

ZONING REGULATIONS

**OF THE
CITY OF AUGUSTA, KANSAS**

**Official Copy as Incorporated by
Ordinance No. 1788**

2000 MODEL CODE

**Prepared by the
AUGUSTA PLANNING
COMMISSION**

FORWARD

The following zoning regulations (2000 Model Code) have been prepared based on the 1991 and 1996 Kansas State Laws; the zoning regulations of the City of Augusta, Kansas, 1990; the International Zoning Code, 1998 Edition and the Butler County, Kansas zoning regulations of 1998.

These regulations are designed to:

- * meet the future needs of the city,
- ** provide guidelines for decision making,
- *** provide more flexible restrictions, and
- **** simplify the language, number of zoning districts and procedures.

These regulations are unique in that they are designed to be flexible, breaking away from the more rigid regulations that are adopted by most cities and counties.

These regulations will require more attention to detail in public hearings to determine the most correct decision that will benefit the majority of the citizens.

These regulations have been updated to November 17, 2003 including ordinances numbered 1800, 1811, 1812, 1836 and 1870.

These regulations have been updated August 21, 2006 with Ordinance Number 1929.

These regulations have been updated September 18, 2006 with Ordinance Number 1932.

These regulations have been updated July 17, 2007 with Ordinance Number 1944.

These regulations have been updated September 4, 2007 with Ordinance Number 1949.

These regulations have been updated November 5, 2007 with ordinances numbered 1954 and 1955.

These regulations have been updated October 6, 2008 with Ordinance Number 1972.

These regulations have been updated December 15, 2008 with Ordinance Number 1977.

These regulations have been updated January 18, 2010 with Ordinance Number 1994.

These regulations have been updated April 5, 2010 with Ordinance Number 2001.

TABLE OF CONTENTS

Section	Page
PART I ADMINISTRATIVE	
CHAPTER 1 - ADMINISTRATIVE	9
101 General	
102 Fees	
103 Existing Uses and Buildings	
104 Jurisdiction	
CHAPTER 2 - ORGANIZATION AND ENFORCEMENT	12
201 Zoning Administrator	
202 Planning Commission	
203 Duties and Powers of the Planning Commission	
204 Violations	
PART II SPECIFIC PLAN ZONING	
CHAPTER 3 - AGRICULTURAL DISTRICT	27
300 Purpose - Division One and Division Two	
301 Permitted Uses	
302 Uses Not Permitted	
303 Conditional Uses	
304 Requirements	
305 Limitations	
CHAPTER 4 - RESIDENTIAL DISTRICT	29
400 Purpose	
401 Division 1 Single-Family Dwellings	
402 Division 1A Single-Family Dwellings	
403 Division 2 Two-Family Dwellings	
404 Division 2A Two-Family Dwellings	
405 Division 3 Multiple-Family Dwellings	
406 Division 3A Multiple-Family Dwellings	
407 Division 4 Manufactured Home Park	
408 Division 5 Planned Residential Subdivision	
409 Division 6 Rural Residential	

CHAPTER 5 - PUBLIC AND PRIVATE RECREATIONAL DISTRICT (PR) 43

- 500 Purpose
- 501 Permitted Uses
- 502 Conditional Uses
- 503 Restrictions
- 504 General Regulations
- 505 Standards for Division 3
- 506 Limitations

CHAPTER 6 - ASSEMBLY DISTRICT (A) 46

- 600 Purpose
- 601 Permitted Uses
- 602 Conditional Uses
- 603 Restrictions
- 604 Requirements
- 605 Limitations

CHAPTER 7 - COMMERCIAL DISTRICT (C) 47

- 700 Purpose
- 701 Permitted Uses
- 702 Restrictions
- 703 Conditional Use Permit
- 704 Requirements for New Construction
- 705 Hazardous Materials

CHAPTER 7A - COMMERCIAL DISTRICT (M) 49

- 700A Purpose
- 701A Permitted Uses
- 702A Outdoor Storage or Display Restrictions
- 703A Conditional Use Permit
- 704A Residential Dwelling Restrictions
- 705A Requirements for New Construction
- 706A Hazardous Materials
- 707A Main Street Designated Area Regulations

CHAPTER 7B - CENTRAL COMMERCIAL DISTRICT (CC) 53

- 700B Purpose
- 701B Permitted Uses
- 702B Restrictions for Section 701B
- 703B Conditional Use Permit

704B	Requirements for New Construction
705B	Hazardous Material

CHAPTER 8 - INDUSTRIAL DISTRICT **56**

800	Purpose
801	Permitted Uses
802	Conditional Uses
803	Restrictions
804	Requirements
805	Limitations

**CHAPTER 9 - FLOOD FRINGE (FF) AND FLOOD WAY (FW)
OVERLAY DISTRICT** **58**

900	Purpose
901	Definitions
902	FEMA Flood Zones
903	General Provisions
904	Appeal
905	Flood-way Overlay District
906	Flood-way Fringe Overlay District

CHAPTER 10 - AIRPORT HAZARD OVERLAY DISTRICT (AH) **66**

1000	Purpose
1001	Authority
1002	Definitions
1003	Airport Zones and Height Limitations
1004	Spacing Adjacent Airport
1005	Use Restrictions
1006	Conditional Uses

PART III DEVELOPMENT REGULATIONS

CHAPTER 11 - CONDITIONAL USE PERMIT **73**

1100	General Application
1102	Site Development Plan or Expanded Preliminary Plat
1103	Approval Determination
1104	Expiration and Revocation
1105	Adjustment

CHAPTER 12 - GENERAL PROVISIONS	75
1200	Apply to all Zoning Districts
1201	Off Street Parking
1202	Fence Heights
1203	Location of Accessory Buildings
1204	Allowable Projections into Yard
1205	Landscaping Requirements
1206	Loading Spaces
1207	Grading and Excavation Regulations
1208	Approval for and Availability of Essential Services
CHAPTER 13 - SPECIAL REGULATIONS	81
1300	Home Occupations
1301	Adult Uses
1302	Garage Sales
1303	Communications Towers, Antennas and Satellite Dish Antenna
CHAPTER 14 - SIGN REGULATIONS	85
1401	Definitions
1402	Administration
1403	General Standards
1404	Exemptions
1405	District Regulations
CHAPTER 15 - SITE PLAN REVIEW	111
1500	Intent
1501	Site Plan Review Concerns
1502	Applicability
1503	Authority
1504	Submission Requirements
1505	Contents of the Site Plan
CHAPTER 16 - GROWTH AREA REGULATIONS	115
1601	Authority
1602	Jurisdiction
1603	Building Code
1604	Infrastructure Requirements
1605	Temporary Placement and Use of a Manufactured Home

CHAPTER 17 – DEFINITIONS	118
1700 General	
1701 - 1726 Terms Defined (A – Z)	
CHAPTER 18 – SEVERABILITY AND EFFECTIVE DATE	134
1800 Severability	
1801 Effective Date	
PART IV APPENDIX	135
A Designated Collector Streets	
Designated Arterial Streets	
B Planning Commission Report to the Governing Body	
Change of District Classification	
C Table of Comparability for Zoning Districts	
D Planning Commission Bylaws, Rules and Regulations	
E Public Hearing Procedure	
F Guidelines for Change of Zoning Classification	
G Annexation Policy	
H Adopting Ordinance	
I Agricultural Land Calculations	
J Designated Growth Area	

Part I

Administrative

Commentary

This part sets forth the title, purpose, scope, general information, fees, organization and enforcement of these regulations.

This part creates the Planning Commission and outlines its duties, powers and responsibilities.

This part outlines the procedures for Change of Zoning District Classification, adoption of these regulations, the Subdivision Regulations and the Comprehensive Plan.

PART I

ADMINISTRATIVE

CHAPTER 1

100 ADMINISTRATIVE

101 General

- .1 Title. These regulations, including the zoning district map(s) shall be known as the "Zoning Regulations of the City of Augusta, Kansas," and may be cited as such and will be referred to herein as "these regulations."
- .2 Purpose. The purpose of these regulations is to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings through the regulation and orderly development of land and land uses within this jurisdiction.
- .3 Scope. The provisions of these regulations shall apply to the use of any building, parcel of land or sign within the City of Augusta, Kansas under the authority of K.S.A., as amended, 12-701 through 12-768.
Exception: Work located primarily in a public way, public utility towers and poles, and public utilities unless specifically mentioned in these regulations.
- .4 Requirements. Where, in any specific case, different sections of this regulation specify different requirements, the more restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- .5 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.
- .6 Benefit the public. In fulfilling these purposes, these regulations are intended to benefit the public as a whole and not any specific person or class of persons. Although the implementation, administration and enforcement of these regulations, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a by-product of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the jurisdiction hereby shall not be enforceable in tort.
- .7 Constitutionality. If any portion of these regulations is held invalid for any reason, the remaining herein shall not be affected.

102 Fees. A fee for services shall be charged. All fees shall be set by the jurisdiction and schedules shall be available at the Inspection Department.

- .1 Fee Schedule.
Change of District Classification, Conditional Use Permit, Variance and Appeal Decision of the Zoning Administrator shall be:
\$175 for Agricultural District and Residential District.
\$325 for Public and Private Recreational District, Assembly District, Commercial District and Industrial District.

Subdivision fees shall be:

Subdivision Development Plan	\$250
Preliminary Plat	\$175
Final Plat	\$175
Master Drainage Plan	\$175
Lot Split	\$175

Other permit fees shall be:

Home Occupation (Ordinance No. 1870)	\$10
---	------

103 Existing uses and buildings.

- .1 Existing uses. All land uses and occupancies in effect at the time of the adoption of these regulations are hereby granted Conditional Use Permits provided such continued use and or occupancy is not dangerous to life.
- .2 Restrictions on buildings and structures. No used building or structure shall be moved into this jurisdiction and no existing building or structure shall be moved from one lot or parcel of land to another lot or parcel of land within this jurisdiction.
- .3 Exceptions:
 - .1 Existing buildings and structures may be moved from one location to another location on the same lot or parcel of land.
 - .2 Used buildings or structures may be moved into any Industrial District and shall comply with the Building Code for new construction.
 - .3 Mobile Homes which do not meet the requirements of Section 407.3.2 shall not be permitted to be move into any Division 4 Residential District.
- .4 Temporary buildings and structures. Temporary buildings or structures such as reviewing stands, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected, provided such buildings and structures shall be completely removed upon completion of the construction project.

104 Jurisdiction.

- .1 Corporate City Limits. These regulations shall apply to all structures and land within the corporate limits of the City of Augusta as presently exists or are hereafter established.
- .2 Growth Area. These regulations shall apply to all structures and land within the growth area of the City of Augusta as outlined in Chapter 16 of these regulations.

