allowed in the "C-1" District.
- b. Any public building erected on land used by any department of the City, County, State or Federal Government.
- c. Public Utility - Telephone exchange, electric substation, radio and television towers, water, sewers or storm sewer facilities, a natural, piped gas operating under government franchise and contract.
- d. Carpenter, cabinet, plumbing, or sheet metal shops, provided that any outside storage is completely enclosed by a six (6) foot sight obscuring fence.
- e. Contractors office and equipment storage yard, provided that outside storage of equipment or materials is complete enclosed by a six (6) foot sight obscuring fence.

17.36.040. INTENSITY OF USE REGULATIONS:

1. A tract used for other than residential purposes shall be not less than two thousand five hundred (2,500) square feet in area with an average width of not less than twenty-five (25) feet. A minimum of fifteen hundred (1,500) square feet of lot area shall be required for each apartment built above ground floor.

17.36.050 HEIGHT REGULATIONS: No building in a "C - 2" District shall exceed forty-five (45) feet except as provided in the additional height, area, and use regulations of this ordinance.

17.36.060 YARD REGULATIONS:

1. Front Yard. There shall be a front yard having a depth of not less than fifteen (15) feet, except as required for arterial streets and collector streets in CHAPTER 17.54.
 - a. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - b. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
2. Side Yard. Where the "C - 2" District abuts a residential district there shall be a side yard of not less than five (5) feet.
3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet, or twenty (20) percent of the depth of the lot, whichever amount is smaller.

17.36.070 SIGN REGULATIONS. See CHAPTER 17.44.

17.36.080 PARKING AND LOADING REGULATIONS: See CHAPTER 17.46.

17.36.090 LANDSCAPING REGULATIONS: See CHAPTER 17.48.

17.36.100 TRAFFIC REGULATIONS: See CHAPTER 17.50.

CHAPTER 17.38

"C – 3" ADULT ENTERTAINMENT DISTRICT

SECTIONS

17.38.010	Intent and Purpose of District
17.38.020	District Regulations
17.38.030	Use Regulations
17.38.040	Intensity of Use Regulations
17.38.050	Height Regulations
17.38.060	Yard Regulations
17.38.070	Sign Regulations
17.38.080	Parking and Loading Regulations
17.38.090	Landscaping Regulations
17.38.100	Traffic Regulations
17.38.110	Use and Location Restrictions

17.38.010 INTENT AND PURPOSE OF DISTRICT. It is the intent and purpose of the "C – 3" Adult Entertainment District to regulate adult entertainment establishments which by their nature are known to produce deleterious effects to adjacent development and serious secondary negative impacts to juveniles, especially where such uses are clustered. Special regulations of such uses is therefore necessary to insure that these and other adverse secondary effects will not impact residential neighborhoods, public and quasi-public institutions or facilities serving the youth of the community.

17.38.020 DISTRICT REGULATIONS. In the "C – 3" District no building shall be used, and no building shall be erected, altered or enlarged which is arranged, intended or designed for other than adult entertainment uses listed in CHAPTER 17.36.030 below.

17.38.030 USE REGULATIONS.

1. Escort agencies.
2. Adult book and/or video stores.
3. Adult entertainment establishments, including bars, cabarets, massage parlors, live theaters, motion picture theaters, and other sexually-oriented entertainment businesses.
4. Adult novelty stores.

17.38.040 INTENSITY OF USE REGULATIONS. All lots and tracts shall have not less than seven thousand (7,000) square feet in area with an average width of not less than fifty (50) feet.

17.38.0150 HEIGHT REGULATIONS. No building in a "C – 3" District shall exceed thirty-five (35) feet in height, except as may be otherwise provided by the regulations.

17.38.060 YARD REGULATIONS.

1. Front Yard. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as may be required for arterial streets and collector streets.
 - a. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
 - b. Where a lot is located at the intersection of two or more streets or roads, there shall be a front yard on each street side of a corner lot.
2. Side Yard. There shall be a side yard on each side of a building, and no side yard shall be less than ten (10) feet.
3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet.

17.38.070 SIGN REGULATIONS. See CHAPTER 17.44.

17.38.080 PARKING AND LOADING REGULATIONS. See CHAPTER 17.46.

17.38.090 LANDSCAPING REQUIREMENTS. See CHAPTER 17.48.

17.38.100 TRAFFIC REGULATIONS. See CHAPTER 17.50

17.38.110 USE AND LOCATION RESTRICTIONS.

1. No adult entertainment establishment, escort agencies, adult book or video store, or adult novelty store shall be conducted in any manner:
 - a. To allow the merchandise or activities of the establishment to be visible from any point outside of the building or structure containing such use.
 - b. That permits the observation of any material depicting, describing or relating to sexual activities from any point outside of the building or structure containing such use.
2. The provisions of Subsections (a.) and (b.) above shall apply to any display, decoration, sign, window or other opening.
3. No adult use shall be allowed within one thousand (1,000) feet of another existing adult use.
4. No adult use shall be located within one thousand (1,000) feet of any zoning district which allows residential uses or within one thousand (1,000) feet of any residence.

5. No adult use shall be located within one thousand (1,000) feet of a pre-existing church or place of worship, day-care facility, public or recreational park, educational institution, library, museum, community center, playground or swimming pool.
6. For purposes of Subsections 3., 4. and 5. above, measurements shall be made in a straight line, without regard to intervening buildings, structures or objects, from the nearest point on the property line of the applicant's adult entertainment use to the nearest point on the property line of the church, etc..
7. No more than one such use shall be conducted within any building or structure containing an adult use.
8. No permitted adult oriented business as defined herein shall be operated between the hours of 8:00 p.m. and 8:00 a.m..

CHAPTER 17.40

“I – 1” LIGHT INDUSTRIAL DISTRICT

SECTIONS

17.40.010	Intent and Purpose of District
17.40.020	District Regulations
17.40.030	Use Regulations
17.40.040	Intensity of Use Regulations
17.40.050	Height Regulations
17.40.060	Yard Regulations
17.40.070	Sign Regulations
17.40.080	Parking and Loading Regulations
17.40.090	Landscaping Regulations
17.40.100	Traffic Regulations

17.40.010 INTENT AND PURPOSE OF DISTRICT: The “I – 1” Light Industrial District is intended for the purpose of allowing certain industrial uses which do not:

1. Require intensive land coverage.
2. Generate large volumes of vehicular traffic.
3. Create obnoxious sounds, glare, dust, or odor.

Height and land coverage are controlled to ensure compatibility with adjoining uses.

17.40.020 DISTRICT REGULATIONS: In the “I – 1” District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in 17.40.030 below.

17.40.030 USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales and repair.
3. Bakery, whose primary purpose is not retail sales.
4. Billboards subject to requirements outlined in CHAPTER 17.44.
5. Bottling works.
6. Building material sales (except for ready-mix concrete and similar uses which emit dust, odor, or smoke).

7. Carpenter, cabinet, plumbing, heating, air conditioning, and sheet metal shops.
8. Car wash establishments.
9. Carpenter, cabinet, plumbing or sheet metal shops.
10. Contractor's office and equipment storage yard, providing the storage yard is completely enclosed with a six (6) foot solid fence or wall.
11. Dog kennels.
12. Dry cleaning and/or laundry plants.
13. Farm and construction equipment sales and services.
14. Feed and seed storage and wholesale distribution.
15. Frozen food lockers.
16. Greenhouses and nurseries, retail and wholesale.
17. Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, or smoke.
18. Machinery sales and storage lots .
19. Monument sales.
20. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
21. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the Building Official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six (6) feet and a visual density of no less than 90%.
22. Motor vehicle and farm implement sales and storage.
23. Public utility and public service uses:
 - a. Municipal power plant.

- b. Substations.
 - c. Railroads.
 - d. Telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings, electric power plants.
 - e. Public utility storage yards when the entire storage area is enclosed by at least a six (6) foot wall or fence.
- 24. Collection and distribution of recyclable items.
 - 25. Sign printing and manufacturing.
 - 26. Truck and rail terminals.
 - 27. Upholstering shops.
 - 28. Warehouses.
 - 29. Wholesale merchandise sales and storage.
 - 30. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals subject to such conditions as the board may require.
 - a. Livestock auction sales and/or sales of farm related products including seed and feed.
 - b. Grain elevators.
 - c. Wireless communications towers subject to the provisions of CHAPTER 17.54.
 - d. Wholesale and storage of products of a volatile nature such as anhydrous and similar products.

17.40.040 INTENSITY OF USE REGULATIONS:

- 1. Lots in this district shall be subject to the following minimum size requirements:
 - a. Minimum lot size shall be ten thousand (10,000) square feet.
 - b. Minimum lot width shall be one hundred (100) feet.
- 2. A building, structure, or use allowed in this district may occupy all of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads and as required for arterial and/or collector streets in CHAPTER 17.54.

3. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as required for arterial and/or collector streets in CHAPTER 17.54.

17.40.050 HEIGHT REGULATIONS:

1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed seventy-five (75) feet in height.

17.40.060 YARD REGULATIONS:

1. Front Yard.
 - a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than thirty (30) feet measured from the front property line except as required for arterial and collector streets in CHAPTER 17.54
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than twenty-eight (28) feet except where necessary to provide a yard on the side street not less than five (5) feet in width.
 - d. No accessory building shall project beyond the front yard line on either street.
2. Side Yard. There shall be a side yard on each side of each building and said side yard shall not be less than the average height of adjacent buildings. The required side yards for the lot or tract shall be thirty (30) feet.
3. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is the smaller.

17.40.070 SIGN REGULATIONS: See CHAPTER 17.44.

17.40.080 PARKING AND LOADING REGULATIONS: See CHAPTER 17.46.

17.40.090. LANDSCAPING REGULATIONS: See CHAPTER 17.48.

17.40.100 TRAFFIC REGULATIONS: See CHAPTER 17.50.

CHAPTER 17.42

"I – 2" HEAVY INDUSTRIAL DISTRICT

SECTIONS

17.42.010	Intent and Purpose of District
17.42.020	District Regulations
17.42.030	Use Regulations
17.42.040	Intensity of Use Regulations
17.42.050	Height Regulations
17.42.060	Yard Regulations
17.42.070	Sign Regulations
17.42.080	Parking and Loading Regulations
17.42.090	Landscaping Regulations
17.42.100	Traffic Regulations

17.42.010 PURPOSE AND INTENT OF DISTRICT: The "I – 2" Heavy Industrial District is intended for the purpose of allowing basic or primary industries which are generally not compatible with residential and/or commercial activity. Certain extremely obnoxious or hazardous uses will require special permission to locate in this district.

17.42.020 DISTRICT REGULATIONS: In the "I – 2" District, no building or land shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one (1) of the uses listed in 17.42.030 below.

17.42.030 USE REGULATIONS:

1. Animal hospitals or clinics.
2. Auto sales, and repair, service, and painting.
3. Bottling works.
4. Blacksmith shops.
5. Building materials, storage and sales.
6. Carpenter, cabinet, plumbing, heating, air conditioning, and sheet metal shops.
5. Collection and distribution of recyclable items.
8. Contractor's office and equipment storage yard.
9. Dog kennels.
10. Dry cleaning and/or laundry plants.

11. Feed and seed stores.
12. Frozen food lockers.
13. Grain elevators.
14. Greenhouses and nurseries, retail and wholesale.
15. Lumber yards.
16. Machinery sales and storage lots.
17. Manufactured home fabrication, sales and storage.
18. Manufacturing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust, fumes, gas, odor, or smoke.
19. Motor vehicle and farm implement sales and storage.
20. Poultry storage or slaughtering.
21. Public utility and public service uses.
22. Radiator repair shops.
23. Service stations.
24. Storage yards providing the storage yard is completely enclosed with a six (6) foot fence or wall.
25. Truck and rail terminals.
26. Upholstering shops.
27. Vehicle body repair, provided all repair operations are conducted in a closed building, and that all outside storage shall be enclosed by a six (6) foot solid fence.
28. Warehouses or storage houses.
29. Wholesale houses.
30. The following uses of land may be allowed in this district by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals.
 - a. Automobile wrecking yards, junk yards, and scrap processing yards subject to the following:

- (1) Located on a tract of land at least three hundred (300) feet from a residential district zone.
 - (2) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence, wall, or hedge. The fence, wall, or hedge shall be of uniform height [at least six (6) feet high] and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk, or other material within the yard.
 - (3) No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosing building, hedge, fence or wall, or within the public right-of-way.
 - (4) Burning of paper, trash, junk, or other waste materials shall be permitted only after approval of the Fire Department. Said burning, when permitted, shall be done during daylight hours only.
 - (5) No junk, salvage, scrap or other materials shall be piled or stacked higher than the top of the required fence or wall.
- b. Said use shall not be located on or visible from an arterial or major street or highway.
 - c. Manufacturing or storage of bulk oil, gas and explosives.
 - d. Oil and gas exploration, extraction and/or production.
 - e. Storage and warehousing of products of a highly explosive, combustible or volatile nature.
 - f. Mining, extraction of minerals, and cement manufacturing.
 - g. Wholesale and retail establishments which handle products of a highly explosive, combustible or volatile nature.
 - h. Petroleum refining.
 - i. Stockyard and slaughter houses.
 - j. Ready-mix concrete and asphalt mix plants.
 - k. Sanitary land fill.

- l. Storage, warehousing and sale of bulk fertilizers.
- m. Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or vibration.

17.42.040 INTENSITY OF USE REGULATIONS:

- 1. Lots in this district shall be subject to the following minimum size requirements unless served by a public water and sewer system:
 - a. Minimum lot area shall be ten thousand (10,000) square feet.
 - b. Minimum lot width shall be one hundred (100) feet.
- 2. A building, structure, or use allowed in this district may occupy all of the lot except for that area required for off-street parking and off-street loading and unloading and their access roads and as required for arterial and/or collector streets in CHAPTER 17.54.
- 3. In the case where the required off-street parking and/or loading and unloading will be provided within the building or structure, then the structure may cover the entire lot except as required for arterial and/or collector streets in CHAPTER 17.54.

17.42.050 HEIGHT REGULATIONS:

- 1. When a building or structure is within one hundred fifty (150) feet of a residential district zone, said building or structure shall not exceed forty-five (45) feet in height.
- 2. When a building or structure is more than one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed one hundred fifty (150) feet in height if not in conflict with airport approach zones.

17.42.060 YARD REGULATIONS:

- 1. Front Yard.
 - a. No front yard setback is required for existing uses. New structures shall provide a front yard having a depth of not less than thirty (30) feet measured from the front property line except as required for arterial and collector streets in CHAPTER 17.54.
 - b. Where a lot or lots have double frontage, the required front yard shall be provided on both streets.
 - c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot except the buildable width of such lot shall not be reduced to less than twenty-eight (28) feet except where necessary to provide a yard on the side street not less than five (5) feet in width.

- d. No accessory building shall project beyond the front yard line on either street.
- 2. Side Yard. There shall be a side yard on each side of a building and said side yard shall not be less than the average height of adjacent buildings. For the lot or tract, side yard requirements shall be fifteen (15) feet.
- 3. Rear Yard. There shall be a rear yard for buildings in this district, which rear yard shall have a depth of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is the smaller.

17.42.070 SIGN REGULATIONS: See CHAPTER 17.44.

17.42.080 PARKING AND LOADING REGULATIONS: See CHAPTER 17.46.

17.42.090. LANDSCAPING REGULATIONS: See CHAPTER 17.48.

17.42.100. TRAFFIC REGULATIONS: See CHAPTER 17.50.

CHAPTER 17.44
SIGN REGULATIONS

SECTIONS

17.44.010	General Requirements
17.44.020	Specific Requirements
17.44.030	Permits and Fees Required
17.44.040	Non-conforming Signs
17.44.050	Removal of Signs from Vacant Buildings

17.44.010 GENERAL REQUIREMENTS:

1. It shall be unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended, or attached any sign in violation of this Zoning Ordinance and this Article.
2. It shall be unlawful for any person or persons to fasten, paste, place, post, paint, or attach in any way any sign, handbill, poster, advertisement, or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamp post, telephone, telegraph, or electric light pole, tree, or bridge. It shall be unlawful to paste, place, paint, or attach any sign on any building, street, or property of the City; provided, however, that any property owner or the occupant of any property abutting on any public street in the City or County may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon, subject to approval by the Building Official.
3. Billboards are defined as signs advertising products or services other than those available on the premises and which have an area of three hundred (300) square feet or more per face. Billboards shall not be permitted under these sign regulations in any City Zones.

17.44.020 SPECIFIC REQUIREMENTS: Requirements for signs erected in the Humboldt Zoning Jurisdiction are as follows:

1. Advertising signs, other than billboards, which call attention to an activity or product located on a different tract from the sign. Advertising signs are permitted in the "A – L", "C – 1", "C – 2", "C – 3", "I – 1", and "I – 2" Districts only.

In the "A – L" District, an advertising sign shall be allowed by special use permit only when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose:

- a. The advertising sign shall not exceed fifty (50) square feet in area for a single- or double-faced sign; the bottom edge of the sign shall be at least three (3) feet above the average ground level; and the top edge not higher than ten (10) feet above the average ground level.
 - b. The advertising sign shall not be located closer than 500 feet from two or more intersecting roads. Not more than one (1) such sign shall be permitted on one road side within any one mile.
 - c. An applicant for a special use permit to erect an advertising sign shall submit to the Board a plot plan showing the location, size, and construction details of the proposed sign installation; a letter from the property owner indicating intent to lease said property together with a copy of terms of said lease. Such permit shall be issued for a period of five (5) years, and its renewal shall be subject to a review of the site and changed conditions within the surrounding area.
2. Business signs which call attention to an activity or product located on the tract upon which the sign is located are permitted in the "A-L", "C-S", "C-1", "C-2", "C-3", "I-1", and "I-2" Districts only, except as may be expressly permitted below.
 3. The gross surface area on one side of an advertising or business sign shall not exceed the following limitations:

District	Formula (square feet)	Maximum Area Possible
"A-L", "C-S", "C-1", "C-2"	No greater than three (3) times the lineal feet of frontage of the lot occupied by the building. Each side of the lot which abuts upon a street shall be considered a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three (3) times the lineal feet of the adjacent frontage	300 square feet per sign
"I-1", "I-2"	(same as above)	Not Applicable

In all districts, individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.

4. Advertising or business signs in the "C-3" district shall conform to the following:
 - a. Advertising signs shall have no more than two (2) display surfaces. Each such display surface shall:
 - (1) Not contain any flashing lights.

- (2) Be a flat plane, rectangular shape.
 - (3) Not exceed forty-nine (49) square feet in sign area if a wall sign, nor twenty-five (25) square feet if other than a wall sign.
 - (4) Not exceed seven (7) feet in height or seven (7) feet in length.
 - b. Advertising signs shall contain no photographs, silhouettes, drawings or pictorial representations of any kind.
 - c. Each letter forming a word on an advertising sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of an advertising sign shall be of a uniform and solid color.
5. Building signs are permitted in the “A – L”, “C – S”, “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts only, subject to the following:
- a. The building sign shall be affixed flat against the face of the building as opposed to perpendicular and/or double faced.
 - b. Building signs in the “C – 3” District shall conform to the following special requirements:
 - (1) Building signs shall have only one (1) display surface. Such display surface shall:
 - (a) Be a flat plane, rectangular in shape.
 - (b) Not exceed nine (9) square feet in sign area.
 - (c) Not exceed three (3) feet in height or three (3) feet in length.
 - (d) Be affixed or attached to any wall or door of the establishment.
 - (e) The provisions of SECTION 4, Subsections b. and c. above shall also apply to building signs in the “C – 3” District.
6. Marquee and canopy signs are permitted in the “C – 1” and “C – 2” Districts only. The sign must be mounted either on the front edge of the marquee or canopy, or suspended beneath (see “10” below). Signs suspended beneath a marquee or canopy shall not exceed eight (8) square feet in surface area and shall contain an announcement of the business name only. The lowest elevation shall always be no less than eight (8) feet above the sidewalk surface. The canopy or marquee shall be constructed and maintained in accordance with the Building Code of the City.