CHAPTER 2

200 ORGANIZATION AND ENFORCEMENT

201 Zoning Administrator

- .1 General. This section establishes the duties and responsibilities for the Zoning Administrator and other officials and agencies, with respect to the administration and enforcement of these regulations. The City Manager of the City of Augusta, Kansas, is hereby charged with the enforcement of these regulations and shall appoint a Zoning Administrator and other employees as required.
- .2 Deputies. The City Manager may appoint such number of technical officers and other employees as shall be authorized from time to time. The City Manager may deputize such employees as may be necessary to carry out the functions of the zoning enforcement agency.
- .3 Powers and duty. The Zoning Administrator shall have the following powers and duties:
 - .1 undertake reviews, make recommendations and grant approvals as set forth in these regulations;
 - .2 shall assist the Planning Commission in the development and implementation of the comprehensive plan;
 - .3 review all applications for amendments to these regulations;
 - .4 review all applications for conditional use permits;
 - .5 review all applications for preliminary and final plats;
 - .6 review, approve or disapprove all lot splits;
 - .7 maintain current records of all proceedings, regulations and maps; and
 - .8 provide technical and clerical assistance as needed by the Planning Commission and Governing Body.
- .4 Interpretations. The interpretation and application of the provisions of these regulations shall be by the Zoning Administrator. An appeal of an interpretation by the Zoning Administrator shall be submitted to the Planning Commission acting as the Board of Zoning Appeals, which is authorized to interpret these regulations and such interpretations shall be considered final.
- .5 Liability. The City Manager, Zoning Administrator or Deputies charged with the enforcement of these regulations, acting in good faith and without malice in the discharge of the duties described in these regulations, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.
 - .1 A suit brought against the City Manager, Zoning Administrator or Employee, because such act or omission performed by the City Manager,

Zoning Administrator or Employee in the enforcement of any provision of such regulations or other pertinent laws or ordinances implemented through the enforcement of these regulations by the enforcement agency shall be defended by the jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the jurisdiction.

- .6 These regulations shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building, occupancy or parcel of land for any damages to persons or property caused by defects, nor shall the enforcement agency or its jurisdiction be held as assuming any such liability by reason of the reviews or permits issued under these regulations.
- .7 Cooperation of other officials and officers. The Zoning Administrator may request, and shall receive so far as is required in the discharge of the duties described in these regulations, the assistance and cooperation of other officials of the jurisdiction.

202 Planning Commission.

- .1 General. This section addresses the duties and responsibilities of the Planning Commission, hereafter referred to as "the Commission," and other officials and agencies, with respect to the administration of these regulations.
- .2 Establishment of the Commission. Under the authority of K.S.A. 12-744 there is hereby created a "Planning Commission" for the City of Augusta, Kansas.
- .3 Membership. The Commission shall consist of seven members, two of whom shall reside out side of but within three miles of the corporate limits of the city.
 - .1 Appointment. The Commissioners shall be appointed by the Mayor with the approval of the Governing Body.
 - .2 Terms of membership. The members of the Commission shall be appointed for terms of three years each.
 - .3 Vacancies. Vacancies shall be filled by appointment for the unexpired term only.
 - .4 Compensation. Members of the Commission shall serve without compensation for their service.
 - .5 Removal. No member of the Commission shall be removed during his or her term of office, except for cause, and after a hearing held before the Governing Body by who he or she was appointed, or in case of disqualification by moving out of the city, or by moving out of the growth area represented by him or her on the Commission.
- .4 Organization. The Commission shall elect a chairperson and vice chairperson, who shall serve one year and until his or her successor has been selected and qualified.

- .5 Meetings. The Commission shall meet on the second and fourth Mondays of each month as required to carry out its duties according to the Commission bylaws. Special meetings may be called by the chairperson or in the chairperson's absence the vice-chairperson.
 - .1 The Commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the Commission.
- .6 Quorum and vote. No action by the Commission shall be taken except by a majority vote of the membership thereof.
- .7 Secretary. A secretary shall be appointed by the City Manager, who may or may not be a member of the Commission, and shall have the following duties:
 - .1 Shall prepare minutes of the Commission meetings for public record and submit such minutes to the chairperson, Commission and Governing Body; certify records and correspondence.
- .8 Budget. The Governing Body shall approve a Planning Commission budget and make such allowances to the Commission as it deems proper, including funds for the employment of such employees or consultants as the Governing Body may authorize and provide and shall add the same to the general budget.
 - .1 Prior to the time that moneys are available under the budget, the Governing Body may appropriate moneys for such purposes from the general fund.
 - .2 The Governing Body may enter into such contracts as it deems necessary for the purposes of these regulations and may receive and expend funds and moneys from the State or Federal government or from any other source for such purposes.

203 Duties and powers of the Commission.

- .1 Comprehensive Plan. Under the authority of K.S.A. 12-747 the Commission is hereby authorized to make or cause to be made a Comprehensive Plan for the development of the city and any unincorporated territory lying outside of the city within the "Growth Area" of the city. The Commission shall inform the Butler County Planning Commission of its intent to plan for the growth area. The Comprehensive Plan or part thereof shall constitute the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds.
 - .1 Contents. The Comprehensive Plan shall include, but not limited to, the following elements;
 - .1 the general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary;

- .2 population and building intensity standards and restrictions and the application of the same;
 - .3 public facilities including transportation facilities of all types whether publicly or privately owned which relate to the transportation of persons or goods;
 - .4 public improvement programming based upon a determination of relative urgency;
 - .5 the major sources and expenditure of public revenue including long range financial plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private;
 - .6 utilization and conservation of natural resources; and
 - .7 any other element deemed necessary to the proper development or redevelopment of the area.
- .2 Makeup. The Comprehensive Plan may include written presentations, maps, plats, charts or other materials made a part of such plan, surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources and may include any other element deemed necessary to the Comprehensive Plan.
 - .3 Public Hearing. The Commission shall hold a public hearing to adopt or amend recommendations to the Governing Body, notice of which shall be published at least once in the official city newspaper. Such notice shall be published at least 20 days prior to the date of the hearing.
 - .4 Recommendation. The Commission shall recommend adoption of the Comprehensive Plan or amendment to the plan to the Governing Body after the public hearing. The Commission shall certify a copy of the plan or part thereof, together with a written summary of the hearing thereon, and submit to the Governing Body for approval.
 - .5 Adoption. The Governing Body may:
 - * Approve such recommendation by ordinance;
 - * Override the Commission's recommendation by a 2/3 majority vote;
 - * May return the same to the Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove the plan.
 - .1 Plan returned to the Commission. If the Governing Body returns the recommendation to the Commission, the Commission, after considering the same, may resubmit it's original recommendations giving the reasons therefore or submit new and amended recommendations.
 - .2 Failure of Commission to recommend. If the Commission fails to deliver its recommendations to the Governing Body following the Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of

- inaction on the part of the Commission as a resubmission of the original recommendations and proceed accordingly.
- .3 Final adoption. The Governing Body, by a simple majority vote, may:
 - * Adopt, revise or amend and adopt such recommendations by the respective ordinance; or
 - * It need take no further action thereon.
 - .6 Comprehensive Plan effective date. The Comprehensive Plan and any amendments thereto shall become effective upon publication of the respective adopting ordinance.
 - .7 Copies thereof. An attested copy of the Comprehensive Plan and any amendments thereto shall be sent to all other taxing subdivisions in the planning area which request a copy of such plan.
 - .8 Review. At least once each year, the Commission shall review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same. The procedure for the adoption of any such amendment, extension or addition to any plan or part thereof shall be the same as that required for the adoption of the original plan or part thereof.
 - .9 Construction of public facility or utility in conformance with Comprehensive Plan.
 - .1 Whenever the Commission has adopted and certified the Comprehensive Plan for one or more major sections or functional subdivisions thereof, no public improvement, public facility or public utility of a type embraced within the recommendations of the Comprehensive Plan or portion thereof shall be constructed without first being submitted to and being approved by the Commission as being in conformity with the plan.
 - .2 Planning Commission report. If the Commission does not make a report within 60 days, the project shall be deemed to have been approved by the Commission.
 - .3 Failure to conform to the plan. If the Commission finds that any such proposed public improvement, facility or utility does not conform to the plan, the Commission shall submit, in writing to the Governing Body, the manner in which such proposed improvement, facility or utility does not conform.
 - .4 Governing Body action. The Governing Body may override the plan and the report of the Commission, and the plan for the area concerned shall be deemed to have been amended.
 - .5 Planning Commission review. Whenever the Commission has reviewed a capital improvement program and found that a specific public improvement, public facility or public utility of a type embraced within the recommendations of the Comprehensive Plan or portion thereof is in conformity with such plan, no further

approval by the Planning Commission is necessary under K.S.A. 12-748, as amended.

.2 Zoning Regulations.

- .1 Authorization. Zoning Regulations are authorized by K.S.A. statutes 12-74 through 12-768, as amended.
- .2 Recommendation of Zoning Regulations - procedures.
 - .1 Upon development of proposed Zoning Regulations, the Commission shall hold a public hearing thereon.
 - .2 Notice of such public hearing shall be published at least once in the official city newspaper at least 20 days prior to the date of the hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms.
 - .3 The hearing may be adjourned from time to time, and
 - .4 At the conclusion of the same, the Commission shall prepare its recommendations and by an affirmative vote of a majority of the entire membership of the Commission adopt the same in the form of proposed Zoning Regulations and shall submit the same, together with the written summary of the hearing thereon, to the Governing Body.
- .3 Adoption of the Zoning Regulations. The Governing Body may:
 - * Approve such recommendations by the adoption of the same by ordinance;
 - * Override the Commission's recommendations by a 2/3 majority vote of the membership of the Governing Body; or
 - * May return the same to the Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.
 - .1 If the Governing Body returns the Commission's recommendations, the Commission, after considering the same, may:
 - .1 Resubmit its original recommendations giving the reasons therefore, or
 - .2 Submit new and amended recommendations.
 - .2 Upon the receipt of such recommendations, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendations by the ordinance, or the Governing Body need take no further action thereon.
 - .3 If the Commission fails to deliver its recommendations to the Governing Body following the Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Commission as a resubmission of the original recommendations and proceed accordingly.
- .4 Effective date. The proposed Zoning Regulations and any amendments thereto including official zoning map(s) shall become effective upon

publication of the respective adopting ordinance in the official city newspaper.

.5 Zoning Districts. There is hereby created the following zoning districts and divisions:

.1 Agricultural District "AG".

This district is created for the purpose of controlling agricultural uses.

Division 1 Inside the Corporate City Limits

Division 2 Within the Growth Area

(Ordinance No. 1870)

.2 Airport District "AP".

This overlay district is create for the purpose of controlling buildings and uses adjacent to the Municipal Airport.

.3 Assembly District "A".

This district is created for the purpose of controlling buildings which have an occupancy of 50 or more persons at any one time.

.4 Commercial District "C".

This district is created for the purpose of controlling business uses.

.5 Flood Fringe (FF) and Flood Way (FW) District.

This overlay district is created for the purpose of controlling construction in areas designated by the Federal Flood Insurance Program.

.6 Industrial District "I".

This district is created for the purpose of controlling storage and/or manufacturing.

.7 Public and Private Recreational District and Divisions.

This district and divisions are created for the purpose of controlling recreational activities including camping.

Division 1. Public Recreation

Division 2. Private Recreation

Division 3. Recreational Vehicle Park

.8 Residential District and Divisions.

This district and divisions are created for the purpose of controlling the density and type of residential dwellings.

Division 1.	Single-Family Dwellings
Division 1A	Single-Family Dwellings
Division 2	Two-Family Dwellings
Division 2A	Two-Family Dwellings
Division 3	Multiple-Family Dwellings
Division 3A	Multiple-Family Dwellings
Division 4	Manufactured Home Parks
Division 5	Planned Residential Subdivisions
Division 6	Rural Residential
Division 6A	1 to 4.99 Acres of land
Division 6B	5 to 9.99 Acres of land
Division 6C	10 to 19.99 Acres of land
Division 6D	20 to 39.99 Acres of land

(Ordinance No. 1870)

.6 Zoning Map(s). The official map or maps upon which district and division boundaries are shown are hereby incorporated into and made a part of these zoning regulations. Such map(s) shall be marked "official copy of zoning district and division map incorporated into zoning regulations."

.7 Amendments to the Zoning Regulations, procedures.

.1 Amendments may be initiated by:

- .1 Governing Body,
- .2 Planning Commission, or
- .3 Owner of property affected.

.2 Public Hearing. All proposed amendments shall first be submitted to the Commission for consideration and recommendation. At any public hearing held to consider a proposed rezoning, an opportunity shall be granted to interested parties to be heard.

.3 Notice of Public Hearing. Such notice shall:

- .1 fix the time and place for such hearing;
- .2 and contain a statement regarding the proposed changes in regulations or restrictions; or
- .3 change in the boundary or classification of any zone, district or division;
- .4 the property shall be designated by legal description or a general description sufficient to identify the property under consideration; and
- .5 include a statement that a complete legal description is available for public inspection and shall indicate where such information is available.

- .4 Notification of hearing. The notification of a pending public hearing shall:
 - .1 be published in the official city newspaper 20 days prior to the public hearing date; and
 - .2 be mailed at least 20 days before the hearing to all owners of record of real property within the area to be altered; and
 - .3 be mailed at least 20 days before the hearing to all owners of record of real property located within at least 200 feet of the area proposed to be altered within the corporate city limits; and
 - .4 be mailed at least 20 days before the hearing to all owners of record of real property located within at least 1,000 feet of the area proposed to be altered within the unincorporated growth area outside the corporate city limits.
- .5 Failure to notify. When the notice has been properly addressed and deposited in the mail, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Commission or the Governing Body.
- .6 Recommendation of a zoning classification of lesser change. A recommendation of a zoning classification of lesser change than that set forth in the notice shall not be valid without republication and where necessary, re-mailing to the owner of real property.
- .7 Special Exceptions.
 - .1 Whenever five or more property owners of record owning 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification initiate a rezoning of their property from a less restrictive to a more restrictive zoning classification, such amendment shall require notice by publication and hearing. Such zoning amendment shall not require written notice and shall not be subject to the protest petition provision of these regulations.
 - .2 Whenever the City initiates a rezoning from a less restrictive to a more restrictive zoning classification of 10 or more contiguous or noncontiguous lots, tracts or parcels of the same zoning classification having five or more owners of record, such amendment shall require notice by publication and hearing. In addition, written notice shall be required to be mailed to only owners of record of the properties to be rezoned and only such owners shall be eligible to initiate a protest petition.
 - .3 Additional notice. The jurisdiction may provide additional notice by providing for the posting of signs on land that is the subject of a proposed rezoning, for the purpose of providing notice of such proposed rezoning.

- .8 Planning Commission report to the Governing Body. The Commission shall compile a report based on information received during the public hearing to forward to the Governing Body with its recommendation. The report shall be based on the following factors:
 - .1 the character of the neighborhood;
 - .2 the zoning and uses of properties nearby;
 - .3 the suitability of the subject property for the uses to which it has been restricted;
 - .4 the extent to which removal of the restrictions will detrimentally affect nearby property;
 - .5 the length of time the subject property has remained vacant as zoned;
 - .6 the relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner;
 - .7 the conformance of the requested change to the Comprehensive Plan; and
 - .8 the recommendation of staff.
- .9 Approval or denial of request for rezoning - procedures.
 - .1 Commission decision to approve or deny the request. A majority of the members of the Commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the Governing Body.
 - .2 If the Commission fails to make a recommendation on a rezoning request. The Commission shall be deemed to have made a recommendation of disapproval.
 - .3 When the Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the Governing Body may:
 - .1 adopt such recommendation by ordinance;
 - .2 override the Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or
 - .3 return such recommendation to the Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.
 - .4 If the Governing Body returns the Commission's recommendation, the Commission, after considering the same, may resubmit its original recommendation giving the reasons therefore or submit new and amended recommendations.

- .5 Upon receipt of such recommendation, the Governing Body, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by the respective ordinance, or it need take no further action thereon.
- .6 If the Commission fails to deliver its recommendation to the Governing Body following the Commission's next regular meeting after receipt of the Governing Body's report, the Governing Body shall consider such course of inaction on the part of the Commission as a resubmission of the original recommendation and proceed accordingly.
- .7 The proposed rezoning shall become effective upon publication of the respective adopting ordinance in the official city newspaper.
- .8 If such amendment affects the boundaries of any zone, district or division, the respective ordinance or resolution shall describe the boundaries as amended, or if provision is made for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance or resolution shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment, shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.
- .9 Protest petition against such amendment.
If a protest petition against such amendment is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing pursuant to the publication notice, signed by the owner of record of:
 - .1 20% or more of any real property proposed to be rezoned; or
 - .2 20% or more of the total real property within the area required to be notified by these regulations of the proposed rezoning of a specific property, excluding streets and public ways,
 - .3 the ordinance adopting such amendment shall not be passed except by at least a 3/4 vote of all of the members of the Governing Body.
- .8 Subdivision Regulations. It shall be the duty of the Commission to create, recommend, amend, adopt and certify regulations governing the division of land. All divisions of land shall be in accordance with K.S.A. 12-749 through 12-752, as amended.
- .9 Board of Zoning Appeals. Under the authority of K.S.A. 12-759, as amended, the Planning Commission of the City of Augusta, Kansas is hereby designated as the "Board of Zoning Appeals," hereinafter referred to as the "Board."

- .1 Membership. The Board of Zoning Appeals shall consist of seven members of the Commission, two of which live in the "Growth Area."
- .2 Appointment, terms of membership, vacancies, compensation, removal, organization, meetings, quorum, vote, secretary and budget. See sections 202.3.1 through 202.8.2 of these regulations.
- .3 Duties and Powers. The Board shall hear and decide appeals from these regulations.
 - .1 Appeals to the Board may be taken by any person aggrieved, or by any officer of the city, county or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance.
 - .1 Such appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing a notice of appeals specifying the grounds thereof and the payment of the fee required therefore.
 - .2 The officer from whom the appeal is taken, when notified by the Board or its agent, shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - .3 The Board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.
 - .4 In exercising the foregoing powers, the Board, in conformity with the provisions of these regulations, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to the end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a conditional use permit.
 - .2 Variances. When deemed necessary by the Board, the Board may grant variances and exceptions from the zoning regulations on the basis and in the manner hereinafter provided:
 - .1 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 these regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of these regulations shall be observed,

public safety and welfare secured, and substantial justice done.

- .2 Such variance shall not permit any use not permitted by the zoning regulations in such district, except by Conditional Use Permit.
- .3 Conditions to consider in granting a variance. A request for a variance may be granted in such case, upon a finding by the Board that all the following conditions have been met:
 - .1 that the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
 - .2 that the granting of the conditional use permit or the variance will not adversely affect the rights of adjacent property owners or residents;
 - .3 that the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 - .4 that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - .5 that granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

203 .3 Conditional Use Permits. It shall be the duty of the Commission to approve or reject all conditional use permit applications. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances. See Chapter 11 of these regulations.

204 Violations.

- .1 Any violation of any regulation adopted under the authority of these regulations and K.S.A., as amended, 12-701 through 12-768, shall be a misdemeanor and shall be punishable by a fine of not to exceed \$500 or by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

- .2 Any City and any person whose value or use of property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the adopted zoning regulations thereof.
- .3 Whenever any building or structure is or is proposed to be erected, constructed, altered, converted or maintained or any building, structure or land is or is proposed to be, used in violation of any zoning regulations, the city or in the event the violation relates to a provision concerning flood plain zoning, the Attorney General and the chief engineer of the division of water resources of the Kansas state board of agriculture, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation or to prevent the occupancy of such building, structure or land.
- .4 Any person, company, corporation, institution, municipality or agency of the state who violates any provision of any regulation relating to flood plain zoning shall be subject to the penalties and remedies provided for in Section 203.2.10.3 of these regulations.
- .5 Appeal to District Court as authorized by K.S.A. 12-760, as amended.
 - .1 Any person, official or governmental agency dissatisfied with any order or determination of the Board the Planning Commission, or the Governing Body may bring an action in the District Court of Butler County, Kansas to determine the reasonableness of any such order or determination.
 - .2 Such appeal shall be filed within 30 days of the final decision of the Board of Zoning Appeals, the Planning Commission or the Governing Body.

PART II

SPECIFIC PLAN ZONING

COMMENTARY

The specific zoning districts created in these regulations provide for limited permitted uses in each of the districts. The Planning Commission may grant Conditional Use Permits in specific cases.

CONDITIONAL USE PERMITS

It is the intent of these regulations to grant a Conditional Use Permit to all current uses located in any of the District Zones. Said uses shall be recorded on an Official Zoning Map to be adopted with these regulations. There shall no longer be a non-conforming use or lot of record after the adoption of these regulations.

CONSIDERATIONS IN APPROVING A CHANGE OF DISTRICT CLASSIFICATION

1. The character of the neighborhood;
2. The zoning and uses of properties nearby;
3. The suitability of the subject property for the uses to which it has been restricted;
4. The extent to which removal of the restrictions will detrimentally affect nearby property;
5. The length of time the subject property has remained vacant as zoned;
6. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner;
7. The conformance of the requested change to the Comprehensive Plan; and
8. Recommendation of Staff.