7. A maximum of two (2) business signs [only one (1) on a facade] shall be allowed for a business or profession conducted on the premises in the “I – 1”, and “I – 2” Districts. In the “C – 1” District, a maximum of four (4) business signs shall be allowed, except that an additional number of signs may be allowed in the “C – 1” District by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose.
8. All signs in the “C – S”, “I – 1”, and “I – 2” Districts shall be affixed to or be a part of the building if within fifty (50) feet of a residential district.
9. Except as provided in “6” above, no sign shall be permitted to overhang a road, street, or alley right-of-way, and no sign shall be located in a manner as to constitute a traffic hazard.
10. Any sign, other than one affixed flat against the face of a building, which is located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of the centerlines of two (2) or more streets, measured along the adjacent curb lines, shall have its lowest elevation at least ten (10) feet above curb level to avoid creation of line-of-sight or other traffic-related obstructions.
11. All lighted signs in direct vision of a traffic signal shall not be in red, green, or amber illumination.
12. Non-flashing, illuminated signs shall be permitted providing said sign shall not beam upon any street or any residential district, except as provided in “20” and “21” below. Clocks and/or thermometers installed for public convenience and information are exempt from this requirement.
13. Where a sign is illuminated by light directed upon it, the direct ray of light shall not beam upon any existing residential district, except as provided in “20” and “21” below, or into any street.
14. Flashing, moving, or animated signs in the “C – S” District are not permitted within five hundred (500) feet of a residential district or where the rays of light from the sign beam upon any part of any residential district. In the “C – S” District, no high intensity strobe or flashing lights shall be permitted to be used with any sign or separately.
15. In the “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts, only flashing, moving, or animated signs shall be permitted only upon approval of the City Building Inspector providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that direct rays of the sign will not be directed into any residential district.
16. Sandwich board signs are permitted in the “C – S”, “I – 1”, and “I – 2” Districts only, providing said sign is permanently affixed to the surface on which it rests.

17. Non-illuminated nameplates in the “A – L”, “R – S”, “R – 1”, “R – 2”, and “R – 3” Districts are allowed for the purpose of identifying the occupant or the address of the property, such sign not to exceed three (3) square feet.:
18. Non-illuminated single- or double-faced “For Sale” and “For Rent” signs in the “R – S”, “R – 1”, “R – 2”, and “R – 3” Districts are subject to the following regulations (except as provided in “20” and “21” below):
 - a. Only one (1) sign shall be permitted per lot.
 - b. No sign shall exceed four (4) square feet in area.
 - c. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching a street intersection.
 - d. When said sign is affixed to a building, it shall not project higher than ten (10) feet above the ground level.
 - e. Ground signs shall not project higher than four (4) feet above ground grade.
19. In the “A – L” District, only one (1) non-illuminated “For Sale”, “For Rent”, or single- or double-faced business sign shall be permitted per residential building lot. Accessory business signs shall not exceed fifty (50) square feet.
20. Bulletin boards and signs for churches and other public institutions are subject to the following regulations:
 - a. One (1) sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - b. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
 - c. No sign or bulletin board shall exceed twenty-four (24) square feet in area.
 - d. No sign shall be located closer than eight (8) feet from any side or rear property line.
 - e. A sign or bulletin board located in the front yard shall be no closer to the street line than one-half (1/2) the required front yard.
 - f. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.

- g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.
 - h. Buildings constructed on the property line prior to the adoption of this Ordinance shall be allowed one (1) identification sign providing said sign is a flat wall sign and permanently attached to the building.
21. Signage for manufactured home parks and multi-family developments must meet the following requirements:
- a. Only one (1) business sign per street frontage shall be permitted.
 - b. No business sign shall exceed forty (40) square feet in area for each face.
 - c. Any number of informational and directional signs shall be permitted and shall contain no advertising or solicitation.
 - d. All signs may be illuminated, either directly, indirectly, or internally, providing direct beams of light do not shine off the site or into any building on the site.
 - e. Ground signs shall not exceed ten (10) feet in height.
22. Temporary signs, whether illuminated or non-illuminated, are permitted in the “A – L”, “C – S”, “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts only (except as provided in “18” above).
- a. Only one (1) such sign shall be permitted per location.
 - b. Temporary signs shall not exceed forty-five (45) square feet of surface area.
 - c. No temporary sign, except on approval by the Governing Body, shall extend over or into any street, alley, sidewalk, or other public thoroughfare. It shall not obstruct any wall opening.
 - d. Every temporary sign shall be secured to prevent movement or overturning, in a manner approved by the building official.
 - e. All electrical cords to such signs shall be located so as not to expose them to physical damage. No such electrical cord shall be laid upon any sidewalk, driveway, or parking lot. All such wiring shall be subject to the electrical code of the City.
 - f. Temporary signs shall not exceed six (6) feet in height and shall be so located so as to avoid creation of line-of-sight or other traffic-related obstructions.
23. Private informational and directional signs shall contain no advertising or solicitation and are subject to the following provisions (except as provided in “21” above).

- a. Where a sign is illuminated by light directed upon it, the direct rays of light shall not beam upon any part of any residential district or into any street.
- b. Lighted signs in direct vision of traffic shall not be in red, green, or amber illumination.
- c. Flashing signs shall not be allowed.
- d. Only one sign shall be permitted per location.
- e. Signs shall not exceed thirty-two (32) square feet of surface area for each face.
- f. No private informational or directional sign, except on approval by the Governing Body, shall extend over or into any street, alley, or sidewalk or other public thoroughfare. It shall not obstruct any wall opening.
- g. Any sign, other than one affixed flat against the face of the building and located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets, measured along the adjacent curb line, shall have the lowest elevation at least ten (10) feet above the curb level to avoid line-of-sight or other traffic-related obstructions.

17.44.030 PERMITS AND FEES REQUIRED:

1. A permit shall be required for the erection, construction, or alteration of any sign in the Humboldt Zoning Jurisdiction.
2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided, and no signboard shall be erected or painted on any area until the application is acted upon and granted.
3. A charge in accordance with a schedule of fees determined by the Governing Body shall be made for each permit granted.
4. If a sign, for which a permit is granted, is not erected within sixty (60) days from date of the permit, the permit shall, unless renewed, become void.
5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over eight (8) square feet in area.
6. All signs shall be constructed, located, and placed in accordance with local ordinances and the laws of the State of Kansas.

7. Permits, except for permits for temporary signs, are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.
8. Permits for temporary signs shall be issued for up to 30 days plus one renewal for a total of 60 days maximum per year.

17.44.040 NON-CONFORMING SIGNS: All advertising signs, business signs, or bulletin boards not in accordance or in compliance with this Article which were in existence as of the date of adoption of this Ordinance, shall be exempt from this Article except that upon the change of ownership of any building or property having a non-conforming sign which was in existence prior to the adoption date, or upon remodeling or renovating of the exterior of any building to the extent of greater than fifty (50) percent, the non-conforming sign shall be brought into conformity with this Article and any other City, State, or Federal regulations.

17.44.050 REMOVAL OF SIGNS FROM VACANT BUILDINGS: Signs located on vacant buildings shall be removed by the property owner or his authorized agent within thirty (30) days after said premises are vacated.

CHAPTER 17.46

PARKING AND LOADING REGULATIONS

SECTIONS

- 17.46.010 Requirements**
- 17.46.020 Schedule of Minimum Off-street Parking and Loading Requirements**
- 17.46.030 Plans and Approval Required**
- 17.46.040 Construction Requirements**
- 17.46.050 Layout and Design Requirements**
- 17.46.060 Maintenance**
- 17.46.070 Performance**
- 17.46.080 Application**

17.46.010. REQUIREMENTS: Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, accessory off-street parking and/or loading spaces shall be provided as required by the following schedule.

**17.46.020
SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS**

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Adult Uses	2 space per two seats or seating spaces, or 1 space per 100 square feet of floor space, whichever is greater.	1 space per establishment
Bowling Centers	5 spaces per lane plus required spaces for other uses in association	1 space per establishment
Churches, Synagogues, & Temples	1 space per 4 seats in main unit of worship	None required
Drive-up Facilities: Bank Teller Windows, Fast Food pick-up, and similar facilities	60 feet of waiting space ahead of facility (1 space is 20 feet)	None required
Eating and Drinking Places	Parking spaces equal to 30% of capacity in persons	2 spaces per establishment
Education Uses, Adult Day Care and Day Care, and Primary Schools	Parking spaces equal to 20% of capacity in students or persons served	2 spaces per structure
Educational Uses, All Other	Parking spaces equal to 40% of capacity in students	2 spaces per structure
Funeral Homes and Chapels	8 spaces per reposing room	2 spaces per establishment

(continued from page 108)

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
	plus 1 space per 4 seats in chapel	
Home Occupations	2 spaces in addition to those required for the dwelling	None required
Hospitals	1 space per 2 beds plus 1 per each employee	3 spaces per structure
Hotels	1 space per rental unit	1 space per establishment
Indoor Recreation Centers: Fitness Clubs, Arcades, Skating Rinks, Bingo Parlors, and similar facilities	1 space per 125 square feet of gross floor area	1 space per establishment
Industrial Uses	1 space per 2 employees on largest shift	2 spaces per establishment
Libraries	1 space per 500 square feet of floor area	1 space per structure
Lodging & Boarding Houses	1 space per 2 rental units	None required
Medical Clinics	5 spaces per staff doctor or dentist	None required
Manufactured Home Park	2 spaces per dwelling unit	None required
Motels	1 space per rental unit	None required
Offices	1 space per 250 SF of gross floor area	None required
Private Clubs & Lodges	1 space per 200 square feet of floor area	1 space per establishment
Residential Structures (Multi-family)	2 spaces per dwelling unit	None required
Residential Structures (Single-Family)	2 spaces per dwelling unit	None required
Retail Sales Establishments	1 space per 200 square feet gross floor area	1 space per establishment
Roadside Stands	4 spaces per establishment	None required
Convalescent & Rest Home Services	1 space per 3 beds, plus 1 space per employee	1 space per establishment

(continued from page 106)

Structures and Uses	Minimum Off-Street Parking Regulations	Minimum Off-Street Loading Requirements
Service Establishments	1 space per 200 square feet gross floor area	1 space per establishment
Theaters, Auditoriums, & Places of Assembly	1 space per 4 people in designed capacity	1 space per establishment
Veterinary Establishments	3 spaces per staff doctor	None required
Wholesaling and Distribution Operations	1 space per 2 employees	2 spaces per establishment

1. Off-street parking lots for single- or multiple-family dwellings, home occupations, schools, churches and similar places of public assembly, hospitals, nursing homes, boarding and lodging houses, dormitories, or fraternity or sorority houses shall not be located in any required front yard area.
2. Off-street parking spaces for uses required in the, “C – 3”, “I – 1”, and “I – 2” Districts shall be located in back of the required front yard line and shall be on the same lot as the building they serve.
3. Exterior Storage:
 - a. All-weather, dust-free surfacing of areas for exterior storage of business vehicles, equipment, and materials is not required.
 - b. Exterior storage of business vehicles, equipment, and materials shall not occur upon required off-street parking.

17.46.030 PLANS AND APPROVAL REQUIRED:

1. For all uses other than single-family residential structures, plans showing layout and design of all off-street parking areas shall be submitted to and approved by the Code Enforcement Officer prior to issuing a building permit. Additionally, provisions for storm water drainage into an established drainage ditch or covered storm sewer system on public right-of-way shall be required for all parking lots more than two thousand (2,000) square feet in area. Such provisions shall be consistent with and in consideration of the City’s overall storm drainage system and future plans. Before approving any parking layout, the Code Enforcement Officer shall satisfy himself that parking spaces provided and storm drainage design is usable and meets standard design criteria of the City.

2. In the case of multiple uses associated with a site, the Code Enforcement Officer may calculate the parking requirement as the accumulative requirement of the separate uses unless it is determined that the uses generate overlapping parking demand.

17.46.040 CONSTRUCTION REQUIREMENTS:

1. Parking lots for other than single-family dwellings that are two thousand (2,000) square feet in area or smaller may be constructed of gravel to a depth of four (4) inches as a minimum standard.
2. Parking lots for other than single-family dwellings that are larger than two thousand (2,000) square feet in area shall be all-weather, dust-free and constructed of the following materials or combinations thereof:
 - a. Concrete.
 - b. Asphalt and /or asphalt milling
 - c. Prime and seal over aggregate base
 - d. Non-dusting crushed rock or gravel.

17.46.050 LAYOUT AND DESIGN REQUIREMENTS:

1. Area: A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, and columns.
2. Access: Each required 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.
3. Design: Off-street parking spaces shall comply with the design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as contained in the Off-Street Parking Standards of this Article.
4. Surfacing: All open off-street parking and loading areas shall be graded and paved or otherwise improved with an approved concrete, asphalt, or other dust-free surface.
5. Lighting: Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.

17.46.060 MAINTENANCE: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities. All parking lot surfaces shall be maintained with a smooth, dust-free surface.

17.46.070 PERFORMANCE: In lieu of construction of the required parking lot, the Governing Body of the City may accept a corporate surety bond, cashier's check, escrow account, or other security of a type and in an amount approved by the Governing Body. Such security shall be conditioned upon the actual completion of such work or improvement within the specified time, and shall be enforceable by the Governing Body by all equitable means.

17.46.080 APPLICATION: This Article shall not apply to uses existing as of the date of adoption of this Ordinance.

CHAPTER 17.48

LANDSCAPING REQUIREMENTS

SECTIONS

17.48.010 Minimum Landscape Requirements

17.48.010 MINIMUM LANDSCAPE REQUIREMENTS: All property within the zoning jurisdiction of the City of Humboldt shall hereinafter be subject to the following minimum requirements:

1. The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all storm water and shall be free of hazards, nuisances, or unsanitary conditions.
2. Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.
3. No vegetation shall overhang a public street or sidewalk below a height of ten (10) feet or obstruct views of pedestrian and vehicular movements.
4. Where districts "PUD", "M - P", "C - S", "C - 2", "I - 1", and "I - 2" adjoin "R - S", "R - 1", "R - 2", and "R - 3" Districts, they shall be appropriately separated by a landscaped area of at least fifteen (15) feet wide or a decorative architectural screen of at least six (6) feet high. Additionally, these requirements shall apply where districts "C - S", "C - 2", "I - 1", and "I - 2" Districts adjoin the "M - P" and "PUD" Districts. A landscaped area and decorative architectural screen shall not be required where these uses are separated by a public street or alley.
5. Parking areas abutting public walkways or streets shall be appropriately separated by a landscaped area or a decorative architectural screen. The landscaped area or architectural screen shall not exceed three (3) feet in height.

CHAPTER 17.50

TRAFFIC REGULATIONS

SECTIONS

17.50.010 Minimum Requirements for Traffic Regulations

17.50.010 MINIMUM REQUIREMENTS FOR TRAFFIC REGULATIONS: All business properties hereinafter improved shall include provision for vehicular access in accordance with the following:

1. Plans for the erection or structural alteration of any business use dependent on vehicles entering onto the business site or parking lot shall be approved by the Code Enforcement Officer, who may require such changes therein in relation to yards, location of curb cuts, width of drives, location of signs and accessory uses, and buildings and construction of buildings as it may deem best suited to insure safety, to minimize traffic difficulties, and to safeguard adjacent properties.

CHAPTER 17.52

BUILDINGS AND USES AFFECTED

SECTIONS

- 17.52.010 **Minimum Building Requirements**
- 17.52.020 **Building and Structures Moved In**
- 17.52.030 **Elevation**

17.52.010 MINIMUM BUILDING REQUIREMENTS: No building or structure shall be erected, enlarged, reconstructed, or moved into the zoning jurisdiction with less than the following:

1. *Dwelling Units:*

- a. All dwelling units shall provide a minimum floor area, exclusive of porches, breezeways, and garages, as follows:

<u>TYPE OF DWELLING UNIT</u>	<u>MINIMUM AREA</u>
Single-Family	600 square feet
Two-Family	600 square feet per unit
Multiple-Family	480 square feet per unit

- b. Every dwelling unit shall be provided with at least one (1) water closet, which water closet shall be located within the dwelling and in a room which affords privacy.
- c. Every dwelling unit shall contain a kitchen sink which is connected to running water and an approved sewer system.
- d. Every dwelling unit shall be enclosed with an exterior wall surface, other than tar paper or corrugated metal.
- e. No basement or cellar shall be occupied for residential purposes until the main portion, aboveground, is completed.

2. *Bed and Breakfast Inns:*

- a. All units shall be served with an approved public water supply and an approved public sanitary sewer system.

3. *Motels:*
 - a. The number of motel units permitted on a tract of land shall not exceed the number obtained by dividing the total square feet of area of the site by one thousand five hundred (1,500).
 - b. Motels shall be served with an approved public water supply and approved public sanitary sewer system.
 - c. Each motel unit shall contain not less than two hundred (200) square feet of floor area.
4. *Tents:* No tent, except play tents for children, shall be used for any purpose except those authorized by the Governing Body.

17.52.020 BUILDINGS AND STRUCTURES MOVED IN: Buildings and structures may be moved into various districts providing:

1. The proposed use conforms with the district zoning regulations of the district into which it is to be moved.
2. The building or structure meets building, fire, safety, and health regulations.
3. The Board of Zoning Appeals finds that the building or structure will not devalue properties in the area where the structure is proposed to be moved.

17.52.030 ELEVATION: Unless otherwise directed by the Code Enforcement Officer and/or the City Building Inspector, the first floor elevation of a building or group of buildings shall be at least eighteen (18) inches above the grade of the center of the street or roadway.

CHAPTER 17.54

ADDITIONAL HEIGHT, AREA, AND USE REGULATIONS

17.54.010	Qualifications and Supplementations to District Regulations
17.54.020	Fences
17.54.030	Building Setback Line
17.54.040	Lots of Record
17.54.050	Canopy and Marquee
17.54.060	Temporary Uses Permitted
17.54.070	Wind Energy Conversion Systems (WECS)
17.54.080	Joint Driveways and Garages
17.54.090	Protection of Sewer and Other Utility Lines
17.54.100	Mining and Extraction of Minerals
17.54.110	Vacated Streets and Alleys
17.54.120	Sanitary Sewerage Requirements
17.54.130	Wireless Communications Towers
17.54.140	Inoperable or Unlicensed Vehicles

17.54.010 QUALIFICATIONS AND SUPPLEMENTATIONS TO DISTRICT REGULATIONS: The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

1. In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one (1) foot of additional height will be permitted for each one (1) foot of additional building setback provided.
2. Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers, or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed one hundred fifty (150) feet.
3. Accessory buildings may be built in a side or rear yard but such accessory buildings shall not be nearer than the main building to any side lot line. When any accessory building is constructed in a rear yard, it shall not encroach on any required utility easements and shall not be located any closer to the rear or side lot lines of the property than three (3) feet, except that where vehicular access to a garage is perpendicular to the alley line, a setback of at least ten (10) feet from the alley line shall be required. No accessory building shall cover more than 30 percent of the required rear yard.

4. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
5. The setback line for yard requirements shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the building.
6. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Code Enforcement Officer and/or the City Building Inspector for a distance of not more than three-and-one-half (3-1/2) feet provided the same are so placed as not to obstruct light and ventilation.
7. For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.
8. Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.
9. No side yards are required where dwelling units are erected above commercial structures, and front, side, and rear yard requirements shall not apply to the interior walls of dwelling units established under the Kansas Apartment Ownership Act or under the Kansas Townhouse Ownership Act.
10. Whenever the number of employees is restricted in connection with any use in the commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or off-site similar activities.
11. Electronic communications towers shall be permitted in any commercial, industrial, or agricultural district providing the height of said towers do not conflict with any airport approach or landing zone or with any other ordinance, and providing that towers within one hundred fifty (150) feet of a residential district shall not exceed eighty (80) feet in height. (Also see SECTION 17.54.130, Wireless Communications Towers.)
12. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two-and-one-half (2-1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines ninety (90) feet from the point of the centerline intersection.
13. In any district, more than one structure housing a permitted or permissible principal use may be erected on a zoning lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

14. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
15. Privately owned swimming pools shall be enclosed as appropriate to assure privacy and safety.
16. Major recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, camping buses or converted trucks, and tent trailers shall not be stored in a residential district except within an enclosed building, or behind the front yard setback line.
 - a. On a corner lot such equipment shall be kept back of the front yard setback lines on both street sides.
 - b. Such recreational equipment shall be utilized only for temporary living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use.
17. Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the requirements of the Subdivision Regulations, and to the following:
 - a. An application for such unit conversion shall be filed for review and comment by City staff and the Planning Commission and approval by the Governing Body. Such application shall be accompanied by the following information as a minimum:
 - (1) A plot plan showing site and structure arrangements and proposed re-platting.
 - (2) A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
 - (3) A description of proposed structural and utility alterations to provide for individual services and maintenance.
 - (4) A description of proposed public access patterns, both vehicular and pedestrian.
 - (5) A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development.

- (6) Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.
- b. The applicant for unit conversion shall submit with his application a consent agreement signed by seventy-five (75) percent of all owners of property within two hundred (200) feet of the premises whereon the unit conversion is proposed.
- c. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.
- d. The Planning Commission and Governing Body shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utilities would require entry into an individually-owned dwelling unit.
- e. All conversions of two-family or multiple-family structures to individually-owned, single-family dwelling units are subject to all applicable City codes, including building permit application and inspection procedures.
- f. The above procedures and regulations are applicable even where the conversion does not require new construction.
- g. After reviewing a conversion application for compliance with all applicable City codes, the Building Official/Code Enforcement Officer shall report to the Planning Commission and Governing Body all details of non-compliance with City codes.

17.54.020. FENCES: Except as otherwise specifically provided in other codes, ordinances, or resolutions, the following regulations shall apply to the construction of fences:

1. No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected, except that fences installed upon public or parochial school grounds or in public parks and public playgrounds may be permitted by special use permit approved by the Board of Zoning Appeals without any front yard setback limitation, providing the fence does not encroach on any required utility easements or cause any vision impairment for vehicles.
2. No fence shall be constructed which will constitute a traffic hazard and no permit shall be granted for the construction of a fence unless the Code Enforcement Officer and/ or the City Building Inspector has certified that the proposed fence will not constitute a traffic hazard.

3. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.
4. No person shall erect or maintain any fence which will materially damage the adjacent property by obstructing the view, shutting out the sunlight, or hindering ventilation, or any fence which shall adversely affect the public health, safety, and welfare.
5. No fence, except fences erected upon public or parochial school grounds or in public parks and in public playgrounds, shall be constructed of a height greater than six (6) feet; provided, however, that the Board of Zoning Appeals may, by exception, authorize the construction of a fence higher than six (6) feet if the Board finds the public welfare is preserved.
6. All fences shall conform to the construction standards of the building code and other applicable ordinances and resolutions.
7. Fences shall be exempt from the provisions of SECTION 17.54.030 of this Article; however, the City retains the right to remove any fence for right-of-way purposes.

17.54.030 BUILDING SETBACK LINES: Building setback lines are hereby established for all arterial and collector streets, as shown on the adopted Major Street Plan in the Humboldt Comprehensive Plan. The setback lines, as established in this section, shall be held to the minimum for the purpose of promoting the public health, safety, morals, order, convenience and economy in the process of development and shall conform with the following requirements:

1. *Arterial Streets:* No building or structure which fronts or sides on an arterial street shall be located nearer to the centerline of the arterial street than the sum of the required front yard (in feet) plus fifty (50) feet, except as provided in SECTION 2 of this Article.
2. *Collector Streets:* No building or structure which fronts or sides on a collector street shall be located nearer to the centerline of the collector street than the sum of the required front yard (in feet) plus forty (40) feet, except as provided in SECTION 17.54.020 of this Article.

17.54.040. LOTS OF RECORD: A lot or group of lots, which were platted and recorded in the office of the Register of Deeds prior to the effective date of this Ordinance, may be used for any purpose permitted in the district in which it is located; provided, however, that no residential building permit shall be issued for construction of a residential structure that does not conform with the minimum yard and height requirements unless specifically authorized by the Board of Zoning Appeals.

17.54.050. CANOPY AND MARQUEE: A canopy, marquee, or balcony may be permitted to “overhang a public way” in Districts “C – 1” and “C – 2” providing:

1. The canopy, marquee, or balcony is constructed and maintained in accordance with the City Building Code and other applicable codes, ordinances, and resolutions.

2. No portion of the canopy, marquee, or balcony, including supports, shall be less than eight (8) feet above the level of the sidewalk or other public way except as required by SECTION 1, Item 12 above.
3. The canopy, marquee, or balcony shall not extend beyond a point two (2) feet inside the curb line of a public street.

17.54.060 TEMPORARY USES PERMITTED:

1. Christmas Tree Sales: Christmas tree sales in any 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 trees shall be displayed which would obstruct intersection sight distance requirements.
2. Contractor's Office: Contractor's office and equipment sheds (containing no sleeping or cooking accommodations) accessory to a construction project and to continue only during the duration of such project.
3. Real Estate Offices: Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new housing development to continue only until the sale or lease of all dwelling units in the development.
4. Carnivals and Circuses: A carnival or circus, but only in a C-1, C-2, I-1 or I-2 District, and then only for a period that does not exceed one (1) week. Such use need not comply with the front yard requirements, provided that structures or equipment which might block the view of operators of motor vehicles on the public streets shall conform to the requirements for the street intersection sight distance as defined by these regulations.
5. Seasonal sales events and festivals: Seasonal sales events and festivals in any district subject to any special requirements of the Governing Body.
6. Other special temporary uses as may be permitted by the Governing Body and under such conditions as they may require.

17.54.070 WIND ENERGY CONVERSION SYSTEMS (WECS): Wind energy conversion systems (WECS) may be permitted by Special Use Permit subject to the following requirements:

1. To limit climbing access to WECS tower, or other support structure, a six (6) foot high fence with locking portal shall be place around the WECS support or if a tower is utilized, the tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground or the WECS support may be mounted on a rooftop.

2. The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth in the electric utility's current service regulations applicable to WECS .
3. No part of the wind system structure, including guy wire anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site. Set backs for the system tower shall be no farther from the property line than the height of the system, provided that it also complies with any applicable fire setback requirements.
4. All WECS shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.
5. The WECS shall not cause interference to microwave communications or radio and television reception in the area. The WECS shall not exceed 60 DBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
6. No portion of the residential WECS shall extend within twenty (20) feet of the ground. No blades may extend over parking areas, driveways, or sidewalks.
7. The WECS must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
8. WECS shall not exceed the maximum height restriction in the zone where it is located by more than thirty (30) feet. The height of the WECS shall be measured at the center of the blade diameter.
9. WECS must be approved under a program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified residential wind turbines must submit a description of the safety features of the turbine prepared by a registered mechanical engineer.
10. Special Use Permit Applications for WECS shall be accompanied by standard drawing of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the International Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer.
11. Special Use Permit Applications for WECS shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the International Electrical Code. This information is frequently supplied by the manufacturer.
12. A plot plan shall be submitted with the application for building permit showing the proposed location and height of the WECS, fencing and all existing buildings within two hundred (200) feet of the exterior lot lines.

17.54.080 JOINT DRIVEWAYS AND GARAGES: Where joint driveways and joint garages were in existence prior to the passage of this ordinance, it shall be permissible to repair, reconstruct or enlarge joint garages and it is not necessary to conform to the provisions governing internal lot lines.

17.54.090 PROTECTION OF SEWER AND OTHER UTILITY LINES: No building or addition thereto shall be erected over or across any public sewer or utility line, nor upon any platted or recorded easement, unless permission is granted in writing by the respective party whose lines are involved.

17.54.100 MINING AND EXTRACTION OF MINERALS: In districts where mineral extraction is a permitted use, the following shall apply:

1. In the case of open excavation, there will be required a substantial fence with suitable gates completely enclosing the portion of the property in which the excavation is located, and such fence shall be located fifty(50) feet or more distance from the edge of such excavation.
2. The slope of the material in such sand, gravel or other pit shall not exceed the normal angle of repose of such materials, and the plane of such angle of repose shall not come nearer than fifty (50) feet to any property lines.
3. In the case of a quarry or other excavation in rock, there will be required a substantial fence, with suitable gates at all points a distance of fifty (50) feet or more from the face of any quarry walls.
4. Rock crushers, cement plants or other crushing, grinding, polishing, or cutting machinery or other physical or chemical process for treating the product of such quarry may be permitted subject to environmental requirements.
5. No such quarry shall be nearer than fifty(50) feet to any property boundary line, street or highway right-of-way line.

17.54.110 VACATED STREETS AND ALLEYS: Whenever any street, alley or other public right-of-way is vacated by official action of the Governing Body, any zoning districts adjoining each side of any such vacated street, alley or public-way shall be automatically extended to the center of such vacated street or alley and all area included in such adjusted boundary shall then and thenceforth be subject to all regulations of the extended districts.

17.54.120 SANITARY SEWERAGE REQUIREMENTS: All new construction of residential units, relocation of residential units, manufactured housing and all other buildings which would generate sewage, shall be connected to a public sewer system where available, or provided with a private system meeting the following requirements.

1. All percolation rates shall be based on the standard test procedures and shall be the responsibility of the person applying for a permit.

Septic Tanks constructed of concrete, metal, concrete blocks or other material of similar nature, size of which shall be:

Two bedroom home	1000 gallons minimum
Three bedroom home	1250 gallons minimum
Four bedroom home	1500 gallons minimum

3. All waste water must run through septic tanks including laundry, kitchen, lavatory, etc.
4. Individual laterals shall not be less than 90 feet or more than 100 feet in length. There shall be a separation of six (6) feet between laterals.
5. Trench bottom and tile lines shall have a fall of 2 to 4 inches per 100 feet and shall be 10 inches in depth.
6. Lateral lines shall be constructed for continual flow, or if desired, use of absorption fields will be accepted.
7. Absorption field not less than 6 feet long, 4 feet wide, and not more than 6 feet deep, shall be available at the end of each lateral line. The last tile must lie in the absorption field with high rock below and above the tile with building or tar paper over the grade, and back fill of earth over paper, with an overfill of four to six inches for settlement.
8. Owner is required to provide a sketch with percolation times to the County Health Department for evaluation and recommendations, prior to receiving a permit for construction of an individual sewage system.

17.54.130 WIRELESS COMMUNICATIONS TOWERS: Wireless communication and other telecommunications towers may be permitted subject to the following requirements:

1. The minimum distance from any lot or property line to any tower, pole or other support structure shall be the total maximum height of the tower, pole or other support structure plus attached antennas.
2. Anchors, guy wires and other accessory structures may not be located in any required yard.
3. The tower, pole or other support structure shall not exceed the maximum height restriction in the zone where it is located by more than thirty (30) feet, unless technical data indicating a greater requirement for adequate reception is provided.
4. Unauthorized access to the tower, pole or other support structure, including anchors and guy wires, shall be limited by provision of an immediately surrounding six (6) foot high fence with locking portal. Tower climbing apparatus shall be limited to no lower than twelve (12) feet from the ground.

5. Telecommunications towers shall be located in compliance with the guidelines of the Federal Aviation Regulations with regard to airport approach and clearance around VOR and DVOR Stations.
6. The tower or other support structure shall be designed to permit addition of antenna array for at least two additional service providers so as to limit the number of permitted structures in the zoning jurisdiction.
7. Information certifying safety and structural integrity of the tower and other support structures shall be certified by a licensed engineer and filed with the permit application.
8. When located within one thousand (1,000) feet of a residential district, the tract shall be appropriately landscaped to produce a visually pleasing appearance.
9. An application for a permit to site a wireless telecommunications facility shall be accompanied by the following:
 - a. A site development plan, including landscape provisions and topographic information.
 - b. A technical description of the tower and the reasons for its design and location.
 - c. An explanation of need for a separate tower as opposed to an existing facility.
 - d. Information establishing structural integrity and capacity for additional antenna array.
 - e. Proof of ownership or authorization to use the proposed site.
 - f. Copies of any necessary easements.
 - g. A Certificate of liability insurance.
 - h. An affidavit certifying that the space on the proposed tower will be made available to future users when technically feasible.
10. The applicant shall also provide such other additional support information as may be determined by the City.

CHAPTER 17.56

NON-CONFORMING USES

SECTIONS

17.56.010 Non-Conforming Uses Which May Be Continued

17.56.020 Non-Conforming Uses Which May Not Be Continued

17.56.010 NON-CONFORMING USES WHICH MAY BE CONTINUED:

1. The following lawful non-conforming uses of land may be continued:
 - a. A use of land which existed prior to the effective date of this Zoning Ordinance.
 - b. A use of land existing at the time of the annexation.
 - c. A use of land existing at the time an amendment is made to the Zoning Ordinance which changes such land to a more restricted district or extends the jurisdiction of the Zoning Ordinance to the land use.
2. The lawful use of a building located upon any land, except as provided in SECTION 2 below, may be continued although such use does not conform with the provisions of this Zoning Ordinance, and such use may be continued throughout the building if no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made in such building, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted use classification. The foregoing provisions shall also apply to any uses of buildings which may be made non-conforming by any subsequent amendment or change of this Zoning Ordinance.
3. 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 non-conforming use.
4. 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 who declares such structure to be unsafe and orders its restoration to a safe condition.

17.56.020 NON-CONFORMING USES WHICH MAY NOT BE CONTINUED:

1. When a non-conforming use is discontinued or abandoned, for a period of six (6) consecutive months, such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which the land is located.

2. No use which is accessory to a principal non-conforming use shall continue after such principal use shall cease or terminate.
3. No non-conforming structure 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.
4. Whenever a non-conforming use of building has been changed to a more conforming use, such use shall not thereafter be changed to a less conforming use.
5. A non-conforming building which has been damaged to the extent of more than fifty (50) percent of its fair market value by fire, explosion, act of God, or the public enemy shall not be restored, except in accordance with all zoning regulations of the zoning district. In the event a question may arise on the fair market value of such a building, the same shall be determined by three (3) appraisers one (1) shall be selected by the Governing Body, one (1) shall be selected by the owner of the building, and the third appraiser shall be selected by the two selected appraisers. If the first two appraisers selected cannot agree on the selection of the third such appraiser, the Judge of the appropriate court shall be requested to appoint the third appraiser. The decision of the appraisers, or a majority of them, shall be final and conclusive and shall be binding upon all concerned to the purpose of determining whether the damaged property may be restored. The cost of such appraisal shall be paid by the property owner.

CHAPTER 17.58

ENFORCEMENT, VIOLATION, AND PENALTY

SECTIONS

17.58.010	Enforcement
17.58.020	Certificate of Zoning Compliance
17.58.030	Plans
17.58.040	Violation and Penalty

17.58.010 ENFORCEMENT: The City Code Enforcement Officer shall administer and enforce this Zoning Ordinance. Appeals from the decision of the City Code Enforcement Officer may be made to the Board of Zoning Appeals.

17.58.020. CERTIFICATE OF ZONING COMPLIANCE:

1. Subsequent to the effective date of this Zoning Ordinance, no change in the use or occupancy of land nor any change in the use or occupancy of an existing building shall be made, nor shall any new building be occupied, until a certificate of zoning compliance has been issued by the City Code Enforcement Officer. The certificate of zoning compliance shall state that the land and/or building complies with the provisions of this Zoning Ordinance.
2. No excavation, erection, or alteration of any building shall be permitted before an application has been made and approved for a building permit, and no building or premises shall be occupied until a certificate of zoning compliance is issued.
3. A record of all certificates of zoning compliance shall be kept on file in the office of the City Code Enforcement Officer and copies shall be furnished for two (2) dollars on request by any person having an interest in the land or building affected.

17.58.030 PLANS: Each application for a building permit shall be accompanied by a plan in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Zoning Ordinance. A record of applications and plans shall be kept in the office of the City Code Enforcement Officer.

17.58.040. VIOLATION AND PENALTY:

1. The owner or agent of a building or premises in or upon which a violation of any provision of this Ordinance has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which 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 or premises in or upon which a violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (500) dollars, or by imprisonment for not more than six (6) months for each offense, or by both such fine and imprisonment. Each and every day that such violation continues shall constitute a separate offense.

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

CHAPTER 17.60

BOARD OF ZONING APPEALS

SECTIONS

17.60.010	Board of Zoning Appeals Established
17.60.020	Election of Officers
17.60.030	Rules of Procedure
17.60.040	Meetings
17.60.050	Records
17.60.060	Filing Fee
17.60.070	Public Hearing and Notice
17.60.080	Powers and Jurisdictions
17.60.090	Procedure
17.60.100	Variances to this Zoning Ordinance
17.60.110	Exceptions to this Zoning Ordinance
17.60.120	Performance

17.60.010 BOARD OF ZONING APPEALS ESTABLISHED: A Board of Zoning Appeals is hereby established. Such Board shall consist of not less than three (3) nor more than seven (7) members who shall be appointed by the Mayor, by and with the consent of the City Governing Body. All members of the Board so appointed shall be residents of the City; provided, however, that if the City shall administer zoning regulations outside the City limits, one member of the board shall be a resident of the zoning jurisdiction outside the city limits. The members first appointed shall serve respectively for terms of one (1), two (2), and three (3) years, divided equally or as nearly equal as possible, among the members. Thereafter, members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. All members of said Board shall serve without compensation. One member may be a member of the Planning Commission. As provided by K.S.A. 12-759, the Humboldt Planning Commission has been designated to act as the Board of Zoning Appeals.

17.60.020. ELECTION OF OFFICERS: The Board shall annually elect one (1) of its members as chairman and shall appoint a secretary who may be an officer or an employee of the City.

17.60.030 RULES OF PROCEDURE: The Board shall adopt bylaws and rules of procedure for the conduct of business.

17.60.040 MEETINGS: Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

17.60.050 RECORDS: The Board shall keep minutes of its proceedings showing evidence presented, findings of fact by the Board, decisions of the Board, and voting upon each question. Records of all official actions of the Board shall be filed in its office and shall be a public record.

17.60.060 FILING FEE: For the purpose of wholly or partially defraying the cost of the proceedings prescribed herein, including publication costs, the applicant, upon filing an appeal, shall pay to the City Clerk a fee in the amount as determined by a schedule of fees maintained by the Governing Body. Promptly upon filing the appeal and required filing fee, the City Clerk shall refer said appeal to the secretary of the Board of Zoning Appeals.

17.60.070 PUBLIC HEARING AND NOTICE: The Board of Zoning Appeals shall fix a reasonable time for hearing of an appeal or other matter referred to it. Notice of the time, place, and subject of such hearing shall be published once in the official newspaper at least twenty (20) days prior to the date fixed for hearing. A copy of said notice shall be mailed to each party to the appeal and to the Planning Commission.

17.60.080. POWERS AND JURISDICTIONS: The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the Zoning Ordinance. The Board shall have the following specific powers:

1. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance.
2. To interpret the provisions of the Zoning Ordinance in such a way as to carry out the intent and purposes of the adopted comprehensive plan, and to correct the several districts accompanying and made a part of this Ordinance where the actual street layout varies from the street layout as shown on the zoning district map.
3. To authorize, in specific cases, a variance from the specific terms of the regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.

The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty.

4. To grant exceptions to the provisions of the zoning regulations in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulations. In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulations. Further, under no conditions shall the board of zoning appeals have the power to grant an exception when conditions of this exception, as established in the zoning regulations by the Governing Body, are not found to be present.

17.60.090 **PROCEDURE:**

1. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the City or County, or any governmental agency or body affected by any decision of the official administering the provisions of this Zoning Ordinance.
2. Appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and payment of the required filing fee.
3. Appeals and requests to the Board for variances and exceptions to this Zoning Ordinance shall be prepared and submitted on forms approved by the Board.
4. After filing the required appeal or request and payment of the required fee, the Board of Zoning Appeals shall advertise and hold a public hearing as provided in 17.60.070 above.
5. Notice of the decision of the Board of Zoning Appeals shall be in writing and transmitted to the appellant. A copy of such decision shall also be transmitted to the City Building Inspector for filing and action, if action is required.
6. Any person, official or governing agency dissatisfied with any order or determination of said Board may bring an action in the District Court of the County, to determine the reasonableness of any such order or determination.

17.60.100. **VARIANCES TO THIS ZONING ORDINANCE:**

1. The Board may authorize, in specific cases, a variance from the specific terms of this Zoning Ordinance which will not be contrary to the public interest and where, because of special conditions, a literal enforcement of the provisions of the Zoning Ordinance will, in an individual case, result in unnecessary hardship, providing that the spirit of the Zoning Ordinance is observed, public safety and welfare are secured, and substantial justice is done. Such variance shall not permit any use not permitted by this Zoning Ordinance.

The following requirements must be met before the Board may grant a variance:

- a. The applicant must show that his property was acquired in good faith.
- b. The request for a variance must arise from a condition which is unique to the property in question, is not ordinarily found in the same zone or district, and is not created by an action or actions of the property owner or applicant.
- c. The granting of a variance shall not adversely affect the rights of adjacent property owners or residents.
- d. The strict application of this Zoning Ordinance will cause unnecessary hardship upon the property owner represented in the application.

- e. The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
 - f. The granting of a variance will not violate the spirit and intent of this Zoning Ordinance.
2. Variances from yard regulations may not be more than one-half (1/2) the required yard and shall not encroach upon the required setback for adjacent buildings.
 3. In exercising the above powers, the Board may reverse or affirm wholly or partly, or may modify, the order, requirement, decision, or determination appealed from the City Building Inspector. The Board may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the same powers as the City Building Inspector from whom the appeal is taken. If the Board approves the variance, they shall notify the City Building Inspector of their decision and shall instruct him to issue a permit. A time limit may be specified as a condition for granting the appeal.
 4. Every variation granted or denied by the Board shall be accompanied by the written finding of fact, based on testimony and evidence, and specifying the reason for granting or denying the variance, a copy of which shall be filed in the office of the City Clerk to be available for public inspection.