AGRICULTURAL DISTRICT (AG) CHAPTER 3

300 Agricultural District.

301 DIVISION ONE. This division is established to provide agricultural uses for land of 10 acres or more within the corporate city limits which is waiting future development. This division is not intended for the purpose of developing new agricultural areas within the City.

DIVISION TWO. This division is established to provide agricultural uses, including single-family dwellings and accessory agricultural buildings, on parcels of land containing 40 acres or more located in the "Growth Area."

302 Permitted Uses.

Division One. The growing of grain, hay, alfalfa and similar crops.

Division Two.

1. Agricultural uses.
2. Single-Family Dwelling.
3. Agricultural accessory buildings including grain storage.
4. Guest house within 300 feet of the single-family dwelling.
5. Oil & gas exploration, collection and storage.
6. Live Stock.

303 Uses Not Permitted.

Division One. No live stock is permitted within the corporate city limits.

Division Two. No commercial feed lots shall be permitted in this agricultural division.

304 Conditional Uses. All other uses at the time of the adoption of these regulations shall be granted a conditional use permit. All new uses proposed after the adoption of these regulations shall only be granted by the Planning Commission.

305 Requirements.

Division One. Minimum lot size - 10 acres - 435,600 square feet.

Division Two:
Minimum lot size - 40 acres.
Minimum lot frontage - 660 feet.
Minimum lot depth - 660 feet.
Front setback - 75 feet.
Rear setback - 50 feet.
Side setback - 50 feet.
Maximum structure height - 35 feet or 2 1/2 stories, except for agricultural buildings.

306 Limitations.

1. Driveway entrances shall be spaced not less than 200 feet apart.
2. See Chapter 16 for "Growth Area" limitations.

RESIDENTIAL DISTRICT (R) CHAPTER 4

400 Purpose. The purpose of this district is to group like residential uses into divisions that are intended to control density of population and to provide adequate open space around buildings and structures in the division to accomplish these purposes. Each division is intended that no uses be permitted that will tend to devalue property for residential purposes or interfere with the health, safety, order or general welfare of persons residing in the division.

- .1 Residential Divisions. The following residential divisions are hereby created:
- | | | |
|-------------|-----------------------------------|-----|
| Division 1. | Single-Family Dwellings - Section | 401 |
| Division 1A | Single-Family Dwellings | 402 |
| Division 2 | Two-Family Dwellings | 403 |
| Division 2A | Two-Family Dwellings | 404 |
| Division 3 | Multiple-Family Dwellings | 405 |
| Division 3A | Multiple-Family Dwellings | 406 |
| Division 4 | Manufactured Home Parks | 407 |
| Division 5 | Planned Residential Subdivisions | 408 |
| Division 6 | Rural Residential | 409 |
| Division 6A | 1 to 4.99 Acres of land | |
| Division 6B | 5 to 9.99 Acres of land | |
| Division 6C | 10 to 19.99 Acres of land | |
| Division 6D | 20 to 39.99 Acres of land | |
- (Ordinance No. 1870)

Residential Division 1. Single-Family Dwellings.

401 Residential Division 1 - Single-Family Dwellings.

- .1 Permitted Uses.
 - .1 Single-Family Dwellings, site-built or prefabricated assembled (limited to trusses, wall sections and cabinets).
 - .2 Manufactured housing to include double and multiple-wide units in conformance with the restrictions outlined in section 403.1.4.
 - .3 Group homes as regulated by K.S.A. 12-736 as amended, 1991.
- .2 Conditional Uses.

All other uses shall require a Conditional Use Permit.
- .3 Restrictions.
 - .1 Used buildings and structures.
 - .2 Single-wide manufactured or mobile homes.
 - .3 Manufactured housing design requirements.
 - .1 All manufactured housing units shall be of new construction. No previously owned or occupied housing units shall be moved into this division.
 - .2 All manufactured housing shall meet the requirements for the National Mobile Home Construction and Safety Standards Act of 1974, as may be amended. An inspection sticker to denote approval under such act shall be attached to the housing unit(s) at the time a building permit is issued.
 - .3 All of the roof must be double pitched at least three in twelve or greater and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass, or metal roof.
 - .4 Exterior siding can not have a high-gloss finish and must be residential in appearance, including but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
 - .5 All manufactured homes shall be blocked on permanent concrete foundations according to the Guidelines for Manufactured Housing Installations promulgated by the International Conference of Building Officials, as adopted, and meeting the requirements of K.S.A. 79-340 for taxation as real property.
 - .6 Exterior wall foundation must be constructed of concrete or masonry.

- .7 The long side of the house must be parallel to the street.
- .8 The home must be at least 20 feet in width.
- .9 All manufactured housing units must remove tongue before a certificate of occupancy can be issued and all axles and wheels attached to manufactured housing units shall not be visible and must either be removed or stored inside the exterior wall foundation.

.4 General Requirements.

- | | | |
|----|--------------------------|--------------------------|
| .1 | Minimum lot size | 8,400 Square Feet |
| .2 | Minimum lot frontage | 70 Feet |
| | Cul-de-sacs | 40 Feet |
| .3 | Minimum lot depth | 100 Feet |
| .4 | Front Building Setback | 30 Feet |
| | Opposite street | 20 Feet |
| | Cul-de-sac | 20 Feet |
| .5 | Side building setback | 6 Feet |
| .6 | Rear building setback | 20 Feet |
| .7 | Maximum structure height | 35 Feet or 2 1/2 Stories |

.5 Limitations.

- .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control purposes.

Residential Division 1A

Single-Family Dwellings.

402 Residential Division 1A - Single-Family Dwellings.

- .1 Permitted Uses.
 - .1 Single-Family Dwellings, site-built or prefabricated assembled (limited to trusses, wall sections and cabinets).
 - .2 Manufactured housing to include double and multiple-wide units in conformance with the restrictions outlined in section 403.1.4.
 - .3 Group homes as regulated by K.S.A. 12-736 as amended, 1991.
- .2 Conditional Uses.

All other uses shall require a Conditional Use Permit.
- .3 Restrictions.
 - .1 Used buildings and structures.
 - .2 Single-wide manufactured or mobile homes.
 - .3 Manufactured housing design requirements.
 - .1 All manufactured housing units shall be of new construction. No previously owned or occupied housing units shall be moved into this division.
 - .2 All manufactured housing shall meet the requirements for the National Mobile Home Construction and Safety Standards Act of 1974, as may be amended. An inspection sticker to denote approval under such act shall be attached to the housing unit(s) at the time a building permit is issued.
 - .3 All of the roof must be double pitched at least three in twelve or greater and covered with material that is residential in appearance, including, but not limited to, approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass, or metal roof.
 - .4 Exterior siding can not have a high-gloss finish and must be residential in appearance, including but not limited to, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
 - .5 All manufactured homes shall be blocked on permanent concrete foundations according to the Guidelines for Manufactured Housing Installations promulgated by the International Conference of Building Officials, as adopted, and meeting the requirements of K.S.A. 79-340 for taxation as real property.

- .6 Exterior wall foundation must be constructed of concrete or masonry.
- .7 The long side of the house must be parallel to the street.
- .8 The home must be at least 20 feet in width.
- .9 All manufactured housing units must remove tongue before a certificate of occupancy can be issued and all axles and wheels attached to manufactured housing units shall not be visible and must either be removed or stored inside the exterior wall foundation.

.4 General Requirements.

- | | | |
|----|--------------------------|--------------------------|
| .1 | Minimum lot size | 6,000 Square Feet |
| .2 | Minimum lot frontage | 50 Feet |
| | Cul-de-sacs | 40 Feet |
| .3 | Minimum lot depth | 100 Feet |
| .4 | Front building setback | 25 Feet |
| | Opposite street | 15 Feet |
| | Cul-de-sac | 15 Feet |
| .5 | Side building setback | 5 Feet |
| .6 | Rear building setback | 15 Feet |
| .7 | Maximum structure height | 35 Feet or 2 1/2 Stories |

.5 Limitations.

- .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control purposes.

Residential Division 2 Two-Family Dwellings

403 Residential Division 2 - Two-Family Dwellings.

.1 Permitted Uses.

- .1 Single-Family and Two-Family Dwellings, site-built or prefabricated assembled (limited to trusses, wall sections and cabinets).

.2 Conditional Uses.

All other uses shall require a Conditional Use Permit.

.3 Restrictions.

- .1 Used buildings and structures.
- .2 Existing and new Single-Family Dwellings are permitted uses in all Division 2 zones.

.4 General Requirements.

- .1 Minimum lot size 8,400 Square Feet
- .2 Minimum lot frontage 70 Feet
 - Cul-de-sacs 40 Feet
- .3 Minimum lot depth 100 Feet
- .4 Front building setback 30 Feet
 - Opposite street 20 Feet
 - Cul-de-sac 20 Feet
- .5 Side building setback 6 Feet
- .6 Rear building setback 20 Feet
- .7 Maximum structure height 35 Feet or 2 1/2 Stories

.5 Limitations.

- .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control purposes.

Residential Division 2A

Two-Family Dwellings

404 Residential Division 2A - Two-Family Dwellings.

- .1 Permitted Uses.
 - .1 Single-Family and Two-Family Dwellings, site-built or prefabricated assembled (limited to trusses, wall sections and cabinets).
- .2 Conditional Uses.

All other uses shall require a Conditional Use Permit.
- .3 Restrictions.
 - .1 Used buildings and structures.
 - .2 Existing and new Single-Family Dwellings are permitted uses in all Division 2 zones.
- .4 General Requirements.

.1	Minimum lot size	6,000 Square Feet
.2	Minimum lot frontage	50 Feet
	Cul-de-sacs	40 Feet
.3	Minimum lot depth	100 Feet
.4	Front building setback	25 Feet
	Opposite street	15 Feet
	Cul-de-sac	20 Feet
.5	Side building setback	5 Feet
.6	Rear building setback	15 Feet
.7	Maximum structure height	35 Feet or 2 1/2 Stories
- .5 Limitations.
 - .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control purposes.

Residential Division 3 Multiple-Family Dwellings

405 Residential Division 3 - Multiple-Family Dwellings.

- .1 Permitted Uses.
 - .1 Multiple-Family, Two-Family and Single-Family Dwellings, site-built or prefabricated assembled (limited to trusses, wall sections and cabinets).
- .2 Conditional Uses.

All other uses shall require a Conditional Use Permit.
- .3 Restrictions.
 - .1 Used buildings and structures.
 - .2 Existing and new Single-Family and Two-Family Dwellings are permitted uses in all Division 3 zones.
 - .3 Each unit in a multiple family division is required to have 2,500 square feet of land.
 - .4 A Site Development Plan is required.
- .4 General Requirements.