17.60.110 EXCEPTIONS TO THIS ZONING ORDINANCE:

1. Exceptions to this Zoning Ordinance, as authorized by the district regulations, shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law. All special use permits shall be subject to the following requirements.
2. Prior to review of the request of an exception by the Board of Zoning Appeals, the applicant shall:
 - a. File an application on forms provided.
 - b. File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he has the lawful right to receive a conveyance thereof if the application is granted.
 - c. File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. Said restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

3. A site plan shall be filed with the application showing:
 - a. Legal dimension of the tract to be used.
 - b. Location of all proposed improvements including curb-cut access, off-street parking, and other such facilities as the applicant proposes to install.
 - c. Grade elevations.
 - d. Building setback from all property lines.
 - e. Front, side, and rear elevations of all improvements to be erected.
 - f. Perspective drawings of the proposed improvements, in such detail as will clearly show the finished appearance of the improvements proposed.
 - g. Location and type of planting, screening, or walls.
 - h. Such other items as the Board shall deem necessary to process the application properly.

4. In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan, and the health, safety, morals, comfort, and general welfare of the public, including, but not limited to, the following factors:
 - a. The stability and integrity of the various zoning districts.
 - b. Conservation of property values.
 - c. Protection against fire and casualties.
 - d. Observation of general police regulations.
 - e. Prevention of traffic congestion.
 - f. Promotion of traffic safety and the orderly parking of motor vehicles.
 - g. Promotion of the safety of individuals and property.
 - h. Provision for adequate light and air.
 - i. Prevention of overcrowding and excessive intensity of land uses.
 - j. Provision for public utilities and schools.
 - k. Invasion by inappropriate uses.

- l. Value, type, and character of existing or authorized improvements and land uses.
- m. Encouragement of improvements and land uses in keeping with overall planning.
- n. Provision for orderly and proper urban renewal, development, and growth.

17.60.120 PERFORMANCE:

1. In making any decision varying or modifying any provisions of this Zoning Ordinance or in granting an exception to the district regulations, the Board of Zoning Appeals shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property.
2. In lieu of actual construction of an approved off-street parking lot, the Board of Appeals 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 City and conditioned upon actual completion of such improvement within a specified time, and the Governing Body may enforce such bond by all equitable means. Bonds or other security shall be filed with the City Clerk.

CHAPTER 17.62

AMENDMENTS

SECTIONS

17.62.010	Amendments
17.62.020	Applications
17.62.030	Filing Fee
17.62.040	Public Hearing and Notice
17.62.050	Zoning Classifications of Lesser Change
17.62.060	Protest

17.62.010 AMENDMENTS: The Governing Body may, from time-to-time, amend, supplement, or change the district boundaries or regulations contained in this Zoning Ordinance. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning Commission or upon application of the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for Public Hearing, recommendation and report. The Planning Commission shall hold a public hearing thereon and shall cause an accurate, written summary to be made of the proceedings.

17.62.020 APPLICATIONS:

1. Any party desiring any change in zoning district boundaries or regulations contained in this Zoning Ordinance, as to any lot, tract, or area of land, shall file with the Zoning Administrator an application upon forms provided, and such application shall be accompanied by such data and information as may be prescribed by the Planning Commission. At the time of filing said application with the Code Enforcement Officer, the applicant shall provide the Code Enforcement Officer with the names and addresses of all owners of any land within the City's boundary located within two hundred (200) feet of the outer limits of said area to which the applicant desires change of zoning.

Where the proposed zoning amendment will include property located adjacent to or outside the City's limits, the applicant shall provide the Code Enforcement Officer with the names and addresses of all owners of any land located within one thousand (1,000) feet in the unincorporated area.

2. An applicant for a change in zone to "PUD" Planned Unit Development, or "M - P" Manufactured Home Park District must satisfy the Planning Commission that applicant has the ability to carry out the proposed plan and shall prepare and submit a schedule for construction. The proposed construction shall begin within a period of eighteen (18) months following approval by the Governing Body, and forty (40) percent of the total planned construction shall be completed within a period of three (3) years following such approval.

Such applicant shall also prepare and submit a preliminary development plan for review and approval by the Planning Commission and Governing Body. Applicants for the "PUD," or "M – P" zones shall submit a plan prepared in accordance with the requirements of the individual district regulations.

Upon approval of the zoning application and preliminary development plan by the Planning Commission, the applicant shall prepare and submit a final development plan which shall incorporate any changes or alterations requested. The final development plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.

In the event that, within eighteen (18) months following approval by the Governing Body of an "PUD" or "M – P" District, the applicant does not proceed with construction substantially in accordance with the plan so approved, the Planning Commission shall initiate action to rezone the property. A public hearing, as required by law, shall be advertised and held, at which time the applicant shall be given an opportunity to show why construction has been delayed. Following the hearing, the Planning Commission shall make findings of fact and shall submit their recommendation to the Governing Body for official action.

17.62.030 FILING FEE: For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the Zoning Administrator a fee in an amount as required by a schedule of fees determined by the Governing Body. Promptly upon the filing of any such application, the Zoning Administrator shall refer the application to the Planning Commission for study and recommendation.

17.62.040 PUBLIC HEARING AND NOTICE: Before the Planning Commission shall, by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or Planning Commission or by others, the Planning Commission shall hold a public hearing on such proposal. The secretary of the Planning Commission shall cause a notice of public hearing to be published once in the official 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 hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district, and if such proposed amendment will affect specific property, the legal description and general street address shall be given; provided that, in addition to such publication notice, at least twenty (20) days before the hearing written notice of such proposed change shall be mailed to all the owners of land within the City's boundary located within two hundred (200) feet of the area proposed to be altered, except that where the change will include property located adjacent to or outside the City's limits, the written notice shall also be mailed to all owners of land outside the City's boundary located within one thousand (1,000) feet of the area proposed to be altered. Failure to receive such notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail. Whenever five or more property owners of record owning 10 or more contiguous or non-contiguous 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 and hearing, however, such zoning amendment shall not require written notice and shall not be subject to protest petition.

17.62.050 ZONING CLASSIFICATIONS OF LESSER CHANGE: In accordance with the provisions of K.S.A. 12-757, the Planning Commission and the Governing Body may recommend and approve a lesser change in zoning districts without re-publication of a notice or re-distribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below; *provided, however, that such recommendation and approval shall not be for a more less restrictive classification than the existing zoning district.* If the applicant at the Governing Body meeting, at which a zoning amendment is being considered, desires to amend the application and/or the Governing Body desires to consider a “lesser” zoning change, then such a proposed change shall be returned to the Planning Commission for reconsideration and further recommendation to the Governing Body without further publication or notice.

For the purposes of this section, zoning classifications of lesser change shall be as shown below, based on descending order of use restriction:

1. Most Restrictive to Least Restrictive.

“A – L”	Agriculture District
“R – S”	Residential Suburban District
“R – 1”	Single-Family Dwelling District
“R – 2”	Two-Family Dwelling District
“R – 3”	Multiple-Family Dwelling District
“C – S”	Highway Service District
“C – 2”	General Commercial District
“I – 1”	Light Industrial District
“I – 2”	Heavy Industrial District

2. Zones Not Included.

Because of the highly specialized purposes of the “PUD” Planned Unit Development; “M – H” Manufactured Home; “M – P” Manufactured Home Park; “C – 1” Central Business; and “C – 3” Adult Entertainment Districts, they are not included in the table of lesser zoning changes, and are excluded from designation through the lesser change provisions.

17.62.060 PROTEST: If a protest against such amendment is filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, said protest being duly signed and acknowledged by the owners of twenty (20) percent or more of any real property proposed to be rezoned or by the owners of twenty (20) percent of the area, excepting public streets and ways located within the corporate limits of the City and located within two hundred (200) feet of the boundaries of the property proposed to be rezoned, or within one thousand (1,000) feet in the unincorporated area if the property to be rezoned is located adjacent to or outside the City’s limits, such amendment shall not be passed except by at least three-fourths (3/4) vote of the members of the Governing Body.

Whenever the City initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or non-contiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, only such owners shall be eligible to initiate a protest petition.

CHAPTER 17.64

VALIDITY

SECTIONS
17.64.010

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

CHAPTER 17.66

CERTIFICATE OF APPROVAL

SECTIONS

17.66.010

17.66.020

17.66.030

17.66.010. Existing Title 17, Zoning of the Humboldt City Code _____ and all amendments thereto are hereby repealed.

17.66.020 It is hereby certified that this Zoning Ordinance and the Zoning District Map referred to in this Zoning Ordinance were duly approved by the Planning Commission on the 11th day of January, 20010.

Jean M. Flores
Jean M. Flores, Secretary

Don Becannon
Don Becannon, Vice-Chairman

17.66.030 This Ordinance shall become effective upon its publication by reference once in the official area newspaper.

PASSED this 11th day of January, 20010

ATTEST
Jean M. Flores
Jean M. Flores, City Clerk

Robert Sharp
Robert Sharp, Mayor

Affidavit of Publication

STATE OF KANSAS,
ALLEN COUNTY, ss:

Cliff Ralstin, being first duly sworn, deposes and says; That he is Publisher of The Humboldt Union, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Allen County, Kansas, with a general circulation in Allen County, Kansas, with a general paid circulation on a weekly basis in Allen County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly 50 times a year; has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice; and has been admitted at the post office in Humboldt in said County as second class matter.

The attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive weeks, the first publication thereof being made as afore said on the 14 day of January, 2010, with subsequent publication being made on the following dates:

2nd Publication was made on the.....day of....., 20.....

3rd Publication was made on the.....day of....., 20.....

4th Publication was made on the.....day of....., 20.....

5th Publication was made on the.....day of....., 20.....

6th Publication was made on the.....day of....., 20.....

(Sign) Cliff Ralstin

Printer's Fees \$ 112.00

Affidavit, Notary's Fees \$ 2.50

Additional Copies \$

Total Fee \$ 114.50

Subscribed and sworn to before me on this 14 day of Jan. 2010.

(Sign) Kuberly Skelet

Notary Public

My appointment expires: 8/25/11

No.....

Plaintiff vs.

Defendant

Public Notice

(First published in The Humboldt Union on Thursday, January 14, 2010.) 40-1tc

ORDINANCE NO. 1449

AN ORDINANCE AMENDING SECTION 16-201 OF THE HUMBOLDT MUNICIPAL CODE BY STRIKING THE EXISTING SECTION THEREOF AND THE ZONING REGULATIONS ADOPTED BY REFERENCE THEREIN AND ADOPTING BY REFERENCE NEW ZONING REGULATIONS.

WHEREAS, the Humboldt Planning Commission has reviewed proposed zoning regulations entitled "Zoning Ordinance for the City of Humboldt, Kansas"; and

WHEREAS, the Humboldt Planning Commission did on May 20, 2009, after public notice and public hearing as required by law, and subsequent review on January 6, 2010 recommend adoption of the "Zoning Ordinance for the City of Humboldt, Kansas"; and

WHEREAS, on this 11th day of January, 2010, the Humboldt City Council does hereby approve and adopt such recommendation of the Humboldt Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUMBOLDT, KANSAS as follows:

Section 1. That Section 16-201 of the Humboldt Municipal Code is hereby amended by striking the existing section thereof and the "Zoning Regulations of the City of Humboldt, Kansas" as adopted by reference therein and inserting in lieu thereof the following:

16-201 ZONING ORDINANCE INCORPORATED. There is hereby incorporated by reference, as if set forth fully

tled "Zoning Ordinance for the City of Humboldt, Kansas" as adopted by the Governing Body January 11, 2011 in Ordinance No. 1448. No fewer than three copies of the Zoning Ordinance for the City of Humboldt, Kansas, shall be marked "Official Copy Incorporated by the Code of the City of Humboldt, Kansas," and to which there shall be attached a published copy of this Ordinance and which shall be filed with the City Clerk to be open and available for inspection by the public at all reasonable business hours.

Section 2. That the existing Section 16-201 of the Humboldt Municipal Code and the "Zoning Regulations of the City of Humboldt, Kansas" as adopted therein are hereby repealed.

Section 3. If any provision of this Ordinance shall be declared unconstitutional or invalid, the constitutionality or validity of the remainder of the ordinance and the applicability thereof shall not be affected thereby.

Section 4. All ordinances or parts thereof in conflict herewith and not expressly identified herein are hereby repealed.

Section 5. This ordinance shall be effective and in force from and after its publication in the official City newspaper and shall take effect February 1, 2010.

PASSED BY THE COUNCIL THIS 11th DAY OF JANUARY, 2010.

APPROVED BY THE MAYOR THIS 11th DAY OF JANUARY, 2010.

/s/ Robert E. Sharp, Mayor
ATTEST:
/s/ Jean Flores, City Clerk
IMMEL, WORKS & HEIM, P.A.
Four East Jackson
Iola, Kansas 66749

Affidavit of Publication

STATE OF KANSAS,
ALLEN COUNTY, ss:

Cliff Ralstin, being first duly sworn, deposes and says; That he is Publisher of The Humboldt Union, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Allen County, Kansas, with a general circulation in Allen County, Kansas, with a general paid circulation on a weekly basis in Allen County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly 50 times a year; has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice; and has been admitted at the post office in Humboldt in said County as second class matter.

The attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive weeks, the first publication thereof being made as afore said on the 14 day of January, 2010, with subsequent publication being made on the following dates:

2nd Publication was made on the.....day of....., 20.....

3rd Publication was made on the.....day of....., 20.....

4th Publication was made on the.....day of....., 20.....

5th Publication was made on the.....day of....., 20.....

6th Publication was made on the.....day of....., 20.....

(Sign) Cliff Ralstin

Printer's Fees \$ 84.00

Affidavit, Notary's Fees \$ 2.50

Additional Copies \$

Total Fee \$ 86.50

Subscribed and sworn to before me on this 14 day of Jan, 2010

(Sign) Rubulph...
Notary Public

My appointment expires: 8/25/11

No.....

Plaintiff

vs.

Defendant

Examinated and approved:

Date.....

Judge

Public Notice

(First published in The Humboldt Union on Thursday, January 14, 2010.) 40-1tc

ORDINANCE NO. 1450
AN ORDINANCE ADOPTING BY REFERENCE THE OFFICIAL ZONING MAP OF THE CITY OF HUMBOLDT, KANSAS

WHEREAS, the Humboldt Planning Commission has reviewed the proposed Official Zoning Map of the City of Humboldt, Kansas; and

WHEREAS, the Humboldt Planning Commission did on May 20, 2009, after public notice and public hearing as required by law, and subsequent review on January 6, 2010 recommend adoption of the Official Zoning Map of the City of Humboldt, Kansas; and

WHEREAS, on this 11th day of January, 2010, the Humboldt City Council does hereby approve and adopt such recommendation of the Humboldt Planning Commission.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUMBOLDT, KANSAS as follows:

Section 1. That the Humboldt Municipal Code is hereby amended by adding a new Section 16-202 as follows:
16-202 OFFICIAL ZONING MAP INCORPORATED.
There is hereby incorporated by reference, as if set forth fully

herein the Official Zoning Map of the City of Humboldt, Kansas, as adopted by the Governing Body January 14, 2010 in Ordinance No. 1450. No fewer than three copies of the Official Zoning Map of the City of Humboldt, Kansas, shall be marked Official Code of the City of Humboldt, Kansas, to which there shall be attached a published copy of this Ordinance and which shall be filed with the City Clerk to be open and available for inspection by the public at all reasonable business hours.

Section 2. All ordinances or parts thereof in conflict herewith and not expressly identified herein are hereby repealed.

Section 3. This ordinance shall be effective and in force from and after its publication in the official City newspaper and shall take effect February 1, 2010.

PASSED BY THE COUNCIL THIS 11th DAY OF JANUARY, 2010.

APPROVED BY THE MAYOR THIS 11th DAY OF JANUARY, 2010.

/s/ Robert E. Sharp, Mayor

ATTEST:
/s/ Jean Flores, City Clerk
IMMEL, WORKS & HEIM, P.A.
Four East Jackson
Iola, Kansas 66749
(620) 365-2222

ORDINANCE NO. 1449

AN ORDINANCE AMENDING SECTION 16-201 OF THE HUMBOLDT MUNICIPAL CODE BY STRIKING THE EXISTING SECTION THEREOF AND THE ZONING REGULATIONS ADOPTED BY REFERENCE THEREIN AND ADOPTING BY REFERENCE NEW ZONING REGULATIONS.

WHEREAS, the Humboldt Planning Commission has reviewed proposed zoning regulations entitled "Zoning Ordinance for the City of Humboldt, Kansas"; and

WHEREAS, the Humboldt Planning Commission did on May 20, 2009, after public notice and public hearing as required by law, and subsequent review on January 6, 2010 recommend adoption of the "Zoning Ordinance for the City of Humboldt, Kansas"; and

WHEREAS, on this 11th day of January, 2010, the Humboldt City Council does hereby approve and adopt such recommendation of the Humboldt Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUMBOLDT, KANSAS as follows:

Section 1. That Section 16-201 of the Humboldt Municipal Code is hereby amended by striking the existing section thereof and the "Zoning Regulations of the City of Humboldt, Kansas" as adopted by reference therein and inserting in lieu thereof the following:

16-201 ZONING ORDINANCE INCORPORATED. There is hereby incorporated by reference, as if set forth fully herein, zoning regulations entitled "Zoning Ordinance for the City of Humboldt, Kansas" as adopted by the Governing Body January 11, 2011 in Ordinance No. 1448. No fewer than three copies of the Zoning Ordinance for the City of Humboldt, Kansas, shall be marked "Official Copy Incorporated by the Code of the City of Humboldt, Kansas," and to which there shall be attached a published copy of this Ordinance and which shall be filed with the City Clerk to be open and available for inspection by the public at all reasonable business hours.

Section 2. That the existing Section 16-201 of the Humboldt Municipal Code and the "Zoning Regulations of the City of Humboldt, Kansas" as adopted therein are hereby repealed.

Section 3. If any provision of this Ordinance shall be declared unconstitutional or invalid, the constitutionality or validity of the remainder of the ordinance and the applicability thereof shall not be affected thereby.

Section 4. All ordinances or parts thereof in conflict herewith and not expressly identified herein are hereby repealed.

Section 5. This ordinance shall be effective and in force from and after its publication in the official City newspaper and shall take effect February 1, 2010.

PASSED BY THE COUNCIL THIS 11th DAY OF JANUARY, 2010.

APPROVED BY THE MAYOR THIS 11th DAY OF JANUARY, 2010.



A handwritten signature in cursive script, reading "Robert E. Sharp", written over a horizontal line.

Robert E. Sharp, Mayor

ATTEST:

A handwritten signature in cursive script, reading "Jean Flores", written over a horizontal line.

Jean Flores, City Clerk

IMMEL, WORKS & HEIM, P.A.
Four East Jackson
Iola, Kansas 66749
(620) 365-2222

ORDINANCE NO. 1450

AN ORDINANCE ADOPTING BY REFERENCE THE OFFICIAL ZONING MAP OF THE CITY OF HUMBOLDT, KANSAS

WHEREAS, the Humboldt Planning Commission has reviewed the proposed Official Zoning Map of the City of Humboldt, Kansas; and

WHEREAS, the Humboldt Planning Commission did on May 20, 2009, after public notice and public hearing as required by law, and subsequent review on January 6, 2010 recommend adoption of the Official Zoning Map of the City of Humboldt, Kansas; and

WHEREAS, on this 11th day of January, 2010, the Humboldt City Council does hereby approve and adopt such recommendation of the Humboldt Planning Commission.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUMBOLDT, KANSAS as follows:

Section 1. That the Humboldt Municipal Code is hereby amended by adding a new Section 16-202 as follows:

16-202 OFFICIAL ZONING MAP INCORPORATED. There is hereby incorporated by reference, as if set forth fully herein the Official Zoning Map of the City of Humboldt, Kansas, as adopted by the Governing Body January 11, 2010 in Ordinance No. 1449. No fewer than three copies of the Official Zoning Map of the City of Humboldt, Kansas, shall be marked Official Copy Incorporated by the Code of the City of Humboldt, Kansas, and to which there shall be attached a published copy of this Ordinance and which shall be filed with the City Clerk to be open and available for inspection by the public at all reasonable business hours.

Section 2. All ordinances or parts thereof in conflict herewith and not expressly identified herein are hereby repealed.

Section 3. This ordinance shall be effective and in force from and after its publication in the official City newspaper and shall take effect February 1, 2010.

PASSED BY THE COUNCIL THIS 11th DAY OF JANUARY, 2010.

APPROVED BY THE MAYOR THIS 11th DAY OF JANUARY, 2010.



A handwritten signature in cursive script, reading "Robert E. Sharp".

Robert E. Sharp, Mayor

ATTEST:

A handwritten signature in cursive script, reading "Jean Flores".

Jean Flores, City Clerk

IMMEL, WORKS & HEIM, P.A.
Four East Jackson
Iola, Kansas 66749
(620) 365-2222

SUBDIVISION REGULATIONS

For The

CITY OF HUMBOLDT, KANSAS

**PREPARED AT THE DIRECTION OF THE
HUMBOLDT CITY PLANNING COMMISSION**

BY

RIGGS ASSOCIATES
PLANNERS · LAND PLANNERS · LANDSCAPE ARCHITECTS
Lindsborg, Kansas

SUBDIVISION REGULATIONS

For The

CITY OF HUMBOLDT, KANSAS

**PREPARED AT THE DIRECTION OF THE
HUMBOLDT CITY PLANNING COMMISSION**

BY

RIGGS ASSOCIATES
PLANNERS · LAND PLANNERS · LANDSCAPE ARCHITECTS
Lindsborg, Kansas

SUBDIVISION REGULATIONS

For

CITY OF HUMBOLDT, KANSAS

**PREPARED AT THE DIRECTION OF THE
HUMBOLDT PLANNING COMMISSION**

BY

RIGGS ASSOCIATES
PLANNERS · LAND PLANNERS · LANDSCAPE ARCHITECTS
Lindsborg, Kansas

Official Copy as Incorporated by Ordinance No. 1451

EDITION OF 2009

EFFECTIVE DATE: January 14, 2010

Public Officials

City of Humboldt, Kansas

Mayor

Robert E. Sharp

City Council

Vada Aikins

Otis Crawford

Jerry Griffith

Daniel Julich

Sean McReynolds

Sam Murrow

Don Walburn

Jeremy Weilert

Planning Commission

Gregg Korte

Joe Works

Lorene Ellison

Shirley Breiner

Mark Criger

Don Becannon

Clint Hillmon

City Administrator

Larry Tucker

City Clerk

Jean M. Flores

City Attorney

Fred Works

PLANNING CONSULTANT

Riggs Associates

Planners · Land Planners · Landscape Architects
Lindsborg, Kansas

TABLE OF CONTENTS

	PAGE NO:
ARTICLE I: GENERAL PROVISIONS	1
Section 1: Title	1
Section 2: Purpose and Intent	1
Section 3: Authority:	2
Section 4: Jurisdiction	2
Section 5: Applicability	2
Section 6: Exemptions	2
Section 7: Restrictive Covenants	3
Section 8: Interpretation	3
Section 9: Rules of Construction	3
Section 10: Notice to County	4
 ARTICLE II: DEFINITIONS	 5
Section 1: Applicability	5
Section 2: Definitions	5
 ARTICLE III: PLAT APPROVALS, VACATION PROCEDURE, AND VESTING OF DEVELOPMENT RIGHTS	 11
Section 1: Plat Approval Required	11
Section 2: Approvals Required for Plat Recording	11
Section 3: Vacation of Plats	11
Section 4: Vesting of Development	11
 ARTICLE IV: APPLICATION PROCEDURE AND APPROVAL PROCESS	 12
Section 1: Pre-application Requirements	12
Section 2: Sketch Plan	12
Section 3: Preliminary Plat	12
Section 4: Final Plat	14
Section 5: Small Tract Platting Procedure	15

ARTICLE V: DOCUMENTATION REQUIRED FOR PRELIMINARY AND FINAL PLATS	16
Section 1: Preliminary Plat	16
Section 2: Final Plat	18
ARTICLE VI: MINIMUM DESIGN STANDARDS	26
Section 1: General Guidelines	26
Section 2: Public Facility Requirements	26
Section 3: Character of the Land	27
Section 4: Streets, Alleys, and Public Ways	28
Section 5: Blocks	31
Section 6: Lots	32
Section 7: Subdivision Design	33
ARTICLE VII: DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES	34
Section 1: Determination of Need	34
Section 2: Dedication of Sites	34
ARTICLE VIII: REQUIRED IMPROVEMENTS	35
Section 1: Improvement Provisions	35
Section 2: Relocation of Existing Facilities	36
Section 3: Erosion Control	36
Section 4: Existing Improvements	37
Section 5: Financing of Required Improvements	37
ARTICLE IX: INSTALLATION OF IMPROVEMENTS	39
Section 1: Plans and Specifications Required	39
Section 2: Content of Plans and Specifications	39
Section 3: Construction of Improvements	39
ARTICLE X: LOT SPLIT PROCEDURE	41
Section 1: Authority for Approval	41
Section 2: Application	41

Section 3: Lot Split Approval	42
Section 4: Exemption for Industrial Plats	42
ARTICLE XI: APPEALS AND VARIANCES	43
Section 1: Appeals	43
Section 2: Variances	43
Section 3: Waivers	43
ARTICLE XII: AMENDMENTS AND REVIEW	44
Section 1: Amendment Procedure	44
Section 2: Annual Review	44
ARTICLE XIII: ADMINISTRATION	45
Section 1: Duties of the Zoning Administrator	45
Section 2: Duties of the Planning Commission	45
Section 3: Duties of the Governing Body	45
ARTICLE XIV: SEVERABILITY AND EFFECTIVE DATE	46
Section 1: Severability	46
Section 2: Effective Date.....	46

SAMPLE PRELIMINARY PLAT

SAMPLE FINAL PLAT

SUBDIVISION REGULATIONS

HUMBOLDT, KANSAS

AN ORDINANCE REGULATING LAND DEVELOPMENT PRACTICES; DETERMINING PLATTING PROCEDURES AND PROCESSES; ESTABLISHING MINIMUM DESIGN STANDARDS FOR IMPROVEMENTS AND UTILITIES; PROVIDING FOR DEDICATION OF PUBLIC SPACES; ESTABLISHING PROCEDURES FOR INSTALLATION OF IMPROVEMENTS; ESTABLISHING LOT SPLIT PROCEDURES; PROVIDING FOR APPEALS, VARIANCES, AND AMENDMENTS; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING THE EXISTING SUBDIVISION REGULATIONS AND AMENDMENTS THERETO.

BE IT ORDAINED BY THE GOVERNING BODY THAT:

ARTICLE I

GENERAL PROVISIONS

SECTION 1. TITLE: These regulations shall be known and may be cited as the “Subdivision Regulations for Humboldt, Kansas,” and shall hereinafter be referred to as “these regulations.”

SECTION 2. PURPOSE AND INTENT: It is the purpose of these regulations to provide for proper and harmonious development practices toward the goal of fostering wise use and conservation of the land resources of the Humboldt Planning and Zoning jurisdiction. Within this purpose, these regulations are intended to:

1. Protect and provide for the public health, safety and general welfare of the City.
2. Preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.
3. Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
4. Guide the future growth and development of the City in accordance with the comprehensive plan.
5. Establish reasonable standards of design and procedures for subdivision and re-subdivisions; to further the orderly layout and use of land to insure proper legal descriptions and proper monumenting of subdivided land.
6. Provide for the actual construction of physical improvements.

7. Provide equitable processing of all subdivisions and land development proposals by providing uniform procedures and standards.

SECTION 3. AUTHORITY: These regulations are adopted pursuant to powers and jurisdictions authorized by KSA 12-741 et seq. and other applicable laws, statutes, and regulations of the state and amendments thereto.

SECTION 4. JURISDICTION: These regulations shall apply to all land located within the zoning jurisdiction of the City of Humboldt, Kansas.

SECTION 5. APPLICABILITY: The regulations contained herein shall apply to the subdivision of a tract or parcel of land into two or more lots, tracts, or other divisions of land for the purpose of sale or building development, whether immediate or future, including the re-subdivision or re-platting of land or lots.

SECTION 6. EXEMPTIONS: The following shall be exempt from the requirements of these regulations:

1. Any lot, parcel, or tract of land within the area of jurisdiction which was legally subdivided, re-subdivided, or re-platted prior to the adoption of these regulations.
2. Any lot, parcel, or tract of land which has been ordered by law to be partitioned.
3. Correction of a legal description in a prior conveyance.
4. Land which is to be used for cemetery purposes.
5. A division of land in accordance with the provisions of these regulations which creates no more than one additional lot or tract and which does not involve any new streets or easements of access; is not located in area subject to flooding; which meets the standards set by these regulations for the disposal of sewage and for water supply including lot size; and which conforms with any applicable zoning regulations, provided that the resulting tracts shall not again be divided without re-platting.
6. A transaction between owners of adjoining land involving only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to any applicable zoning regulations or sanitary code.
7. The re-subdivision of land used for industrial purposes.
8. A division of land for agricultural purposes into parcels or tracts of not less than five acres, which will not involve any new streets or easements of access and will not affect major streets.
9. Land used for a public purpose including the dedication of a parcel of land for a public use or instruments relating to the vacation of land for a public use.

10. Land used for street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.

SECTION 7. RESTRICTIVE COVENANTS: The City of Humboldt, Kansas, shall have the right to confer with the sub-divider regarding the type and character of development that will be permitted in the subdivision and may require certain minimum regulations be incorporated in the subdivision and/or deed restrictions. Such regulations shall protect the character and value of the development within the subdivisions and the value of surrounding property.

SECTION 8. INTERPRETATION:

1. 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, and general welfare.
2. These regulations are not intended to interfere with, abrogate, or annul any other resolution, regulation, statute, or other provision of law. Where any provision herein imposes restrictions, different from those imposed by any other provision of these regulations or any other resolution, regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
3. These regulations are not intended to abrogate any easement, covenant, or other private agreement, provided; however, 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.
4. 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 solely by reason of the adoption of these regulations.

SECTION 9. RULES OF CONSTRUCTION:

1. Unless the context clearly indicates to the contrary:
 - a. The word "shall" is always mandatory and the word "may" is always permissive.
 - b. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
 - c. The word "building" includes "structure," and a building or a structure includes any part thereof.
 - d. The singular number includes the plural and the plural the singular.
 - e. The present tense includes the past and future tenses and the future the present.

SECTION 10. NOTICE TO THE COUNTY:

1. Whenever amendments to the text of these regulations are proposed, written notice of such proposed action shall be given to the Board of County Commissioners at least twenty (20) days prior to the proposed action.

ARTICLE II

DEFINITIONS

SECTION 1. APPLICABILITY: For the purposes of these regulations, certain numbers, abbreviations, and words used herein shall be used, interpreted, and defined as set forth in this Article. Any word or phrase which is defined in this Article, or elsewhere in these regulations, shall have the meaning as so defined whenever the word or phrase is used, unless such definition is expressly limited in its meaning or scope.

SECTION 2. DEFINITIONS: The following words and phrases, when used in these regulations, shall have the meanings respectively ascribed to them:

1. *Administrator.* The Code Enforcement Official has been designated by the Governing Body as the administrator of these regulations.
2. *Agriculture.* The use of a tract of land under one ownership for growing crops, pasturage, horticulture, nurseries, truck farms, dairying, or the raising of poultry or cattle and other livestock, including commercial feed lots and the structures necessary for carrying out farming operations and the dwelling(s) of those owning and/or operating the premises such as a member of the family thereof or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use.
3. *Alley.* A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
4. *Applicant.* The owner or duly designated representative of land proposed to be subdivided, or for which other action has been requested. Consent shall be required from the legal owner of the premises.
5. *Approved Public Sanitary Sewer System:* A sewage disposal plant, main sanitary sewer lines and other lines approved by the City of Humboldt, Kansas and by the Kansas State Department of Health.
6. *Approved Public Water System:* Water supply and service lines approved by the City of Humboldt, Kansas and by the Kansas State Department of Health.
7. *Area.* The size of a piece of land, usually described in terms of square feet or acres.
8. *Arterial Street.* Any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of a city or county, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function.
9. *Block.* A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shorelines, or boundary lines of the municipality.

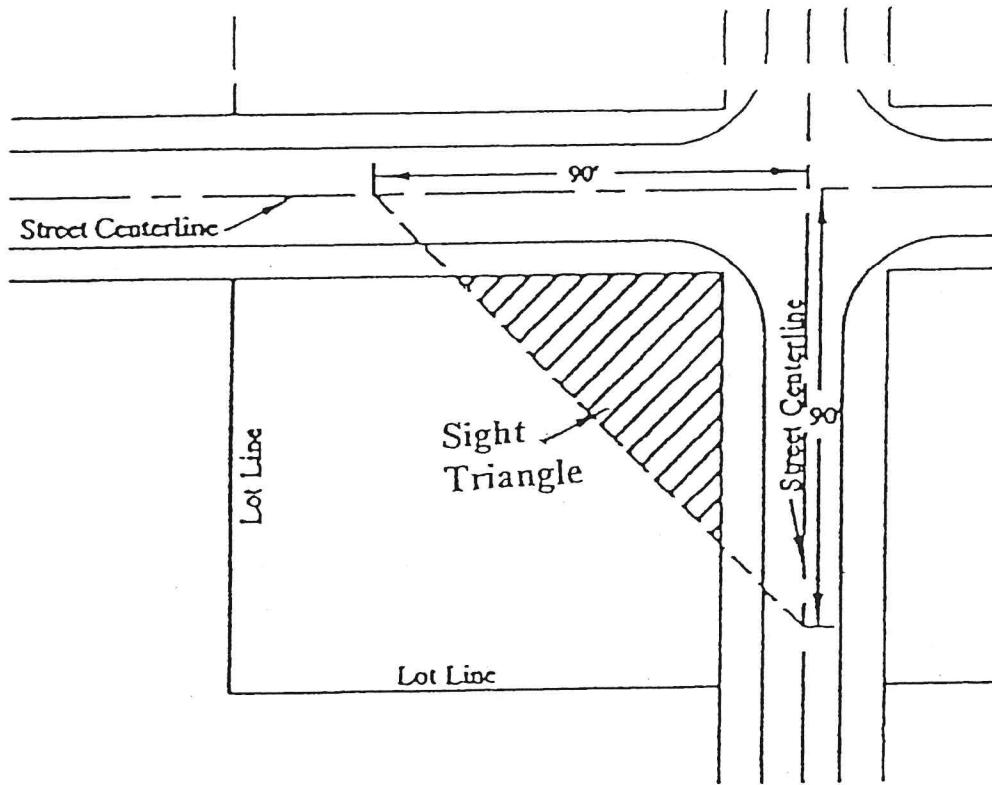
10. *Bond.* A form of security, including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Governing Body.
11. *Building.* Any covered structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind and which is permanently affixed to the land.
12. *Building Setback Line.* A line on a lot indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.
13. *City Engineer.* The person responsible to perform the duties of the City Engineer including any and all special engineers as appointed by the Governing Body.
14. *Collector Street.* Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.
15. *Comprehensive Plan.* The adopted Comprehensive Development Plan for the City of Humboldt including modifications or refinements which may be made by amendments from time-to-time.
16. *County.* Allen County, Kansas.
17. *Cul-de-sac.* A street having only one outlet and being permanently terminated by a vehicle turnaround at the other end.
18. *Dead-end Street.* A street having only one outlet.
19. *Design.* The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.
20. *Developer.* The legal or beneficial owner of all of the land proposed to be included in a subdivision or planned development or duly authorized agent thereof, the holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (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.
21. *Easement.* A grant by a property owner of the specific use of a strip of land by others.
22. *Engineer.* When used in the sense as designing or surveying the plat or subdivision, he shall be 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, he shall be a professional engineer licensed by the State of Kansas or licensed to practice in the State of Kansas.

23. *Fence.* A freestanding structure of metal, plastic, masonry composition, or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, used for confinement screening or partition purposes.
24. *Final Plat.* A subdivision represented as a formal document by drawing and writing which is prepared in accordance with these regulations to be placed on record with the County of Register of Deeds.
25. *Floodplain.* A watercourse and land adjacent to a watercourse subject to inundation from flooding as defined by a FEMA flood hazard study and accompanying map.
26. *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.
27. *Governing Body.* The City Council of the City of Humboldt, unless otherwise identified as another city, township or county governing body cooperating in the installation of improvements.
28. *Half-Street.* A street bordering one or more property lines of a subdivision tract to which the sub-divider has allocated only a portion of the ultimate and intended street width.
29. *Improvements.* All facilities constructed or erected by a sub-divider or the general public within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial, or industrial use.
30. *Landscaping.* The improvement of a lot, parcel, or tract of land with grass, 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.
31. *Land Use Plan.* A portion of the comprehensive plan indicating the general anticipated use of the land within the city planning jurisdiction.
32. *Local Street.* Any street designed primarily to provide access to abutting property and of limited continuity within a neighborhood.
33. *Lot.* A portion of land in a subdivision, or other parcel of land, intended to be the unit by which such land would be individually transferred and/or developed, whether immediate or future.
34. *Lot Depth.* The distance between the midpoint of the front lot line and the midpoint of the rear lot line.
35. *Lot, Double Frontage.* A lot, two opposite lot lines of which abut upon streets which are more or less parallel.

36. *Lot Line.* The boundary line of a lot.
37. *Lot Split.* The dividing or re-dividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts which meet the criteria established within these regulations.
38. *Lot Width.* The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.
39. *Major Street.* A street, highway or roadway designated as such on the official major street plan of the Comprehensive Plan.
40. *Marginal Access and/or Frontage Streets.* 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 fast through traffic on the limited access highway or arterial street.
41. *Open Space.* An area of land or water or combination thereof planned for passive or active recreation, but does not include areas utilized for streets alleys, driveways or private roads, off-street parking or loading areas, or required front, rear or side yards.
42. *Owner.* Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land sought to be subdivided under these regulations.
43. *Pedestrian Way.* A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.
44. *Planning Commission.* The City Planning Commission of Humboldt, Kansas.
45. *Preliminary Plat.* A tentative map or plan of a proposed subdivision of land showing the character and general details of the proposed development.
46. *Protective Covenants.* Restrictions governing the use of land within a given subdivision placed on the land by the owner at the time of platting.
47. *Resubdivision.* The subdivision of a tract of land which has previously been lawfully subdivided and a plat of such prior subdivision duly recorded. (Sometimes also referred to as a "replat.")
48. *Right-of-way.* The area between boundary lines of a street or other easement.
49. *Road or Roadway.* The paved or improved area existing on the street right-of-way which is used for vehicular traffic, exclusive of sidewalks, driveways, or related uses.
50. *Secretary.* Secretary of the Planning Commission.
51. *Screening.* Decorative fencing, evergreen vegetation, earthen mounds, or a combination of these maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

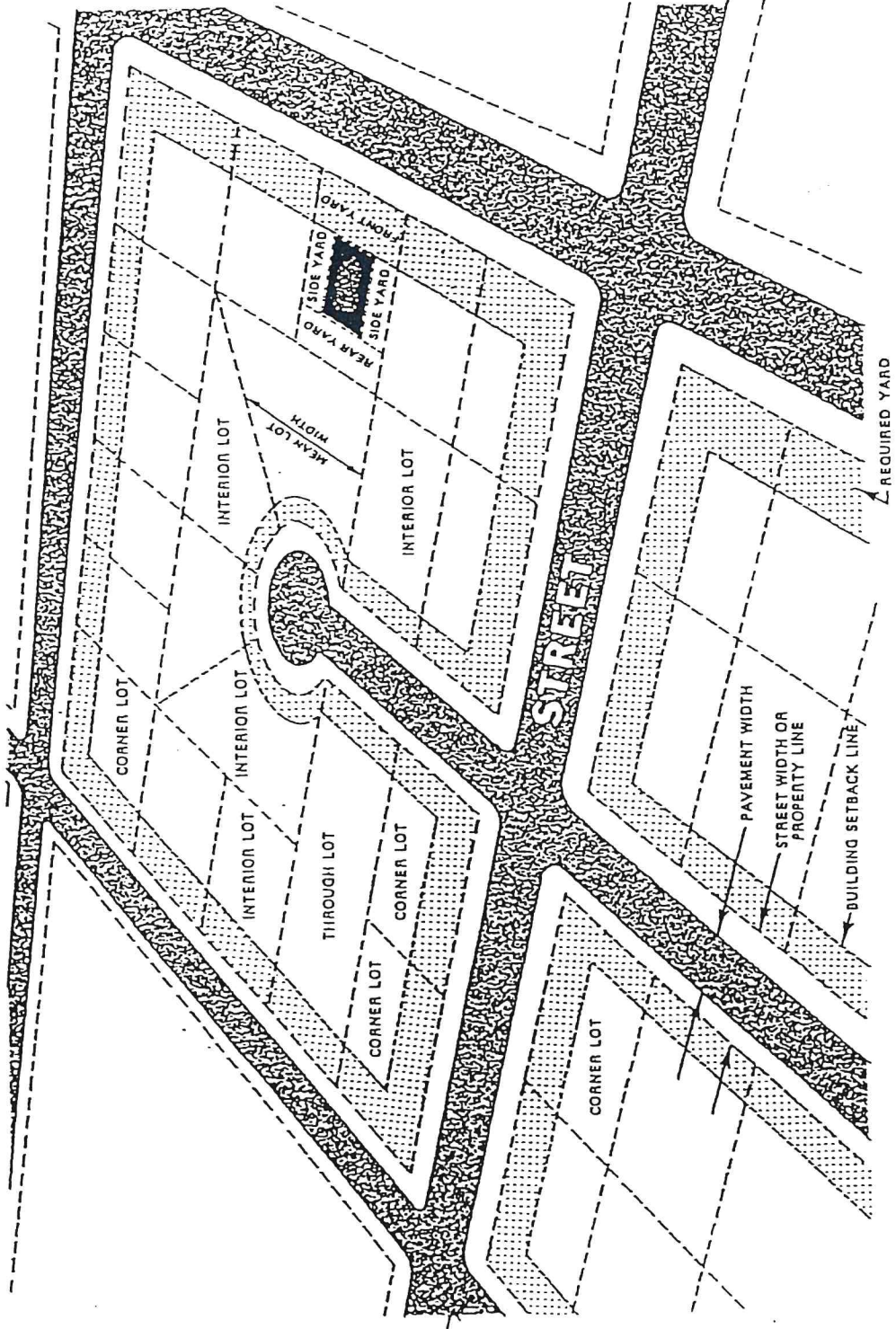
52. *Setback Line or Building Line.* A line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered.
53. *Sidewalk.* A pedestrian walkway with a concrete surface constructed to city minimum standards.
54. *Site 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 and pedestrians 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 which would materially impede vision between the heights of two and one-half (2½) and ten (10) feet above the street level. Such restrictions shall not apply to official traffic signs and signals and utility poles. (See illustration at the end of this ARTICLE.)
55. *Sketch Plan.* A map or plan of a proposed subdivision preparatory to the preparation of the preliminary plan to enable the sub-divider to save time and expense in reaching tentative general agreements by a discussion of the form and objectives of these regulations.
56. *Street.* A right-of-way, other than an alley, dedicated to public use, which provides principal vehicular and pedestrian access to adjacent properties.
57. *Street, Cul-de-sac.* A street having only one outlet and being permanently terminated by a vehicle turn-around at the other end.
58. *Street, Frontage.* A public or private marginal access street generally paralleling and contiguous to any arterial or a collector street and designed to promote safety by eliminating unlimited ingress and egress to such arterial or collector street by providing points of access at predetermined and more or less evenly spaced intervals.
59. *Street, Private.* Any street designed for vehicular traffic not dedicated as a public thoroughfare. The City has no maintenance responsibilities for a private street.
60. *Street Width.* The shortest distance between the property lines abutting both sides of a street right-of-way.
61. *Structure.* Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to: buildings, walls, sheds, towers, and bins.
62. *Subdivide Land.* To partition a parcel of land into two or more parcels, tracts, lots, or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.
63. *Sub-divider.* The owner, or any other person, firm or corporation, authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land.