.1	Minimum lot size	8,400 Square Feet
.2	Minimum lot frontage	70 Feet
	Cul-de-sacs	40 Feet
.3	Minimum lot depth	100 Feet
.4	Front Building Setback	30 Feet
	Opposite street	20 Feet
	Cul-de-sac	20 Feet
.5	Side building setback	6 Feet
.6	Rear building setback	20 Feet
.7	Maximum structure height	35 Feet or 2 1/2 Stories
- .5 Limitations.
 - .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control purposes

Residential Division 3A Multiple-Family Dwellings

406 Residential Division 3A - Multiple-Family Dwellings.

- .1 Permitted Uses.
 - .1 Multiple-Family, Two-Family and Single-Family Dwellings, site-built or prefabricated assembled (limited to trusses, wall sections and cabinets).
- .2 Conditional Uses.

All other uses shall require a Conditional Use Permit.
- .3 Restrictions.
 - .1 Used buildings and structures.
 - .2 Existing and new Single-Family and Two-Family Dwellings are permitted uses in all Division 2 zones.
 - .3 Each unit in a multiple family division is required to have 2,000 square feet of land.
 - .4 A Site Development Plan is required.
- .4 General Requirements.

.1	Minimum lot size	6,000 Square Feet
.2	Minimum lot frontage	50 Feet
	Cul-de-sacs	40 Feet
.3	Minimum lot depth	100 Feet
.4	Front building setback	25 Feet
	Opposite street	15 Feet
	Cul-de-sac	20 Feet
.5	Side building setback	5 Feet
.6	Rear building setback	15 Feet
.7	Maximum structure height	35 Feet or 2 1/2 Stories
- .5 Limitations.
 - .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control purposes.

.5	Minimum front yard	25 Feet
.6	Minimum rear yard	5 Feet
.7	Minimum street yard	15 Feet

.5 Site Plan Requirements.

All proposed manufactured parks shall require a site plan according to Chapter 15 of these regulations and the following additional requirements:

- .1 Owner's certificate and dedication of easements.
- .2 Notary certificate.
- .3 Survey certificate and description.
- .4 Engineer's certificate.
- .5 Planning Commission certificate.
- .6 City Attorney's certificate (for annexations only).
- .7 City Council certificate.
- .8 Transfer record.
- .9 Register of Deeds certificate.

.6 Design Standards. All manufactured home parks shall incorporate the following design standards:

- .1 Private roadway of not less than 30 feet wide if parking is permitted on both sides of the street, 25 feet wide if parking is permitted on one side of the street only, or 20 feet if no on street parking is permitted.
- .2 Additional off street parking may be required for 20 and 25 foot streets.
- .3 Fire hydrants shall be installed so that no lot is farther than 500 feet from a fire hydrant. All main water lines shall not be less than six inches.
- .4 Each lot is to be served by no less than a 5/8 or 3/4 inch water meter.
- .5 Park owners are encouraged to construct storm shelter for use by the park residents.

.7 Use Limitations.

- .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control.
- .2 Whenever a manufactured home park ceases to be used for such purposes for a period of two years, the Planning Commission may initiate a Change of District Classification to a district compatible with the neighborhood.
- .3 No manufactured home shall be occupied until the street address numbers of at least three inches in height are affixed to the manufactured home facing the street.

.8 This section deleted by Ordinance 1870

Residential Division 5 Planned Residential Subdivision

408 Residential Division 5 - Planned Residential Subdivision.

- .1 Permitted Uses. The uses permitted in this division will be determined by the developer, the Planning Commission and the Governing Body.
- .2 Conditional Uses.
All other uses shall require a Conditional Use Permit.
- .3 Restrictions.
 - .1 Used buildings and structures.
 - .2 A Site Development Plan must be approved and recorded with the county recorder as well as a preliminary and final plat.
 - .3 No Division 5 subdivision shall be less than 5 acres in size.
 - .4 Single-, Two- and Multiple-Family areas shall be within separate blocks or areas. No block shall have mixed densities of dwellings.
- .4 General Requirements.
REQUESTED by the developer.
RECOMMENDED by the Planning Commission.
APPROVED by the Governing Body.

.1	Minimum lot size	_____	_____	_____
.2	Minimum lot frontage	_____	_____	_____
	Cul-de-sacs	_____	_____	_____
.3	Minimum lot depth	_____	_____	_____
.4	Front Building setback	_____	_____	_____
	Opposite street	_____	_____	_____
	Cul-de-sacs	_____	_____	_____
.5	Side building setback	_____	_____	_____
.6	Rear building setback	_____	_____	_____
.7	Maximum structure height	_____	_____	_____
- .5 Enacting Ordinance Requirements. An enacting ordinance must include, but not limited to:
 - .1 The occupancy of the zoning district per section 408.3.4 of these regulations.
 - .2 The adopted general requirements per section 408.4 of these regulations. (Ordinance No. 1870)

Residential Division 6

Rural Residential

409 Residential District 6 - Rural Residential. This district is created to provide single-family dwelling living within the "Growth Area."

- Division 6A. Division 6A lots shall contain not less than one (1) acre and not more than four point ninety-nine (4.99) acres. Lots are not permitted to be lot-split in this division into smaller one (1) acre lots without out public water and public sewage disposal.
- Division 6B. Division 6B lots shall contain not less than five (5) acres and not more than nine point ninety nine (9.99) acres.
- Division 6C. Division 6C lots shall contain not less than ten (10) acres and not more than nineteen point ninety-nine (19.99) acres.
- Division 6D. Division 6D lots shall contain not less than twenty (20) acres and not more than thirty nine point ninety-nine (39.99) acres.

.1 Permitted Uses.

- .1 Single-family dwellings, site-built or prefabricated assembled (limited to trusses, wall sections and cabinets).
- .2 Manufactured housing to include double and multiple-wide units in conformance with the restrictions outlined in section 403.1.4
- .3 Group homes as regulated by K.S.A. 12-736 as amended, 1991.
- .4 Farming operations which are existing at the time of being annexed into the City and limited to the growing of crops.

.2 Conditional Uses. All other uses shall require a Conditional Use Permit.

.3 Restrictions.

- .1 Rural residential division 6 located outside the City limits must comply with the requirements for the "Growth Area." See Chapter 16 of these regulations.
- .2 No lot or parcel of land shall be permitted to be lot split without both new lots meeting the full requirements of these regulations.

.4 General Requirements.

.1 Minimum and Maximum lot size:

- .1 R-6A 1 to 4.99 Acres.
- .2 R-6B 5 to 9.99 Acres.
- .3 R-6C 10 to 19.99 Acres.
- .4 R-6D 20 to 39.99 Acres.

	R6A	R6B	R6C	R6D
Minimum Lot Frontage	125 feet	300 feet	400 feet	500 feet
Minimum Lot Depth	175 feet	300 feet	400 feet	500 feet
Front Building Setback	30 feet	50 feet	75 feet	75 feet
Rear Building Setback	30 feet	50 feet	75 feet	75 feet
Side Building Setback	20 feet	30 feet	50 feet	75 feet
Maximum Structure Height (Ordinance No. 1870)	30 feet	30 feet	50 feet	50 feet

Exception: Private grain storage buildings located on R-6C and R-6D zoned lots.

.5 Use Limitations.

- .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning in all R-6 zoning districts and agricultural uses in the R-6C and R-6D zoning districts.
- .2 Driveway entrances shall be spaced not less than 200 feet apart, except where one driveway is shared by two lots.

PUBLIC AND PRIVATE RECREATIONAL DISTRICT (PR) CHAPTER FIVE

Division 1 - Public Recreational Area
Division 2 - Private Recreational Area
Division 3 - Recreational Vehicle Park

- 500 Purpose. This district is established for those areas in which recreational activities and related camping are permitted with a particular concern for the environmental quality of the area.
- .1 Division 1 - Public Recreational Area is defined as land owned by the city, county, state or federal government.
 - .2 Division 2 - Private Recreational Area is defined as land owned by an individual, partnership, corporation or entity except government.
 - .3 Division 3 - Recreational Vehicle Park is defined as a temporary parking, not to exceed 90 days, of recreational vehicles and may include tent camping.
- 501 .1 Permitted Uses. Division 1 and 2.
- .1 Single-Family Dwelling for year round occupancy for the caretaker.
 - .2 Single-Family Dwelling included in exclusive membership in a recreational area such as a golf course.
 - .3 Golf courses, pitch & putt courses, driving range and related club house.
 - .4 Parks, lakes, marinas, play grounds, tennis courts, volley ball courts, handball courts and similar indoor or outdoor facilities.
 - .5 Campgrounds including recreational vehicle parks.
 - .6 Non-lighted sports facilities, including baseball, softball, soccer, basketball, tennis and racquetball fields and courts.
 - .7 Accessory buildings and structures associated with recreational activities.
- .2 Permitted Uses. Division 3.
- .1 Primitive camps, camping trailer, motor homes, recreational vehicles, travel trailers and truck campers.
 - .2 Service building to include office, living quarters for the park attendant, convenience store, showers, restrooms, game rooms and laundry facilities.
 - .3 Playgrounds and swimming pools.

- 502 .1 Conditional Uses. Division 1.
All other uses shall require a Conditional Use Permit including, but not limited to:
- .1 Religious services by a single denomination, not open to the general public in a public recreational area.
 - .2 Any event closed to the general public or where an entry fee is charged in a public recreational area.
 - .3 Open air concerts, plays or other similar entertainment, with or without, general admission for the public.
 - .4 Lighted sports facilities, including baseball, softball, soccer, basketball, tennis and racquetball fields and courts.
 - .5 All other uses not associated with or in addition to the permitted uses listed in section 501.
- .2 Conditional Uses. Division 2.
- .1 Open Air Concerts.
 - .2 Lighted sports facilities, including, but not limited to baseball, softball, soccer, basketball, tennis and racquetball fields and courts.
 - .3 All other uses not associated with or in addition to the permitted uses listed in Section 501.
- 503 Restrictions.
- .1 All requests for this district zoning classification and any request for a Conditional Use Permit, must first be reviewed by the City Park Board. The Park Board, after reviewing the request, will make a recommendation to the Planning Commission that will be included in the minutes of the case.
 - .2 A Site Development Plan is required for this district.
 - .3 Additional requirements and standards for Division 3 are listed in Sec 505.
- 504 .1 General Regulations for Division 1 and 2.
- .1 Minimum lot area 2 Acres - 87,120 Square Feet.
 - .2 Minimum lot frontage 100 Feet.
 - .3 Minimum lot depth 100 Feet.
 - .4 Minimum building setback 25 Feet.
 - .5 Maximum building height 45 Feet.
- .2 General Regulations for Division 3.
- .1 Minimum lot Area 2 Acres - 87,120 Square Feet.
 - .2 Minimum lot Frontage 100 Feet.
 - .3 Minimum lot Depth 100 Feet.
 - .4 Minimum building Setback 25 Feet.
 - .5 Minimum setback between Units 20 Feet.
 - .6 Minimum side setback 10 Feet.
 - .7 Minimum rear setback 10 Feet.
 - .8 Maximum structure height 35 Feet.

- 505 Required Division 3 Standards.
- .1 Road Requirements.
 - .1 4 inch minimum asphalt or concrete.
 - .2 22 feet wide for two lane traffic or 12 feet wide for one lane (One Way) traffic.
 - .3 All trees planted along the roadway and adjacent to all hardstands shall be pruned so that no branches are within 12 feet of the ground.
 - .2 Hardstand Requirements.
 - .1 4 inch minimum asphalt or concrete.
 - .2 10 feet wide and 30 feet Long.
 - .3 Shall be level and of pull through design.
 - .4 Shall have one additional parking space which may have a gravel surface.
 - .5 Shall have an electrical service in accordance with the provisions of the National Electrical Code to include one 20 ampere GFCI outlet and one 30 or 50 ampere recreational vehicle outlet.
 - .6 Shall have an approved potable water hook up.
 - .7 Shall have an approved sanitary sewer hook up.
 - .3 Primitive Camp Site Requirements.
 - .1 Shall contain a minimum of 400 square feet.
 - .2 Shall be provided with 2 off road parking spaces.
 - .3 Shall be provided with one 20 ampere, 120 volt, GFCI electrical outlet.
 - .4 Each 5 camp sites shall be provided with a potable water supply.
 - .4 Service Building Requirements.
 - .1 A service building is required for all Division 3 areas.
 - .2 Shall contain sanitary facilities
 - .1 Minimum of one bathroom for each sex containing 1 water closet, 1 lavatory and 1 shower.
 - .2 Additional facilities shall be provided.
 - 1 each for each 5 primitive camp sites
 - 1 each for each 10 hardstands
 - .3 Shall have one sanitary dump station.
 - .4 Shall have full time supervision of the park.
 - .5 Shall have emergency telephone services.
- 506 Use Limitations.
- .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal household cleaning, insect, rodent and weed control.

ASSEMBLY DISTRICT (A)

CHAPTER 6

- 601 Purpose. The purpose of this district is to group all assembly uses into a single zoning district.
- 602 Permitted Uses.
- .1 Auditoriums
 - .2 Civic centers
 - .3 Educational
 - .4 Religious
- 603 Conditional Uses.
All other uses shall require a Conditional Use Permit.
- 604 Restrictions.
The full restrictions of the Building Code shall apply to all assembly buildings.
A site plan is required for all proposed Assembly Districts.
- 605 Requirements.
- .1 Minimum lot size - 10,000 Square Feet
 - .2 Minimum lot frontage - 100 Feet
 - .3 Minimum lot depth - 100 Feet
 - .4 Front setback - 30 feet
 - .5 Corner or Cul-de-sac - 20 feet
 - .6 Rear setback - 20 feet
 - .7 Side setback - 10 feet
 - .8 Maximum structure height - Shall be determined by the Building Code.
- 606 Limitations.
- .1 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for normal cleaning, insect, rodent and weed control purposes.
 - .2 No lot or area is permitted to be zoned Assembly unless the principal use has a seating capacity of 50 or more persons in any one room of the building.

COMMERCIAL DISTRICT (C)

CHAPTER 7

700 Purpose. The purpose of this district is to group business and commercial uses into one district that encompasses all property zoned as Commercial in the City of Augusta, Kansas, outside the 7th Avenue - Walnut Street and Downtown Corridor as described in Chapter 7A (Main Street District – M) and Chapter 7B (Central Commercial District – CC). Properties with this Commercial zoning shall be designated as “C” on the Official Zoning Map of the City of Augusta.

All properties zoned Commercial (C) in the City of Augusta’s Growth Area that do not have frontage and/or an address on Hwy 54 / 400 shall be designated as “C” on the Official Zoning Map of the City of Augusta.

701 Permitted Uses. The following uses are permitted with restrictions as outlined in section 702.

- Adult Respite Care and/or Child Care Center
- Antique Shop
- Bakery and/or Candy Shop
- Barber and/or Beauty Shop
- Bed and Breakfast Inn
- Book Store
- Bread Store
- Clinics for Dental, Health and Medical, but not for Animals
- Financial Institutions Including Drive-Up Window
- Florist Shop
- Gift Shop
- Offices - Business and Professional
- Repair shops, including appliance, bicycle, radio, shoe, small engine, television, upholstery and watches, but not for vehicles.

702 Restrictions

- .1 Shall occupy an existing or newly constructed building with residential style and appearance adjacent to the Residential District.
- .2 Buildings that were originally designed and/or used as residences, but which have been converted to a commercial use, must meet the requirements of the Building Code for commercial buildings.
- .3 Newly constructed commercial buildings shall conform to residential style and appearance.

- .4 No on street parking shall be permitted. (A variance could be considered on a case-by-case basis)
 - .5 A Site Development Plan is required.
 - .6 No outdoor storage or display is permitted.
- 703 Conditional Use Permit. All uses not permitted by Section 701 shall require a Conditional Use Permit.
- 704 Requirements for new construction.
- .1 Minimum lot size 10,000 Sq. Feet
 - .2 Minimum lot frontage 100 Feet
 - .3 Minimum lot depth 100 Feet
 - .4 Front setback 25 Feet
 - .5 Rear setback 15 Feet
 - .6 Side setback 5 Feet
 - .7 Maximum structure height - Shall be Determined by the Building Code
- 705 Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for cleaning, insect, rodent and weed control purposes or any products that are necessary and ordinary to the operation of the allowed business such as brake, transmission fluid, etc.

MAIN STREET DISTRICT (M)

CHAPTER 7A

700A Purpose. The purpose of this district is to group downtown business and commercial uses into one district that has been designated the Main Street District. This area is encompassed by the following boundaries: On the north by the old railroad right of way; on the south by Second Avenue; on the west by the north-south alley between Walnut Street and State Street; and on the east by the west side of School Street. Properties with this Main Street District zoning shall be designated as "M" on the Official Zoning Map of the City of Augusta.

701A Permitted Uses. The following uses are permitted with restrictions as outlined in section 702A.

- Antique Shop
- Appliance Stores (new)
- Apparel Store
- Art Gallery
- Automobile Accessories (new)
- Bakery and/or Candy Shop
- Barber and/or Beauty Shop
- Bed and Breakfast Inn
- Bicycle Store
- Book Store
- Bread Store
- Camera and/or Photographic Supply Store
- Carpet and/or Flooring Store
- Children's Toy Store
- China and/or Glassware Store
- Clinics for Dental, Health, and Medical but not for animals
- Coffee Shop, Tea Room and/or Donut Shop
- Department Store
- Drugstore and/or Pharmacy
- Electronic Sales Store
- Florist Shop
- Furniture Store (new and/or used)
- Furrier Shop
- Garden Shop/Store (cannot store flammables)
- Gift Shop

- Health Food Store and/or equipment
- Hobby Shop
- Interior Decorating Stores including making draperies, slipcovers, and other articles (cannot store flammables)
- Jewelry Store
- Leather Goods and/or Luggage Stores
- Motor Vehicle Sales Store (new, restored, classic, etc.)
- Music Store and/or Instrumental Band Sales and Repair
- Pet Store and/or Grooming
- Photocopy Office
- Quilt and/or Fabric Store
- Residential Dwellings (upper floors only) with Restrictions Outlined in 704A
- Restaurant (no alcohol)
- Sewing Machine Sales and Service
- Sporting Goods Store
- Theaters (Indoor)
- Vision Care and Optical Sales and Service

702A Outdoor Storage or Display Restrictions.

- .1 No permanent outdoor storage or display
- .2 Temporary sidewalk signs may be allowed for special promotions and shall be removed at close of business day.
- .3 Maintain an unobstructed 6 foot path for public and/or wheelchairs. (From the curb or from the building)
- .4 Restaurants are allowed to place tables and chairs on the sidewalk as long as they maintain a minimum of a 6 foot path and are not cause for problems with trash or debris, rodents, etc. Tables and chairs shall be removed at the close of business day.

703A Conditional Use Permit. All uses not permitted in Section 701A shall require a Conditional Use Permit.

704A Residential Dwelling Restrictions.

- .1 May occupy an existing or newly constructed building, but on upper floors only.
- .2 Existing residential dwellings, when remodeled or renovated, must meet the requirements of the Building Code for commercial buildings.
- .3 All new residential dwellings will be required to provide off street parking.
- .4 A Site Development Plan may be required.

705A Requirements for New Construction.

- Minimum Lot Size 3,125 Square Feet
- Minimum Lot Frontage 25 Feet
- Minimum Lot Depth 125 Feet
- Front Setback 0 Feet *
- Rear Setback 20 Feet
- Side Setback 0 Feet *
- Maximum Structure Height – Shall be Determined by the Building Code

* Buildings shall be in line with buildings on either side

706A Hazardous materials handling, storage and use: The use, storage and handling of hazardous materials shall be limited to those amounts normally used for cleaning, insect, rodent and weed control purposes or any products that are necessary and ordinary to the operation of the allowed business such as brake, transmission fluid, etc.

707A Main Street Designated Area Regulations. The following regulations shall apply to the area in the designated Main Street Program district. (Adopted by Ordinance 1929 on August 21, 2006)

- .1 Construction Codes and Guidelines. Construction in the Main Street Designated Area shall conform to the following codes and guidelines.
 - .1 New construction in the Main Street Designated Area shall conform to the current edition of the International Building Code as adopted and amended by the City.
 - .2 Building additions and remodeling of existing buildings shall comply with the current edition of the International Existing Building Code as adopted and amended by the City.
 - .3 A Site Development Plan may be required.
- .2 Review Period. No building permit shall be issued by the Inspection Department until the following plan reviews have been approved.
 - .1 The Kansas State Historical Society requires 60 days to review plans in an area within 500 feet of a building on the National Register of Historical Buildings.
 - .2 The Inspection Department shall have fifteen days from the date of application to review all plans as required by the International Building Code and International Existing Building Code.

- .3 The Main Street Design Committee shall have fifteen days from the date of application to review all building permits that have pertinence to the building façade and requirements stated in Section 2, Chapter 7A.
- .3 Curb cuts within the Main Street Designated area. All existing curb cuts and proposed curb cuts shall comply with the following requirements:
 - .1 There shall be no curb cuts permitted within the Main Street Designated Area unless specifically approved by the Governing Body.
 - .2 Existing approaches that are not used for their intended purpose for a period of one year shall be removed and replaced with a standard curb.
 - .3 The property owner shall be responsible for any and all costs associated with removal and replacement of any curb cut.