64. *Subdivision.* The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term “subdivision” includes “re-subdivision”, and the term “re-subdivision”, as used herein shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved plat of the same.
65. *Turnaround.* An area at the closed end of a dead-end street or cul-de-sac within which vehicles may reverse their direction without any backing up.
66. *Watercourse.* A body of water flowing in an identifiable channel or course, natural, or man-made, and which is not dry more than six (6) months a year.



Corner Lot Sight Control Triangle

BLOCK DIAGRAM SHOWING LOT TYPES, SET BACKS AND TERMS . . .



ARTICLE III

PLAT APPROVALS, VACATION PROCEDURE, VESTING OF DEVELOPMENT RIGHTS

SECTION 1. PLAT APPROVAL REQUIRED: All plans, plats, or re-plats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Humboldt City Planning Commission for consideration. The Planning Commission shall submit its recommendation with the final plat to the Governing Body for review and final action.

SECTION 2. APPROVALS REQUIRED FOR PLAT RECORDING: The Register of Deeds shall not record any plat until such plat is approved by the Planning Commission and Governing Body and is signed by the Chairman and Secretary of the Planning Commission and the Governing Body of the City of Humboldt.

SECTION 3. VACATION OF PLATS: Any plat, prior to recording or following recording, may be vacated by the owner of the promise in accordance with the following procedures.

Prior to recording, a preliminary or final plat may be withdrawn by notice to the Planning Commission any time prior to final approval by the Governing Body, provided no lots have been sold, no dedications have occurred, and no improvements have been installed. Approved final plats may be vacated by motion of the Governing body, provided the plat has not been recorded, no lots have been transferred, and no improvements have been installed. Such final plat vacation approval shall include provision for return of any fiscal security to the subdivider, and payment by the subdivider of any administrative, legal or engineering costs incurred by the City.

Recorded plats may be vacated as provided by K.S.A. 12-512b, which states that any recorded plat, or part thereof, including streets, alleys, easements or other public reservations or requirements may be vacated in whole or in part after a public hearing and approval by Planning Commission and the Governing Body, and processing in accordance with K.S.A. 12-504 et seq. as amended. The petition for vacation shall be processed in the same manner as subdivision plats and shall be acknowledged, approved and become effective upon filing and recording with the County Register of Deeds in accordance with the requirements of K.S.A. 12-403.

When lots have been sold, the plat may be vacated in the same manner herein described, provided that the petition for vacation shall bear evidence of concurrence and approval by all of the owners of lots in such plat.

SECTION 4. VESTING OF DEVELOPMENT RIGHTS:

1. For the purpose of single-family residential development, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording a plat, the development rights in such shall expire.
2. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by the City provided construction has begun and substantial amounts of work have been completed under a valid permit.

ARTICLE IV

APPLICATION PROCEDURE AND APPROVAL PROCESS

SECTION 1. PRE-APPLICATION REQUIREMENTS: Prior to the filing of a sketch plan or preliminary plat, the sub-divider shall contact the City to determine:

1. Subdivision requirements.
2. Procedure for filing his plat.
3. Availability of an approved public sewer system and public water system.
4. Comprehensive plan requirements for major streets, land use, parks, easements, schools, and public open spaces.
5. Zoning requirements for the property being subdivided and adjacent properties.
6. Special setback requirements for arterial, collector and local streets.

SECTION 2. SKETCH PLAN: The sub-divider is encouraged to submit a sketch plan in order to receive the pre-plat comments of the Planning Commission. Such number of copies of the plan, as may be determined necessary by the Code Enforcement Official, shall be submitted at least ten (10) days prior to the next regular meeting of the Commission. The sketch plan may be in a simple format sufficient in content to show the general location of the subdivision; the existing and proposed location of streets, lots, utilities, public service areas, such as parks and schools; and any significant physical features; and to note any particular site design problems. A narrative description of existing conditions and development proposals may supplement the plan. Following Planning Commission review, the Code Enforcement Official shall, within fifteen (15) days, advise the sub-divider of the results of the review.

SECTION 3. PRELIMINARY PLAT:

1. After reaching the preliminary conclusions regarding requirements of the proposed subdivision, the sub-divider shall submit a preliminary plat together with required supplementary information to the Code Enforcement Official. The plat and accompanying documentation shall be filed with the Code Enforcement Official at least twenty (20) days prior to the next regular meeting of the Planning Commission. The sub-divider shall submit such number of copies of the preliminary plat as may be determined necessary by the Code Enforcement Official for proper review by affected and interested governmental and public and private organizations.
2. A filing fee shall be paid in an amount as required by a schedule of fees determined by the Governing Body. The preliminary plat shall not be accepted for filing until the filing fee has been paid by the sub-divider.

3. The sub-divider shall submit, with the preliminary plat, a complete list of the names and mailing addresses of all owners of record of land within 200 feet of property being proposed for subdividing or re-subdividing, if the subject property is entirely surrounded by land inside the City boundary, and within 1,000 feet of the property where the lot or tract will border on lands outside the City boundary. The 1,000 foot requirement shall only apply in the unincorporated portion of the adjacent area.
4. After the filing of the preliminary plat, the Code Enforcement Official shall distribute copies to affected and interested governmental and public and private organizations as appropriate. Organizations receiving copies shall have fifteen (15) days to review the preliminary plat and to make their report and recommendations to the Planning Commission. A lack of response within fifteen (15) days shall, at the discretion of the Planning Commission, signify approval.
5. The Planning Commission shall review the preliminary plat and staff report to determine compliance with these regulations, zoning resolutions, and the comprehensive plan for the City. If all considerations are satisfied, the Planning Commission shall approve, by signature, the preliminary plat.
6. If the Planning Commission determines that the preliminary plat does not satisfy the applicable requirements, it may:
 - a. Allow the sub-divider to amend the preliminary plat so as to incorporate such modification and resubmit the preliminary plat to the Planning Commission. After re-submission the Planning Commission shall grant its approval provided that all modifications are made under the original agreement.
 - b. The sub-divider may reject the suggested modifications, or within the allowed time limits, may refrain from taking action. In either case, the effect shall be disapproval and the Planning Commission shall furnish the sub-divider with a written statement setting forth the reasons for disapproval.
7. In any event, the Planning Commission shall approve or disapprove the preliminary plat within sixty (60) days from the date of filing of such plat or from the date the sub-divider has submitted the last item of required information, whichever date is later unless such time is extended by mutual consent.
8. The sub-divider may appeal the disapproval of his preliminary plat to the Governing Body. Such appeal shall be made in writing and filed with the Code Enforcement Official within sixty (60) days after the date the Planning Commission issues its disapproval of the preliminary plat.
9. Approval of the preliminary plat shall have the following effects:
 - a. Such approval shall be considered permission to submit the final plat.

- b. Approval for submission shall be effective for no more than one (1) year from the date approval was granted but an extension of time may be granted for good cause for a maximum period of six (6) months.

SECTION 4. FINAL PLAT:

1. A final plat, together with a sufficient number of copies as determined by the Planning Commission, shall be filed within twelve (12) months of the date of approval of the preliminary plat. The application for approval shall be filed with the Code Enforcement Official at least twenty (20) days prior to the next regular meeting of the Planning Commission.
2. With approval of the Planning Commission, the final plat may be for the entire area of the preliminary plat, or may be developed and submitted as separate units, provided at least one (1) such unit shall be filed within twelve (12) months, and all of the tract shall be final platted within five (5) years, unless an extension of time has been granted by the Planning Commission. Any such extension shall be for no more than one (1) year.
3. The Planning Commission shall, within sixty (60) days after the final plat has been filed, review and approve the final plat if:
 - a. It is substantially the same as the approved preliminary plat; or
 - b. There has been compliance with all conditions which may have been attached to the approval of the preliminary plat; and
 - c. It complies with all of the provisions contained in these regulations and of other applicable regulations or laws.
 - d. The subdivision or re-subdivision of the tract of lots does not place an existing permanent structure in violation of the requirements of the zoning regulations.
4. If the Planning Commission fails to act on the final plat within sixty (60) days after it has been submitted for approval, it shall be deemed to have been approved unless the sub-divider shall have consented in writing to extend or waive such time limitation.
5. Before a final plat is recorded, it shall be submitted to the Governing Body for its approval and acceptance of dedications for streets and other public ways, service and utility easements, and any land dedicated for public use. If the Governing Body disapproves the final plat, they shall advise the sub-divider in writing of the reasons for such disapproval.
6. The Governing Body shall either approve or disapprove the final plat within sixty (60) days after it has been submitted to them for final approval. If they fail to act on the final plat within sixty (60) days, it shall be deemed to have been approved unless the sub-divider shall have consented to extend or waive such time limitation.

7. The final plat, with all required signatures and in the exact form as approved by the Governing Body, shall be recorded by the sub-divider with the County Register of Deeds. The sub-divider shall pay the recording fee. Approval of the final plat by the Planning Agency and the Governing Body shall be null and void if the plat is not acceptable for recording in the office of the Register of Deeds or is not recorded within sixty (60) days after final approval by the Governing Body. The Register of Deeds shall reproduce copies of the recorded plat for the record keeping purposes of County and other governmental agencies.

SECTION 5. SMALL TRACT PLATTING PROCEDURE:

1. For certain small tracts, the Planning Commission may approve an abbreviated platting process not requiring submittal of either a sketch plan or a preliminary plat. To qualify for the abbreviated procedure, the proposed subdivision shall comply with the following requirements:
 - a. The subdivision shall not include more than ten (10) acres for a residential development, or more than five (5) acres for any other type of development.
 - b. The proposed subdivision shall not create more than five lots, tracts, or parcels of land.
 - c. The plat shall not create new streets or access easements or other improvements requiring dedication of public spaces.
 - d. The plat shall be prepared in the manner required for final plats by these regulations, including all information, documentation, and certifications.
 - e. The plat shall be filed for processing and approval in the same manner as required for preliminary and final plats by these Regulations.
2. In order to facilitate processing and review of plats qualifying for the abbreviated process, the Code Enforcement Official may require the sub-divider to submit supplemental information with the plat, particularly where there are special site conditions such as watercourses or other unique features. Sufficient copies of the plat and supplemental information shall be submitted, as determined by the Code Enforcement Official, to allow review by affected and interested governmental units and the general public.
3. The approval process for plats filed under the abbreviated procedure shall be the same as that specified by these Regulations for a final plat, except for the requirement of an approved preliminary plat.

ARTICLE V

DOCUMENTATION REQUIRED FOR PRELIMINARY AND FINAL PLATS

SECTION 1. PRELIMINARY PLAT:

1. *General Information.* The preliminary plat shall be prepared by a registered land surveyor, licensed engineer, or registered landscape architect and shall be drawn to a scale of not more than one hundred (100) feet to an inch on a sheet with dimensions of twenty-four (24) by thirty-six (36) inches. Sheets shall be numbered in sequence if more than one (1) sheet is used. The plat shall contain the following:
 - a. Name:
 - (1) Name of subdivision if property is within an existing subdivision.
 - (2) Proposed name if property is not within a previously platted subdivision. This name shall not be so similar to any existing subdivision name as to cause confusion.
 - b. Ownership:
 - (1) Name, address, and telephone number of legal owner or agent of property and citation of last instrument conveying title to each parcel or property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - (2) Citation of any existing legal rights-of-way or easements affecting the property.
 - (3) Existing covenants on the property, if any.
 - (4) Name, address, and telephone number of the professional person responsible for surveys, subdivision design, and for the design of public improvements.
 - c. Description: Location of property by government lot, section, township, range and county, north arrow, graphic scale, written scale, and date of preparation.
2. *Existing Conditions.*
 - a. Location of property lines and names of all adjoining property owners from the latest assessment rolls. The location of existing easements, burial grounds, railroad rights-of-way, watercourses, and wooded areas.
 - b. Location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract and the location and width of proposed streets.

- c. Location and sizes of existing sewers, water mains, culverts, wells, septic tanks, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.
- d. If other than public systems are proposed, preliminary proposals for alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- e. A vicinity map showing streets and other general development of the surrounding area.
- f. The location of pertinent features such as swamps, parks, bridges, and towers.
- g. Whenever the plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of not more than two hundred (200) feet to the inch, a sketch of the proposed subdivision area, together with its proposed street system and an indication of the probable future street and drainage system of the remaining portion of the tract.
- h. The location, bearings, and dimensions of all boundary lines of the property to be expressed to the nearest foot; this boundary survey shall be prepared by a registered land surveyor.
- i. Contour lines or spot elevations based on Mean Sea Level (MSL) or other datum approved by the Planning Commission having the following minimum intervals:
 - (1) Two (2) foot contour intervals for ground slopes less than ten (10) percent.
 - (2) Five (5) foot contour intervals for ground slopes exceeding ten (10) percent.
 - (3) Spot elevations where the ground is too flat for contours.
- j. The date of the topographic survey(s) shall be shown including the location, elevation, and description of the bench mark controlling the vertical survey and the location of existing monuments and survey markers.
- k. The locations and dimensions of all proposed or existing lots expressed to the nearest foot.
- l. The locations and dimensions of all property proposed to be set aside for park and playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.

- m. The date of the plat, approximate north point, graphic and written scale, and sufficient data acceptable to the city engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines on the ground; the location of all proposed monuments.
- n. Names of all new streets.
- o. Front yard setback lines for all lots and portions of lots as required by the zoning regulations.
- p. Blocks shall be consecutively numbered. All lots in each block shall be consecutively numbered.
- q. A statement of the use of all lots as proposed by the applicant.
- r. Explanation of drainage easements, site easements, and reservations, if any.
- s. A statement as to the general nature and type of improvements proposed for the subdivision, and in what manner the sub-divider intends to finance and provide for their installation, e.g., petition, actual construction, monetary guarantee, etc.
- t. The lack of information under any specified item herein, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.

SECTION 2. FINAL PLAT:

- 1. The final plat shall be submitted in the form of an original drawing in waterproof ink on mylar or other polyester drafting film drawn to a scale no smaller than one (1) inch to one hundred (100) feet on a twenty-four (24) by thirty-six (36) inch sheet. The final subdivision plat shall be prepared by a registered land surveyor. It is desirable that the drawing of the final plat appear on a single sheet. When this is impossible, a small scale key map shall appear on the first sheet showing the entire area platted and the sheet on which each platted area appears. All revision dates must be shown as well as the following:
 - a. Name of the subdivision.
 - b. Vicinity map showing the location of the subdivision relative to adjacent subdivisions, tracts, and other area development.
 - c. A legal description prepared by a registered land surveyor of the tract being subdivided.
 - d. The perimeter boundary lines of the subdivision showing all property corners, land lines, distances, bearings and angles, and other references used in the legal description of the tract. The boundary of the platted areas should be accurately indicated by a heavy solid line.

- e. All lot lines, right-of-way lines, streets, and easements shall be shown with their dimensions to the nearest one hundredth (0.01) of a foot and in actual respective location.
- f. All easements shall be denoted by fine dashed lines, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not definitely located on record, a statement of such easement shall be included. The width of the easement with sufficient ties to locate it definitely 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.
- g. 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.
- h. Lot numbers beginning with the number one and numbered consecutively in each block.
- i. Minimum front yard building setback lines as established by applicable zoning or other regulations or more restrictive setbacks if desired by the sub-divider.
- j. The width of the portion of the streets being dedicated and the width of any existing right-of-way.
- k. The name of each street shown on the subdivision plat.
- l. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
- m. Protective covenants, if any, shall be lettered on the final plat or submitted on a separate sheet with appropriate references made on the final plat and signed by the sub-divider and/or owner.
- n. Any restrictions in addition to the protective covenants shall be lettered on the plat.
- o. The flood fringe and floodway, of any floodplain, shall be identified on the plat.
- p. North point, graphic scale, written scale, and date of preparation.
- q. Sufficient information shall be shown on the plat to allow an experienced surveyor to locate or relocate all points and lines shown on the plat, including all pertinent curve data. The error of closure of the boundaries of any enclosed area within the plat shall not exceed one (1) foot in three thousand (3,000) feet.

ABTRACTOR CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF ALLEN COUNTY)

I, the undersigned, being a duly licensed and bonded abstractor or an authorized representative thereof, hereby certify that the above is the legal owner(s) of the property shown on this plat.

Dated this ____ day of _____, A.D. 20 ____.

NOTARY CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF ALLEN COUNTY)

The foregoing instrument was acknowledged before me this ____ day of _____, 20 ____, by _____.

_____, Notary Public

(SEAL)
My appointment expires: _____

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF ALLEN COUNTY)

This plat was approved by the Humboldt City Planning Commission on this ____ day of _____, 20 ____, and was recommended for approval by the City Council of Humboldt, Kansas.

Date Signed: _____

Chairman

ATTEST:

Secretary

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF KANSAS)
) ss
COUNTY OF ALLEN COUNTY)

I do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have not been apportioned against the tract of land included in this plat.

Given under my hand and seal this ____ day of _____, A.D. 20__.

County Clerk

City Clerk

CERTIFICATE OF THE CITY ATTORNEY

STATE OF KANSAS)
) ss
COUNTY OF ALLEN COUNTY)

Approved this ____ day of _____, A.D. 20__.

City attorney for the City of Humboldt, Kansas

CITY ATTORNEY

TRANSFER RECORD

Entered on transfer record this ____ day of _____, 20 ____.

REGISTER OF DEEDS

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS)
) ss
COUNTY OF ALLEN COUNTY)

This is to certify that this instrument was filed for record in the Register of Deeds Office,
at _____ a.m./ p.m., on the ____ day of _____, 20 ____.