CENTRAL COMMERCIAL DISTRICT (CC)

CHAPTER 7B

700B Purpose. The purpose of this district is to group business and commercial uses into one district that has been designated as the Central Commercial District in Augusta, Kansas. This area includes 7th Avenue from the east-west City Limits and Walnut Street from 7th Avenue to 2nd Avenue. All properties with frontage on 7th Avenue or Walnut Street, or with addresses on 7th Avenue or Walnut Street, shall be included in the boundaries of this District. Also, properties that are contiguous to those with frontage and/or addresses on 7th Avenue or Walnut Street, which are currently zoned Commercial as of the approval of this Ordinance, shall be included in the boundaries of this District. Properties with this Central Commercial District zoning shall be designated as “CC” on the Official Zoning Map of the City of Augusta.

All properties zoned Commercial (C) in the City of Augusta’s Growth Area that have a frontage and/or physical addresses on Hwy 54 / 400 shall be designated as “CC” on the Official Zoning Map of the City of Augusta.

701B Permitted Uses. The following uses are permitted with restrictions as outlined in section 702B.

- Adult Respite Care and/or Child Care Center
- Animal Hospital – indoors only
- Antique Shop
- Apparel Store
- Appliance Repair and Sales
- Art Gallery
- Arts and Crafts Store
- Automobile Dealership (can include body shop and/or repair shop)
- Automobile Parts Store (new)
- Automobile Service Station
- Bakery and/or Candy Shop
- Barber and/or Beauty Shop
- Bed and Breakfast Inn
- Bicycle Store
- Book Store
- Bowling Alley
- Bread Store
- Bus Station and/or Taxicab Stands
- Camera and/or Photographic Supply Store
- Car Washes

- Carpet and/or Flooring Store
- Children's Toy Store
- China and Glassware Store
- Coffee Shop, Tea Room and/or Donut Shop
- Convenience Store with/without Gasoline
- Clinics for Dental, Health and Medical, but not for Animals
- Department Store
- Drug Store and/or Pharmacy
- Dry Cleaning and/or Laundry
- Electronic Sales Store
- Equipment Rental
- Farm Supply Store
- Financial Institutions Including Drive Up Window
- Florist Shop
- Food Stores Including Grocery, Meat Market, Delicatessens
- Furniture Store
- Furrier Shop
- Garden Shop
- Gift Shop
- Hardware Store
- Health Food Store and/or Equipment
- Hobby Shop
- Hotels and/or Motels
- Ice Cream Store
- Jewelry Store
- Key Shop
- Lawn Mower (small engine) Repair Shop
- Leather Goods and Luggage
- Mail Receiving and Packaging Store
- Mirror and Decorative Glass Shop.
- Music Store and/or Instrumental Band Sales and Repair
- Newspaper, Publishing and Printing Firms
- Offices - Business and Professional
- Package Liquor Store
- Paint, Wallpaper and/or Home Decorating Store
- Pet Store and/or Pet grooming
- Philanthropic Institutions Including Distribution and/or Merchandising of Goods for the Needy
- Photocopy Office
- Physical Culture and Health Services such as Private Gym and Reducing Salons
- Restaurants (with or without Drive-up windows)
- Security Device Shops
- Service and/or Fraternal Clubs
- Sewing Machine Sales and Service
- Shoe Repair Shop

- Specialty Schools (dance, music, college)
- Sporting Goods Store
- Swimming Pool Equipment Store
- Tailor Shop
- Theaters (Indoor)
- Tobacco Shop
- Vision and Optical Shop
- Window Blind, Drapery Shop

702B Restrictions for Section 701B

- .1 Buildings that were originally designed and/or used as residences, but which have been converted to a commercial use, must meet the requirements of the Building Code for commercial buildings.
- .2 No on street parking shall be permitted.
- .3 Any outdoor storage or display must be arranged in an orderly fashion.
- .4 A Site Development Plan is required.

703B Conditional Use Permit. All uses not permitted by Section 701B shall require a Conditional Use Permit.

704B Requirements for new construction.

- .1 Minimum lot size 10,000 Square Feet
- .2 Minimum lot frontage 100 Feet
- .3 Minimum lot depth 100 Feet
- .4 Front setback 25 Feet
- .5 Rear setback 15 Feet
- .6 Side setback 5 Feet
- .7 Maximum structure height - Shall be Determined by the Building Code.

705B Hazardous materials handling, storage and use: the use, storage and handling of hazardous materials shall be limited to those amounts normally used for cleaning, insect, rodent and weed control purposes. Stores that stock and sell items that may contain hazardous materials must obtain a Conditional Use Permit.

Industrial District (I) Chapter 8

- 800 Purpose. This district is established for industrial uses which are consistent with the capacity and availability of public and private services, generate modest amounts of traffic, create limited nuisance effects in the way of odor, smoke, dust, glare, vibration or sounds; and do not encourage the intermixing of residential uses.
- 801 Permitted Uses. The following uses are permitted in the Industrial District:
- .1 Agricultural feed and grain manufacture, mixing, storage and sales.
 - .2 Animal hospitals or clinics, including outside runs.
 - .3 Bakeries.
 - .4 Bottling works.
 - .5 Building material production.
 - .6 Clothing and textile manufacture.
 - .7 Construction storage yard.
 - .8 Dry-cleaning or laundry plant.
 - .9 Food manufacture, distribution and storage.
 - .10 Manufactured products involving non-hazardous processes.
 - .11 Mini-warehouse storage.
 - .12 Printing and publishing.
 - .13 Public utilities.
 - .14 Research laboratories.
 - .15 Truck and rail terminals.
 - .16 Used buildings and structures.
 - .17 Welding shop.
 - .18 Woodworking and upholstery shop.
 - .19 Wholesale businesses and storage warehouses.
- 802 Conditional Use Permit. All existing uses at the time of the adoption of these regulations are hereby granted Conditional Use Permits. All change of uses or proposed uses shall require a Conditional Use Permit.
- 803 Restrictions.
- .1 All manufacturing processes that require hazardous materials, handling, storage and processing shall be required to prepare a Hazardous Material Management Plan (HMMP) according to the requirements of the Building and Fire Codes.
 - .2 All uses that will produce nuisance odors, smoke, dust, glare, vibration or sounds, shall be required to prepare an Environmental Impact Report by a registered environmental engineer or engineering firm.

.3 A Site Development Plan is required.

804 Requirements for New Construction.

- .1 Minimum lot size - 10,000 Square Feet
- .2 Minimum lot frontage - 100 Feet
- .3 Minimum lot depth - 100 Feet
- .4 Front setback - 25 feet
- .5 Rear setback - 15 feet
- .6 Side setback - 5 feet
- .7 Maximum structure height - Shall be determined by the Building Code.

805 Use Limitations.

- .1 There shall be no emission of odor, smoke, dust, vibration or sounds that shall be detectable as a nuisance beyond the property line.
- .2 Outdoor storage of goods and materials in process must be related to permitted uses or conditional uses and must be adequately screened.
- .3 Previously owned or occupied buildings and structures may be moved into this district provided the structure or building complies or is made to comply with the adopted Building, Plumbing, Electrical and Mechanical Codes.
- .4 Fencing and screening shall be subject to review, requirements and approval of the Planning Commission prior to issuing a Building Permit.

Flood Fringe (FF) and Flood Way (FW) Overlay District Chapter 9

900 Purpose. The purpose of this overlay district is to minimize losses described in the Flood Insurance Study provided by the Federal Insurance Administration. The Flood-Fringe (FF) and Flood-Way (FW) overlay districts are created to supplement the Federal Insurance Rate Map's flood zones and the City Flood Plain Management Ordinance No. 1812.

- .1 This overlay district shall:
1. Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood height or velocities.
 2. Require that uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction.
 3. Protect individuals from buying lands that are unsuited for intended purposes because of flood hazard.

901 Definitions. See Chapter 17 and Ordinance No. 1812.

100-Year Flood is the base flood having a one-percent (1%) chance of annual occurrence.

500-Year Flood is the base flood having a one-percent (1%) chance of occurrence once every 500 years.

902 FEMA Flood Zones. See Federal Insurance Rate Map. FEMA Flood Zones are used in conjunction with the Flood-way overlay district and the Flood-way Fringe overlay district.

- .1 Flood Zones on the FIRM Map as revised on December 21, 1982.

Zone A Areas of 100-year flood; base flood elevations and flood hazard factors not determined.

902 .1 Zone AO Areas of 100-year flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.

Zone AH Areas of 100-year shallow flooding where depths are Between one (1) and three (3) feet; base flood elevations Are shown, but no flood hazard factors are determined.

- Zone A1-30 Areas of 100-year flood; base flood elevations and Flood hazard factors determined.
- Zone A99 Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
- Zone X Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. Medium shading.
- Zone X Areas of minimal flooding. No shading.
- Zone D Areas of undetermined, but possible, flood hazards.

.2 Flood Zones on the FIRM Map as revised on May 21, 2001.

- Zone A No base flood elevations determined.
- Zone AE Base flood elevations determined.
- Zone AH Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- Zone AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding; velocities also determined.
- Zone A99 To be protected from 100-year flood by Federal flood protection system under construction; no base flood elevations determined.
- Zone X (shaded) Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.
- Zone X (un-shaded) Areas determined to be outside 500-year flood plain.
- Zone D Areas in which flood hazards are undetermined.

903 General Provisions.

- .1 Land to which these regulations apply. This regulation shall apply to all lands within the jurisdiction of the City of Augusta identified on the Flood Insurance Rate Map (FIRM) within the FW and FF zoning districts. The FW and FF overlay districts shall conform and enhance the FIRM "A" zones.
- .2 Interpretation. In the interpretation and application, the provisions of this regulation shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the state.
- .3 Interpretation of District Boundaries. The boundaries of the flood-way and flood-way fringe overlay districts shall be determined by scaling distances on the official zoning map or the Federal Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the map(s), as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. In such cases where the interpretation is contested, the person contesting the location of the district boundary shall appeal the decision of the enforcing officer to the Board of Zoning Appeals.
- .4 Compliance. No development located within known flood hazard areas of this City shall be located, extended, converted or structurally altered without full compliance with the terms of this regulation and the flood plain ordinance.
- .5 Disclaimer of Liability. The degree of flood protection required by this regulation is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This regulation does not imply that areas outside flood-way and flood-way fringe district boundaries or that larger floods may occur on rare occasions or the flood height may be increased by man made or natural causes. These regulations shall not create liability on the part of the City of Augusta, Kansas or any officer or employee thereof for any flood damages that may result from reliance on these regulations or any administrative decision lawfully made thereunder.