(SEAL)

Register of Deeds

- 4. The final plat shall also contain all other certifications, approvals and acceptances which are now, or which may hereafter be, required by any statute or regulation. The form of these certifications may be modified as necessary by the City’s legal counsel to meet statutory or other requirements.
- 5. The following additional information shall be submitted with the final plat:
 - a. A copy of any restrictive covenants applicable to the subdivision.
 - b. 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 plat. The consent of all such persons shall be shown on the plat.
- 6. It shall be the responsibility of the sub-divider to file the plat with the County Register of Deeds’ office within sixty (60) days of the date of signature. If the plat is not recorded within sixty (60) days, the Planning Commission may rescind their approval of the plat.

ARTICLE VI

MINIMUM DESIGN STANDARDS

SECTION 1. GENERAL GUIDELINES:

1. In addition to the requirements established herein, all subdivision plats shall comply with all applicable ordinances of the City, and all City policy documents, including all streets, drainage systems and parks shown on the land use plan or other officially adopted plan; any rules of the local health department and/or the state department of health; the rules of the state department of transportation if the subdivision or any lot contained therein abuts a state highway or connecting street; the standards and regulations adopted by the City engineer, and all boards, commissions, agencies, and officials of the City and County.
2. Whenever County, State or other applicable regulations impose more restrictive standards and requirements than those outlined herein, the more restrictive regulations shall control.
3. Subdivision plats shall conform to the following general guidelines:
 - a. All portions of a tract being subdivided, unless otherwise permitted, shall be designed as lots, streets, planned open spaces, or other uses to avoid creation of vacant landlocked spaces.
 - b. Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut and fill.
 - c. Whenever possible, developers shall preserve trees, groves, waterways, scenic points, historic sites, and other local assets and landmarks.
 - d. Land subject to flooding or other hazards to life, health, or property, and land deemed to be unsuitable from the standpoint of geology, soil conditions, or topography, shall not be platted for residential occupancy or other such purposes as may increase danger to health, life, or property, nor aggravate erosion or flood hazard, unless all such hazards are properly mitigated through the subdivision planning process, as hereinafter provided.
 - e. All subdivisions shall have frontage on and have direct access to a public right-of-way.

SECTION 2. PUBLIC FACILITY REQUIREMENTS:

1. In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed facilities to serve the additional dwellings proposed by the subdivision.

2. Where deemed essential by the Planning Commission, upon consideration of the particular type of development proposed and especially in large scale residential developments, the Planning Commission may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development.
3. Areas provided for or reserved for such community facilities shall be adequate to provide for building sites, landscaping, and off-street parking, as appropriate to the use proposed.
4. Areas set aside for recreational purposes, such as playgrounds in manufactured home parks, shall be of adequate size and configuration to accommodate the intended use. They should be so located as to serve all the residents, and in large developments, more than one such area may be required to serve the residents in close proximity to their dwellings.

SECTION 3. CHARACTER OF THE LAND:

1. Land which the Planning Commission finds to be unsuitable for subdivision or development, due to flooding, improper drainage, steep slopes, rock formation, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of inhabitants of the land and surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems created by the unsuitable land conditions.
2. No land subject to a flood having a chance occurrence in any one year of one percent, including, but not limited to, areas identified by the Federal Flood Insurance Administration as having special flood hazards, shall be subdivided for residential use or any other use which would be incompatible with such flooding except as provided below:
 - a. Land subject to periodic flooding, or which has inadequate drainage, may be subdivided only if improvements or structures are designed by an engineer so as to assure adequate flood proofing. Proposals for subdivision of land in such areas shall include engineering evidence that the proposed development will:
 - (1) Not unduly restrict or block the conveyance of flood water.
 - (2) Not result in an increase in height of the flood water of more than one (1) foot.
 - (3) Require residential structures to have the lowest floor (including basement) to be at least one (1) foot above such flood level or non-residential structures to be elevated or flood-proofed to at least one (1) foot above such flood level.
 - (4) Meet all zoning requirements for identified flood hazard areas.
 - b. New or replacement water supply and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. It is also required that on-site sewage disposal systems shall be located so as to avoid their impairment or contamination during flooding.

3. Proposals for development of land subject to excessive erosion by the forces of wind and/or water shall include necessary preventive measures as a part of the subdivision platting process. Conservation standards endorsed by the Allen County Conservation District shall be incorporated as appropriate.

SECTION 4. STREETS, ALLEYS, AND PUBLIC WAYS:

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to the intent of the Comprehensive Plan, and shall be considered in their relation to existing and planned streets; to reasonable circulation of traffic within the subdivision and adjoining lands; to topographical conditions; to the runoff of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the land to be served by such streets.
2. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage, and suitable building sites.
3. Dead end streets shall be prohibited, except as stubs, to permit future street extensions into adjoining tracts or when designed as cul-de-sacs with turnaround provisions.
4. Stub streets, greater in length than one lot depth, shall be provided with a temporary turnaround to the standards required for cul-de-sacs, or shall be paved to the full width of the right-of-way for the last fifty (50) feet of their length.
5. Streets that are obviously in alignment with other already existing and named streets shall bear the names of the existing streets. Street names should not be similar to already platted street names.
6. Arterial streets through subdivisions shall conform to the major street plan of the Comprehensive Plan as adopted by the Planning Commission and the Governing Body.
7. Local streets should be designed so as to discourage through or non-local traffic. Local streets should not intersect arterial streets.
8. Cul-de-sacs shall meet the following minimum standards:
 - a. The maximum length of a cul-de-sac street shall be five hundred (500) feet, but a length of up to one thousand (1,000) feet may be approved by the Planning Commission if conditions warrant.
 - b. Cul-de-sacs shall have at the closed end a turnaround with a right-of-way having a minimum outside radius of not less than one hundred (100) feet and shall be surfaced to a radius of not less than fifty (50) feet.
 - c. Drainage of a cul-de-sac shall preferably be toward the open end.

9. Where lots front or side, but do not back, on railroad rights-of-way, major streets, or highways, a marginal access street, or frontage road shall be provided, parallel and adjacent to the boundary of such right-of-way. The distance of the street from said right-of-way shall be determined with due consideration given to minimum distance required for approach connections to future grade separations or intersections. The right-of-way of such frontage road shall be sixty (60) feet, unless otherwise approved.
10. The Planning Commission may recommend to the City Council that the requirement for a frontage road be waived if:
 - a. Existing physical conditions make it improbable that a frontage road would be constructed.
 - b. A hardship is created and the full use of the property cannot be obtained for lots or tracts that existed prior to the effective date of this Resolution.
11. Dedication of half-streets will not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the approved major street plan and other requirements of these regulations. In addition, satisfactory assurance that dedication of the remaining part of the street will occur in a reasonable length of time will be required.
12. All streets, alleys, and public ways included in any subdivision, hereafter dedicated and accepted, shall be not less than the minimum dimensions for each classification as follows:

	MINIMUM RIGHT-OF-WAY <u>WIDTH</u>	MAXIMUM <u>GRADE</u>
Major Streets:		
Arterials	100 feet	6%
Collectors	80 feet	8%
Local Streets:		
Residential	60 feet	10%
Industrial & Commercial	80 feet	6%
Cul-de-sacs	60 foot radius on turn-around	
Marginal Access Streets or Frontage Roads:		
Two-Way	50 feet	10%
One-Way 50 feet	10%	
Alleys	20 feet	10%
Pedestrian Ways	10 feet	

13. These minimum dimensions may be modified by the City, as necessary, to allow for special conditions such as parallel drainage and roadway systems, utility requirements, provision for pedestrian movement, grade problems, intersection design, and similar considerations in the process of establishing a safe and efficient street system.

14. To insure proper street layout and function, street alignment shall conform to the following:
 - a. Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.
 - b. Residential streets should approach major streets at an angle of not less than eighty (80) degrees or more than one hundred (100) degrees.
 - c. Wherever possible, there shall be an inside tangent at least one hundred (100) feet in length between reverse curves on arterial and collector streets.
 - d. Streets shall be laid out so as to provide for horizontal sight distances on all curves depending upon design speed. These distances shall be:

Horizontal

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

Vertical

Arterial Streets:	350 feet
Collector Streets:	300 feet
Local Streets:	200 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.

- e. Street jogs should be avoided on arterial and collector streets. On local streets, centerline offsets of less than 150 feet should be avoided.
 - f. Multiple street intersection involving junction of more than two (2) streets shall be avoided. Where this proves impossible, such intersection shall be designed with extreme care for both pedestrian and vehicular safety.
15. Street and roadway grades should not exceed the following recommended standards:
 - a. Centerline grades should not be less than one (1) percent.
 - b. The maximum street grades for residential streets should be no greater than ten (10) percent.
16. No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be used where they are or would be logical extensions of existing streets even though separated by undeveloped land.

17. Clear sight triangles of ninety (90) feet measured along the street centerlines from their points of junction shall be provided at all intersections, and no obstruction shall be higher than two and one-half (2½) feet above the grades of the bottom of the curb of the intersecting streets within the sight triangle.
18. Alleys shall conform with the following standards:
 - a. Alleys shall be provided in commercial and industrial areas, except that the Planning Commission may recommend waiving 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. Alleys in residential districts are optional, unless recommended by the Planning Commission.
 - b. When provided, the minimum width of an alley shall be twenty (20) feet.
 - c. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
 - d. Dead end alleys shall be avoided where possible, but if unavoidable, such alleys shall be provided with adequate turnaround facilities at the dead end.
19. Where alleys are not provided, permanent easements of not less than ten (10) feet in width shall be provided on all rear lot lines, and on side lot lines where necessary, for utility poles, wires, and conduits; sanitary sewers; gas, water, and heat mains; and other public utilities and drainage requirements.
 - a. A twelve (12) foot temporary construction easement shall be provided on each side of the permanent easement required above for initial construction of water, sewer, and other utility lines.
 - b. Where a lot or group of lots side or back on an existing high pressure oil line or existing high pressure gas line, a seventy-five (75) foot easement shall be provided on each side of said oil line or gas line. The seventy-five (75) foot easement shall be provided on that part of the lot which abuts the oil line or gas line and no building or structure shall be located or constructed within said seventy-five (75) foot easement.
20. If a subdivision is traversed by a watercourse, drainageway, or channel, a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and shall be of such width or construction, or both, as may be necessary to provide adequate storm water drainage and for access for maintenance purposes.

SECTION 5. BLOCKS:

1. The length, width, and shape of blocks shall be determined with due regard to the following:
 - a. Provision of adequate sites for type of buildings proposed.

- b. Zoning requirements as to lot size, dimension, and minimum lot area per dwelling unit.
 - c. The limitations and opportunities of the topography.
 - d. Requirements for safe and convenient vehicular and pedestrian circulation and access.
 - e. The limitations and characteristics of the soil and slope relative to the requirements for the installation of utilities, including any unusual requirements for septic lateral fields, package processing plants, or sewage holding lagoons.
2. Blocks should not exceed one thousand three hundred twenty (1,320) feet in length unless topographic conditions justify a variation. In general, blocks shall not be less than three hundred (300) feet unless necessary because of existing street patterns.
 3. All blocks shall be so designed so as to provide two tiers of lots, unless a different arrangement is required in order to comply with or be permitted by other sections of these regulations.
 4. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision.
 5. In extra long blocks, a public pedestrian way may be required to provide access to public or private facilities such as schools or parks.

SECTION 6. LOTS:

1. Lot size, width, depth, shape and orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot dimensions shall conform to the minimum standards of any applicable zoning regulations or sanitary code based on availability of a public water supply and/or a public sewer system, unless higher standards are required in accordance with these regulations.
3. Minimum lot width shall be measured at the building setback line; however, in no case shall the lot width be less than fifty (50) feet at the front property line. In addition, corner lots should have a width fifteen (15) feet greater than the minimum width.
4. Minimum lot depth shall be 100 feet. (Said measurement shall be made through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets).
5. As a general guideline, the maximum depth of lots shall not exceed two-and one-half (2-1/2) times the width thereof.

6. There shall be no double frontage lots except where the lots abut upon a limited access highway or arterial street or where the topography of the land prevents reasonable subdivision otherwise.
7. Corner lots shall have extra width where necessary to permit appropriate building setback from and orientation to both streets.
8. Side lines of lots shall be at right angles or radial to the street line, or substantially so.
9. Residential lots shall front on a residential street, existing or proposed, and this requirement shall not be satisfied by providing an access easement to the street.

SECTION 7. SUBDIVISION DESIGN

1. In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission and Governing Body shall have the right to restrict and regulate points of access to all property from the public street system.
2. The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development, and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign, if, in its opinion, the layout is not suitable for the site, or if the development of the subdivision would be premature.
3. The sub-divider may be required to have an engineer's study prepared to determine the amount of increased storm water runoff that will be created by the proposed development and a plan of how this runoff will be accommodated. The City may require design modification of the proposed storm water system to reduce increased runoff.
4. Where appropriate, conservation of energy through the use of both passive and active solar systems is encouraged. To accommodate solar design, streets in residential subdivisions should, where possible, have an east-west alignment. Lots intended for detached dwellings should be of sufficient width to allow the structure to be built with its longest axis running east-west.
5. Any sub-divider may grant or establish a solar skyspace easement to protect solar energy systems from being shaded. The easements shall be created in writing and shall be recorded separately or be written on the face of the plat. Any such easements shall be written to run with the land.

ARTICLE VII

**DEDICATION OR RESERVATION OF
PUBLIC SITES AND OPEN SPACES**

SECTION 1. DETERMINATION OF NEED: In subdividing land, due consideration shall be given by the sub-divider to the dedication or reservation of sites for schools, parks, playgrounds, and other public areas or open spaces. Any areas so dedicated or reserved shall conform with the recommendation of the Comprehensive Plan and to the recommendations of the Planning Commission. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency.

SECTION 2. DEDICATION OF SITES: After proper determination of its necessity by the Planning Commission, and Governing Body and the appropriate City official or public agency involved in the acquisition and use of each such site and a determination has been made to acquire the site by the public agency, the site may be dedicated by the applicant to the City or other appropriate agency on the final plat.

ARTICLE VIII

REQUIRED IMPROVEMENTS

SECTION 1. IMPROVEMENT PROVISIONS: As a condition to the approval of the final plat, the sub-divider shall agree to install, or provide for the installation of, the following necessary facilities and improvements:

1. All roadways, alleys, curbs, gutters, and street drainage facilities in the subdivision in accordance with standard specifications provided by the City. All paved streets shall be constructed of concrete, asphalt, or asphaltic concrete. Unpaved rural type roadways may be constructed with gravel or sanded surface. If other than gravel or sanded surface materials are used, urban construction standards shall govern. Streets may require cooperative agreements for maintenance.
2. Sidewalks, when required, shall be constructed in accordance with specifications provided by the City under the following conditions:
 - a. Sidewalks shall be installed on both sides of all arterial and collector streets, and sidewalks shall be required on both sides of the streets in commercial districts. All sidewalks shall be not less than four (4) feet in width of portland cement concrete and shall comply with the specifications of the Governing Body. Sidewalks shall be located in the platted street right-of-way, adjacent to property line where possible. Walks shall also be installed in any pedestrian easements as may be required by the Planning Commission.
3. The sub-divider shall be responsible to provide for and pay the full cost for the proper installation of all utilities, including: sanitary sewers and connection to approved treatment facilities, water supply, natural gas, electricity and telephone service. Such utilities shall be installed according to the specifications of the controlling utility company or public agency.
4. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, sub-transmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction.
5. All gas meters must be located within three (3) feet of the building foundation if located within front yards in all subdivisions. All of the above will apply to any final plat which is approved by the Planning Commission after the passage of these regulations.
6. Fire Hydrants, in accordance with the standards of the applicable water supplier, but not less than the minimum standards of the National Board of Fire Underwriters, shall be provided wherever there shall be constructed a water supply system capable of sustaining fire hydrant service.

7. A storm drainage system shall be provided, separate, and independent of the sanitary sewer system, meeting all of the standard specifications provided by the City. Such storm drainage shall be connected to any existing storm drainage system, where available, or if such connection is not available, other adequate means for the discharge shall be provided into the nearest major water channel.
8. Street signs of such location, type, and size as shall be approved by the Governing Body, giving due regard to the prevailing type, size, and pattern of location utilized in the area.
9. Underground wiring for electric power, street lights, and telephone service is encouraged, but not required.
10. Street trees may be planted by the sub-divider on all streets in the subdivision. Such trees may be planted on both sides but not less than five (5) feet from the back of curb lines.
11. All lot and block corners, angle points, points of curve in streets, and at intermediate points, as required, shall be set prior to the final acceptance of the plat by the City. Said stakes shall be 3/4-inch iron bars, three (3) feet long, and shall be set flush with the existing ground surface.
12. A minimum of 2 benchmarks (monuments) shall be placed in each subdivision, located and installed as required by the Engineer. In subdivisions larger than 40 acres, 1 benchmark shall be installed for each additional 20-acre area. The monument shall be a 3-inch brass cap set permanently in concrete, 10 inches in diameter by 24 inches deep approved the Engineer. The elevation of the monuments shall be identified on each.
13. The City shall install street lights.
14. Where landscaping of public areas is to be provided or the screening of private areas is required, a planting plan shall be submitted and the landscaping installed in accordance with the plan.

SECTION 2. RELOCATION OF EXISTING FACILITIES: Whenever existing sanitary or storm water sewers, water lines, drainage channels, culverts, underground or overhead electric and communication lines, gas lines, pipe lines, or transmission lines are required to be relocated due to the subdivision or construction of improvements required as a condition of approval of the subdivision, and in the event such was not known at the time of subdivision approval for any reason, provision for such relocation shall be the sole responsibility of the sub-divider.

SECTION 3. EROSION CONTROL: Where required, applicable measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be observed as recommended by the Allen County Conservation District.

SECTION 4. EXISTING IMPROVEMENTS:

1. Where the proposed subdivision is a re-subdivision or concerns an area presently having any or all required improvements as previously set out, and where such improvements meet the requirements of these regulations and are in good condition as determined by the Governing Body based upon its consideration of the opinion of the City Engineer, no further provision need be made by the sub-divider to duplicate such improvements. However, where such existing improvements do not meet said requirements, the sub-divider shall provide for the repair, correction, or replacement of such improvements so that all final improvements will then meet the requirements of these regulations.
2. Where the proposed subdivision is a re-subdivision or concerns an area presently abutting or continuing any existing public street of less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or by the policy of the Governing Body, and the sub-divider of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the Governing Body. The Governing Body shall determine what adjustment to make where the aforesaid widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The Governing Body may reduce the minimum 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. Lanes to be painted on such widened streets designating driving and parking areas may also be required by the Governing Body.

SECTION 5. FINANCING OF REQUIRED IMPROVEMENTS:

1. When the construction or installation of street improvements, central sanitary sewer system, storm sewer system, or other drainage improvements are required to serve the proposed development within a subdivision, a prerequisite for approval of the Final Plat shall be the submission of a plan specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The plan shall show the quantity, quality, and geometric details of the proposed construction or installation, which shall meet or exceed the standards set forth in the Subdivision Regulations and the City Building Codes.
2. Upon final approval of plans and specifications for required improvements, the sub-divider shall enter into an agreement with the Governing Body under which the sub-divider agrees to install such required improvements. Such agreement shall be conditioned upon the approval of the final plat by the Governing Body.
3. Simultaneously with execution of the agreement, unless otherwise approved, the sub-divider shall furnish a corporate completion bond by a firm authorized to do business in Kansas with good and sufficient sureties thereon, or a cashier's check, escrow account, or irrevocable letter of credit in favor of the Governing Body, in the amount of the estimated cost as approved by the official responsible for setting and enforcing the applicable design and construction standards of the installation of the required improvements. Such financial guarantee shall be conditioned upon the approval of the final plat and further conditioned

upon the actual completion and satisfactory installation of such required improvements within two (2) years from the date that the final plat is approved by the Governing Body.

4. As an alternative method of providing for financing of improvements, petitions to the Governing Body may be submitted as a means of guaranteeing to such Governing Body the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:
 - a. The petitions, to be secured from the Governing Body, must be valid petitions as may be provided for under Kansas law.
 - b. The petitions must be approved by the Governing Body, concurrent with the approval and acceptance of the final plat.
 - c. The initiating resolution for such improvements must be adopted by the Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law. The cost of the publication of said resolution shall be born by the sub-divider.
 - d. The initiating resolution must be recorded with the Allen County Register of Deeds after it has been adopted by the Governing Body showing that the land described in the resolution will be liable in the future for special assessments for the improvements authorized.
5. The sub-divider shall, prior to the approval of the final plat, submit a letter from the utility(ies) involved stating that satisfactory arrangements have been made by the sub-divider guaranteeing the installation of their respective services.
6. Unless the required improvements have been installed or guaranteed by a bond or special assessment petition for a lot or tract, no building permits shall be issued for that lot or tract.
7. No occupancy shall be allowed until all improvements have been installed.

ARTICLE IX

INSTALLATION OF IMPROVEMENTS

SECTION 1. PLANS AND SPECIFICATIONS REQUIRED: Where installation of improvements by the petition method has not been authorized, the sub-divider shall be responsible for submission of engineering drawings and specifications meeting the requirements of these regulations, and subject to approval by the Governing Body. Such plans and specifications shall be prepared by a licensed engineer and shall be submitted in duplicate to the Code Enforcement Official at least fifteen (15) days prior to the date of anticipated final plat approval. Failure to do so shall be considered consent for extension of any time limitation for plat approval by the Governing Body.

SECTION 2. CONTENT OF PLANS AND SPECIFICATIONS:

1. Construction documents for installation of improvements shall contain all information necessary for installation of improvements in accordance with applicable standards and guidelines. In general, these documents shall contain plans, profiles, details, specifications, and cost estimates, as appropriate, for the following:
 - a. Roadways, alleys, and sidewalks.
 - b. Storm drainage improvements.
 - c. Water supply and distribution systems.
 - d. Sanitary sewerage systems.
 - e. Any additional utilities not the responsibility of the service company.
2. Engineering plans, profiles, details, and specifications shall be prepared at such scale and in such format as may be approved by the Governing Body.
3. The engineer, official, or agency responsible for determining specifications and standards shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with established design standards. The reviewing official shall forward to the Planning Commission the results of the review process.
4. The Planning Commission and Governing Body shall not approve a final plat until the engineering documents have been approved, or petitions, if authorized, have been properly filed.

SECTION 3. CONSTRUCTION OF IMPROVEMENTS:

1. All improvements installed shall be subject to inspection and approval by the engineer or official designated by the Governing Body. The sub-divider shall provide at least forty-eight (48) hours notice prior to any inspection work.

2. After the final inspection is made and before acceptance of the improvement by the Governing Body, the sub-divider shall file a statement certifying that all obligations incurred in the engineering and construction of the improvement involved have been properly paid and settled.
3. Upon proof of compliance with the requirements of these regulations and all other standards and guidelines, the Governing Body may, by resolution, accept the improvements. Upon approval and acceptance, the improvements, where applicable, shall become the property of the appropriate Governing Body or utility company.

ARTICLE X

LOT SPLIT PROCEDURE

SECTION 1. AUTHORITY FOR APPROVAL: The intent of this Article is to provide for the issuance of building permits on platted lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without re-platting. The Planning Commission may approve or disapprove lot splits in accordance with the following regulations.

SECTION 2. APPLICATION:

1. Applications for lot split approval shall be made by the owner of the land to the Code Enforcement Official. Four (4) copies of a scale drawing of the lots involved if there are no structures thereon, or, if structures are located on any part of the lot being split, four (4) copies of a survey of the lot(s) and the location of the structures thereon together with the precise nature, location and dimensions of the proposed lot split shall accompany the application. The application shall be accompanied by a list of the names and addresses of all persons who own property within 200 feet of the property proposed to be split if such property is within the city boundary. For properties adjoining or outside the city boundary, names and addresses shall be provided for all owners within 1,000 feet in the unincorporated area. Written notices shall be given by the applicant to all such owners. Such owners shall have ten (10) days from the date of notification to notify the Code Enforcement Official of any protests they may have concerning the lot split. The ten-day waiting period may be waived upon submission in writing of statements from those to be notified that they have no objection to the proposed lot split.
2. No lot split shall be approved if:
 - a. A new street or alley or other public improvement is needed or proposed.
 - b. A vacation of streets, alleys, setback lines, access control, or easements is required or proposed.
 - c. 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, re-paving, etc.).
 - d. There is less street right-of-way than required by these Regulations or the Comprehensive Plan.
 - e. All easement requirements have not been satisfied.
 - f. Such split will result in a tract without direct access to a street (i.e., property must abut a street and meet minimum lot width requirements).
 - g. A substandard-sized lot or parcel will be created.

- h. The lot has been previously split in accordance with these regulations.

SECTION 3. LOT SPLIT APPROVAL:

- 1. The Planning Commission shall, within thirty (30) days of an application, in writing, approve, disapprove, or continue for cause those applications which in the opinion of the Planning Commission do not meet the requirements of these regulations.

When the lot split application has been approved, and after all conditions have been met, the Chairman and Secretary of the Planning Commission shall sign the following certificate of approval, as required, for the lot split drawing or survey:

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF KANSAS)
) ss
COUNTY OF ALLEN COUNTY)

I hereby certify that this lot split has been examined and found to comply with the Subdivision Regulations of the City of Humboldt, Kansas, and is, therefore, approved for recording.

Date Signed: _____

Planning Commission Chairman

Planning Commission Secretary

- 2. A copy of the lot split approval shall be filed by the Code Enforcement Official with the applicable official designated to issue building and/or zoning permits and two (2) copies shall be furnished to the applicant, one of which the applicant shall file with the County Register of Deeds.

SECTION 4. EXEMPTION FOR INDUSTRIAL PLATS: A lot which is zoned for industrial purposes and for which a plat has been officially recorded may be further divided into two or more tracts without further re-platting or splitting such a lot; provided, that none of the conditions under SECTION 2 (2) is found to exist.

ARTICLE XI

APPEALS AND VARIANCES

SECTION 1. APPEALS: The sub-divider of a proposed subdivision may appeal to the Governing Body decisions made in the enforcement or interpretation of these regulations by the Code Enforcement Official, Planning Commission, or the City Engineer. In the event the Governing Body sustains such decisions, the prior enforcement or interpretation shall be final, except as otherwise provided by law. If the Governing Body overrules the decision, the Governing Body shall state its decisions and the reasons therefore in writing and submit the decision and plat to the Planning Commission, seeking concurrence. In case of non-concurrence, the decision of the Governing Body shall be final.

SECTION 2. VARIANCES: Whenever the Planning Commission shall recommend that full conformance to the provisions of these regulations is impractical or impossible due to the size, shape, topographic location or condition, or such usage of land included in a subdivision plat being presented for approval, the Governing Body may authorize variances of these regulations. In authorizing such variances or exceptions, the Governing Body shall find all of the following:

1. That strict application of these regulations will create an undue hardship upon the sub-divider.
2. That the proposed variance is in harmony with the intended purpose of these regulations.
3. That the proposed variance will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

SECTION 3. WAIVERS: Any waiver of the required improvements shall be made by the Governing Body only on a showing that such improvements are technically not feasible. Provided, however, that any request for a waiver shall first be submitted to and a recommendation made by the Planning Commission.

ARTICLE XII

AMENDMENTS AND REVIEW

SECTION 1. AMENDMENT PROCEDURE: These regulations may be amended at any time after the Planning Commission shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published at least once in the official City newspaper. Such notice shall be published at least twenty (20) days prior to the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. Notice shall also be provided to the County at least twenty (20) days prior to the hearing on the proposed amendments. At or after such public hearing is held, the Planning Commission may recommend approval of such amendments, but such amendments shall not become effective until approved by the Governing Body by an ordinance and published once in the official City newspaper.

SECTION 2. ANNUAL REVIEW: In order to maintain these regulations, the Planning Commission shall annually hold a public review to consider amendments, if any, to these regulations. Notification of such a public review may be distributed to governmental agencies and interested parties. During the intervening period between reviews, the Code Enforcement Official shall maintain a list of possible amendments which may be periodically brought to the attention of the Planning Commission.

ARTICLE XIII

ADMINISTRATION

SECTION 1. DUTIES OF THE CODE ENFORCEMENT OFFICIAL:

1. Maintain permanent and current records with respect to these regulations including amendments thereto. Keep minutes and agendas of all meeting and hearings.
2. Accept applications, filing fees, and preliminary and final plats.
3. Transmit preliminary and final plats to the Planning Commission.
4. Transmit Planning Commission recommendations regarding final plat approval and acceptance of dedications or easements to the Governing Body for its action.
5. Transmit final plats to the City Clerk to file with the County Register of Deeds on behalf of the City.

SECTION 2. DUTIES OF THE PLANNING COMMISSION:

1. Review and approve, approve conditionally, or disapprove preliminary plats.
2. Review and recommend approval, conditional approval, or disapproval of final plats and transmit the same together with recommendations for acceptance of dedications of easements and rights-of-way to the Governing Body for their review.
3. Make other determinations and decisions as may from time to time be required by these regulations and by the applicable sections of the Kansas Statutes Annotated.

SECTION 3. DUTIES OF THE GOVERNING BODY:

1. Consider Planning Commission recommendations on final plats and accept or reject dedications of easements and rights-of-way.
2. Approve engineering drawings of proposed improvements prior to construction.
3. Accept or reject financial guarantees from sub-dividers in lieu of immediate completion or installation of improvements required by the regulations.
4. Take other actions as required from time to time including the consideration of amendments to these regulations.

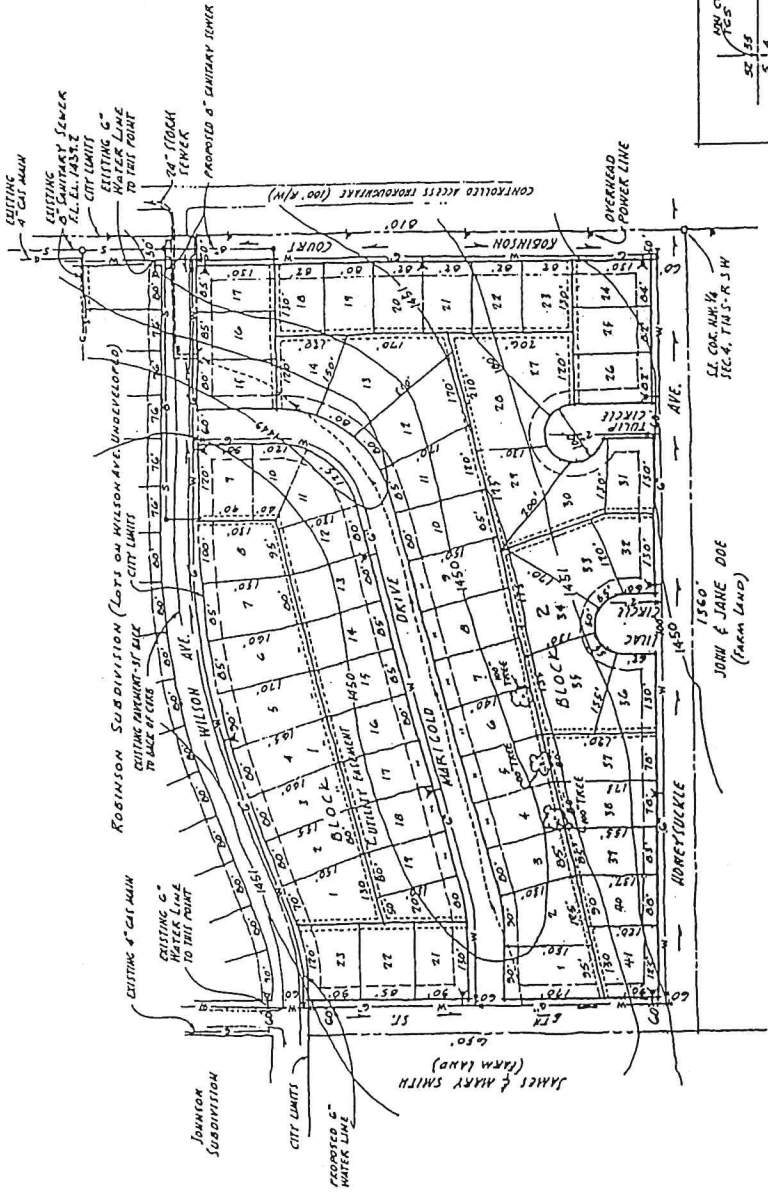
Sample Preliminary Subdivision Plat...

ORDER OF STREET DEVELOPMENT

1. 5' W. OF WILSON AVE TO HAWKWOOD DRIVE, ALL OF HAWKWOOD DRIVE.
2. ROBINSON COURT.
3. 5' W. OF HAWKWOOD DRIVE TO HONEYBUCKLE AVE. OF HONEYBUCKLE AVE., LILAC CIRCLE AND TULIP CIRCLE.

ORDER OF PUBLIC UTILITY DEVELOPMENT

1. WATER TO NORTH SIDE OF BLOCK 1 AND SEWER TO BLOCK 1.
2. WATER TO LOTS ON HAWKWOOD DRIVE.
3. WATER AND SEWER TO LOTS ON ROBINSON COURT.
4. SEWER TO REMAINDER OF BLOCK 2 AND WATER TO LOTS ON HONEYBUCKLE AVE.

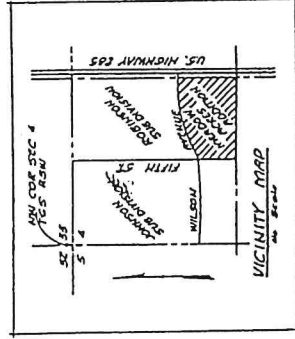


NOTES:

1. DRAINAGE AREA TO 78" ACP STORM DRAIN - 35 ACRES.
2. AREA OF ADDITION = 24 ACRES.
3. ALL UTILITY EASEMENTS 20' WIDE, 10' FROM EACH LOT.
4. ALL LOTS TO BE SOLD AS FIRST DWELLING RESIDENTIAL.
5. LOTS DRAIN TO STREETS, STREETS DRAIN TO TROPHOGENIC DRAINAGE DITCHES.
6. ALL BUILDING SEWER LINE 4" TS.
7. PROPOSED PAVING WIDTH 11' BACK TO BACK 35' FROM FOR CUL-DE-SAC.
8. GAS, POWER & SANITARY SEWER TO BE PLACED IN UTILITY EASEMENT.
9. PROTECTIVE COMMENTS SUBMITTED AS APPENDIX I TO THIS PLAT.
10. ALL NEW SANITARY SEWER LINES TO BE 6" DIA.

LEGEND

- EXISTING DRAINAGE COURSE
- PROPOSED STREET DRAINAGE
- UNDERGROUND STORM DRAIN
- SANITARY SEWER & MANHOLE
- FIRE HYDRANT
- CONCRETE PAVEMENT
- POWER POLE
- WATER LINE
- GAS LINE



PRELIMINARY PLAT OF
MEADOW ACRES ADDITION
GEORGE E. DAY
OWNER - SUBDIVIDER
CITY 21, STATE 21

PREPARED AND PLOTTED BY:
CONSULTANT'S NAME AND ADDRESS:
(DATE)

ARTICLE XIV

SEVERABILITY AND EFFECTIVE DATE

SECTION 1. SEVERABILITY: If any provisions of these regulations are held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these regulations, said provisions to be completely severable from the remaining provisions of these regulations, and the remaining provisions of these regulations shall remain in full force and effect.

SECTION 2. EFFECTIVE DATE: These regulations shall take effect and be in force from and after their recommendation by the Planning Commission, approval by the Governing Body by ordinance, and publication once in the official area newspaper.

APPROVED by the Humboldt, Kansas Planning Commission this 11th day of January, 2010.

Don Beckman, Vice-Chairman

ATTEST:

Jean M. Flores, Secretary

APPROVED by the City Council of Humboldt, Kansas, this 11th day of January, 2010

Robert Shay, Mayor

ATTEST:

Jean M. Flores, City Clerk



ORDINANCE NO. 1451

AN ORDINANCE ADOPTING BY REFERENCE THE SUBDIVISION REGULATIONS OF THE CITY OF HUMBOLDT, KANSAS

WHEREAS, the Humboldt Planning Commission has reviewed the proposed Subdivision Regulations of the City of Humboldt, Kansas; and

WHEREAS, the Humboldt Planning Commission did on May 20, 2009, after public notice and public hearing as required by law, and subsequent review on January 6, 2010 recommend adoption of the Subdivision Regulations of the City of Humboldt, Kansas; and

WHEREAS, on this 11th day of January, 2010, the Humboldt City Council does hereby approve and adopt such recommendation of the Humboldt Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUMBOLDT, KANSAS as follows:

Section 1. That the Humboldt Municipal Code is hereby amended by adding a new Article 4 to Chapter XVI and a new Section 16-401 as follows:

ARTICLE 4. SUBDIVISION REGULATIONS

16-401 SUBDIVISION REGULATIONS. There is hereby incorporated by reference, as if set forth fully herein the Subdivision Regulations of the City of Humboldt, Kansas, as adopted by the Governing Body January 11, 2010, in Ordinance No. 1450. No fewer than three copies of the Subdivision Regulations of the City of Humboldt, Kansas shall be marked Official Copy Incorporated by the Code of the City of Humboldt, Kansas, and to which there shall be attached a published copy of this Ordinance and which shall be filed with the City Clerk to be open and available for inspection by the public at all reasonable business hours.

Section 2. All ordinances or parts thereof in conflict herewith and not expressly identified herein are hereby repealed.

Section 3. This ordinance shall be effective and in force from and after its publication in the official City newspaper and shall take effect February 1, 2010.

PASSED BY THE COUNCIL THIS 11th DAY OF JANUARY, 2010.

APPROVED BY THE MAYOR THIS 11th DAY OF JANUARY, 2010.



A handwritten signature in cursive script that reads "Robert E. Sharp".

Robert E. Sharp, Mayor

ATTEST:

A handwritten signature in cursive script that reads "Jean Flores".

Jean Flores, City Clerk

IMMEL, WORKS & HEIM, P.A.
Four East Jackson
Iola, Kansas 66749
(620) 365-2222

Affidavit of Publication

Public Notice

STATE OF KANSAS,
ALLEN COUNTY, ss:

Cliff Ralstin, being first duly sworn, deposes and says; That he is Publisher of The Humboldt Union, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Allen County, Kansas, with a general circulation in Allen County, Kansas, with a general paid circulation on a weekly basis in Allen County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly, published at least weekly 50 times a year; has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice; and has been admitted at the post office in Humboldt in said County as second class matter.

The attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for One consecutive weeks, the first publication thereof being made as afore said on the 14 day of January, 2010 with subsequent publication being made on the following dates

2nd Publication was made on the.....day of....., 20.....

3rd Publication was made on the.....day of....., 20.....

4th Publication was made on the.....day of....., 20.....

5th Publication was made on the.....day of....., 20.....

6th Publication was made on the.....day of....., 20.....

(Sign) Cliff Ralstin

Printer's Fees \$ 88.00

Affidavit, Notary's Fees \$ 2.50

Additional Copies \$

Total Fee \$ 90.50

Subscribed and sworn to before me on this 14 day of Jan. 2010.

(Sign) Kusubul Ralstin
Notary Public

My appointment expires: 8/25/11



(First published in The Humboldt Union on Thursday, January 14, 2010.) 40-1tc

ORDINANCE NO. 1451

AN ORDINANCE ADOPTING BY REFERENCE THE (SUBDIVISION REGULATIONS OF THE CITY OF HUMBOLDT, KANSAS

WHEREAS, the Humboldt Planning Commission has reviewed the proposed Subdivision Regulations of the City of Humboldt, Kansas; and

WHEREAS, the Humboldt Planning Commission did on May 20, 2009, after public notice and public hearing as required by law, and subsequent review on January 6, 2010 recommend adoption of the Subdivision Regulations of the City of Humboldt, Kansas; and

WHEREAS, on this 11th day of January, 2010, the Humboldt City Council does hereby approve and adopt such recommendation of the Humboldt Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUMBOLDT, KANSAS as follows:

Section 1. That the Humboldt Municipal Code is hereby amended by adding a new Article 4 to Chapter XVI and a new Section 16-401 as follows:

ARTICLE 4. SUBDIVISION REGULATIONS
16-401 SUBDIVISION REGULATIONS. There is

hereby incorporated by reference, as if set forth fully hereir the Subdivision Regulations of the City of Humboldt, Kansas, as adopted by the Governing Body January 11, 2010, in Ordinance No. 1450. No fewer than three copies of the Subdivision Regulations of the City of Humboldt, Kansas shall be marked Official Copy Incorporated by the Code of the City of Humboldt, Kansas, and to which there shall be attached a published copy of this Ordinance and which shall be filed with the City Clerk to be open and available for inspection by the public at all reasonable business hours.

Section 2. All ordinances or parts thereof in conflict herewith and not expressly identified herein are hereby repealed.

Section 3. This ordinance shall be effective and in force from and after its publication in the official City newspaper and shall take effect February 1, 2010.

PASSED BY THE COUNCIL THIS 11th DAY OF JANUARY, 2010.

APPROVED BY THE MAYOR THIS 11th DAY OF JANUARY, 2010.

/s/ Robert E. Sharp, Mayor

ATTEST:
/s/ Jean Flores, City Clerk
IMMEL, WORKS & HEIM, P.A.
Four East Jackson
Iola, Kansas 66749
(620) 365-2222

No.....

Plaintiff
vs.

Defendant

Examined and approved:

Date.....

Judge