904 Appeal. Any appeal of the decision of the enforcement officer or request for a variance shall be made to the Planning Commission as provided by Section 203.2.9.3.2 of these regulations.

905 Flood-Way (FW) Overlay District.

- .1 Permitted Uses. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other District in these regulations. All encroachments, including fill, new construction, substantial improvements and other developments must be prohibited unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Section 906 of this article. The following are recommended uses for the Flood-way District:
 - .1 Agricultural uses such as general farming, pasture, nurseries and forestry.
 - .2 Recreational uses such as lawns, gardens, parking and play areas.
 - .3 Non-residential areas such as loading areas, parking, airport landing strips.
 - .4 Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
 - .5 Public and private utility services provided they are flood proofed.
- .2 Uses Not Permitted. All uses not meeting the standards of these regulations shall be prohibited.
- .3 Specific Standards for the Flood-Way Overlay District and the Flood-Way Fringe Overlay District.
 - .1 Permits. A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes. No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
 - .1 Every floodplain development permit application shall:
 - .1 Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;

- .2 Identify and describe the work to be covered by the floodplain development permit;
 - .3 Indicate the use or occupancy for which the proposed work is intended;
 - .4 Indicate the assessed value of the structure and the fair market value of the improvement;
 - .5 Specify whether development is located in designated flood fringe or floodway;
 - .6 Identify the existing base flood elevation and the elevation of the proposed development;
 - .7 Give such other information as reasonably may be required by the Floodplain Administrator;
 - .8 Be accompanied by plans and specification for proposed construction; and
 - .9 Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- .2 FIRM. The City's Federal Insurance Rate Map shall determine the need for conformance with this Section. If flood Insurance Study data is not available the city shall utilize any base flood elevation or flood-way data currently available from Federal, State or other sources.
- .3 Requirements. All new construction, subdivision proposals, substantial-improvements, prefabricated structures, placement of manufactured homes and other developments shall require:
- .1 Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - .2 Construction with materials resistant to flood damage.
 - .3 Utilization of methods and practices that minimize flood damages.
- .4 All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- .5 New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

- .6 Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - .1 All such proposals are consistent with the need to minimize flood damage.
 - .2 All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - .3 Adequate drainage is provided so as to reduce exposure to flood hazards.
 - .4 All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

- .7 Storage and material equipment.
 - .1 The storage or processing of materials that are in time of flooding buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
 - .2 Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- .4 Specific Standards for A and AE Zones.
 - .1 Residential Construction.
New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above base flood elevation. The elevation of the lowest floor shall be certified by a licensed land surveyor.
 - .2 Non-Residential Construction.
New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting

hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of these regulations are satisfied. The elevation of the lowest floor shall be certified by a licensed land surveyor.

- .3 Fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - .1 A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - .2 The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
- .4 **Manufactured Homes.** All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with the Building Code or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - .1 Over-the-top ties be provided at each of the four corners of the manufactured home, with additional ties per side at ten (10) foot intervals.
 - .2 Frame ties shall be provided as above.
 - .3 All components of the anchoring system be capable of carrying a force of 4800 pounds.
 - .4 The lowest floor shall be elevated on a permanent foundation one (1) foot above the base flood elevation and be anchored to the foundation system. The elevation of the lowest floor shall be certified by a licensed land surveyor.
- .5 **Recreational Vehicles.** Recreational vehicles placed on sites within all unnumbered or numbered A and AE Zones either:

- .1 Be on the site fewer than 180 consecutive days.
- .2 Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.
- .3 Meet the permitting, elevating, and the anchoring requirements for manufactured homes of these regulations.

906 Flood-way Fringe (FF) Overlay District.

- .1 Permitted Uses. Any use permitted by Section 910.1 of these regulations.
- .2 Uses Not Permitted. All uses not meeting the standards of these regulations shall be prohibited.
- .3 Standards for the Flood-way Fringe Overlay District. The same standards as required by Section 910.3.
- .4 Requirements for FIRM zone "AO."
 - .1 All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor (including the basement) elevated two (2) feet above the base flood elevation.
 - .2 Together with attendant utility and sanitary facilities be completely flood-proofed to or above the base flood elevation so that any space below the base flood elevation is watertight.
- .5 Drainage Paths. Adequate drainage paths around structures on slopes shall be required in order to guide floodwater around and away from proposed structures.

Note: All changes made to Chapter 9 are in compliance with Ordinance Number 1812.

Airport Hazard (AH) Overlay District

Chapter 10

1000 Purpose. This overlay district is established to protect against possible airport hazards which endanger the lives and property of users of the Augusta Municipal Airport, and occupants of land in the vicinity of the airport: that an airport hazard may affect existing and future instrument approach minimums of the airport, and an airport hazard may reduce the size of areas available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public interest therein.

1001 Authority. The establishment of the airport hazard overlay district as authorized by K.S.A. 3-703, as amended, the City may extend the coverage of these regulations to airports owned, operated or controlled by the City; privately owned airports within five miles of the official city boundaries if in the opinion of the Commission, the airport utilizes its facilities to provide a service to the public.

1002 Definitions.

AIRPORT is any area of land or water designed and set aside for the landing and taking-off of aircraft. The term includes heliports set aside for the landing and taking-off of rotary wing aircraft.

AIRPORT ELEVATION is the established airport elevation in feet above mean sea level, of the highest point of the landing area that is used or intended to be used for take-off and landing operations.

AIRPORT HAZARD is any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in the regulations, or any use of land near such airports, which obstructs the airspace required for the flight of aircraft in landing or take-off at such airports or is otherwise hazardous to such landing or taking-off aircraft.

AIRPORT REFERENCE POINT is a point at the approximate center of the airport landing area, and shown on the Augusta Municipal Airport Hazard Zoning Map.

APPROACH SURFACE is a surface longitudinally centered on the extended runway centerline; extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in these regulations.

BOARD means the Governing Body of the City of Augusta, Kansas.

BUILDING OFFICIAL means the City Manager of the City of Augusta, Kansas.

CIVILIAN AIRPORTS are any airports, public or private, that are not owned or operated by the government of the United States and used for military purposes.

CONICAL SURFACE is an inclined surface extending upward and outward from the outer periphery of the horizontal surface at a slope of one foot upward for each twenty feet outward for a horizontal distance of seven thousand feet.

FAA is the Federal Aviation Administration.

HELIPORT is an area on land, water or upon a structure set aside and used for the landing and take-off of rotary wing aircraft and in addition facilities may be provided for the fueling, refueling, repair and storage of rotary wing aircraft.

HORIZONTAL SURFACE is a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY is a runway that is constructed for and intended to be used by propeller driven and jet aircraft of greater than twelve thousand five hundred pounds maximum gross weight.

MANAGER is the manager of the Augusta Municipal Airport.

NONPRECISION INSTRUMENT RUNWAY is a runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in, or area type navigation equipment for which a straight-in, nonprecision instrument approach procedure has been approved or planned.

PRECISION INSTRUMENT RUNWAY is a runway having an existing or planned instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR).

PRIMARY SURFACE is a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface is set forth in these regulations. The elevation of any point on the primary surface is the same as the nearest point on the runway centerline.

PRIMARY SURFACE - HELIPORTS is an area that coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

RUNWAY is a defined area on an airport prepared for landing and take-off of aircraft along its length.

TRANSITIONAL SURFACES are the transitional surfaces extended outward at ninety degree angles to runway centerlines and runway centerlines extended, at a slope of one foot upward for each seven feet outward from the sides of the primary and approach surfaces.

The transitional surfaces connect the horizontal, conical, primary and approach surfaces. Transitional surfaces for those portions of the approach surfaces, which project beyond the limits of the conical surface, extended a distance of five thousand feet measured horizontally from the edge of the approach surface and at ninety degree angles to the extended runway centerline.

TRANSITIONAL SURFACES - HELIPORTS are the transitional surfaces extended outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two to one for a distance of two hundred fifty feet measured horizontally from the centerline of the primary and approach surfaces.

UTILITY RUNWAY is a runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred pounds maximum gross weight and less.

VISUAL RUNWAY is a runway intended solely for the operation of aircraft using visual approach procedures.

1003 Airport zones and height limits.

- .1 The established airport elevation is one thousand three hundred twenty seven (1,327) feet.
- .2 Utility runway visual approach zone (Runways 18 and 36).
 - .1 The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide.
 - .2 The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - .3 The applicable height limitation slopes one foot upward for each 40 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

- .3 Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone.
 - .1 The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide.
 - .2 The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - .3 The applicable limitation slopes one foot upward for each 40 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the runway centerline.
- .4 Precision instrument runway approach zone.
 - .1 The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide.
 - .2 The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - .3 The applicable height limitation slopes one foot upward for each 50 feet outward, beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes one foot upward for each 40 feet outward to an additional horizontal distance of 40,000 feet along the extended runway centerline.
- .5 Transitional zones.
 - .1 The transitional zones are the areas beneath the transitional surfaces.
 - .2 The applicable height limitation slopes one foot upward for each 7 feet outward, beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation.
 - .3 In addition to the foregoing, there are established height limits sloping one foot upward for each 7 feet outward beginning at the side of, and at the

same elevation as, the approach surface and extending to where they intersect the conical surface.

- .4 Where precision instrument runway approach zones project beyond the conical zones, there is established height limits sloping one foot upward for each 7 feet outward beginning at the side of, and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at ninety degree angles to the extended runway centerline.

.6 Horizontal zones.

- .1 The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.
- .2 The radii of the arcs for each end of the runway shall be the same and the radius used shall be the longest determined for either end.
- .3 The applicable height limitation is established at 150 feet above the established airport elevation.

.7 Conical zone.

- .1 The conical zone is established at the area that commences at the periphery of the horizontal zone and extends outward for horizontal distance of 4,000 feet.
- .2 The applicable height limitation slopes one foot upward for each 20 feet outward beginning at the periphery of the horizontal zone and at 150 feet above the established airport elevation and extending to a height of 350 feet above the airport elevation.

1004 Spacing adjacent airport.

- .1 No other airport hereafter shall be established, or existing airport be improved with approach guidance equipment so as to enhance instrument flight rule (IFR) capabilities, any portion of whose proposed or existing boundary will be under an airport zone established by these regulations or within a radius of eight miles from an airport referenced point of an airport established on the date of these regulations, unless a permit shall have been applied for and granted by the Butler County Planning Commission in accordance with these regulations.

- .2 Exception to the spacing requirements may be granted by the Planning Commission, after public hearing and recommendation to the Governing Body. The Commission shall consult the FAA and the Butler County Planning Commission before rendering a recommendation.

1005 Use restrictions.

- .1 Lighting. No use may be made of land or water within any zone established by these regulations in such manner as to make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of the pilots using the airports, create smoke, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way, endanger or interfere with the landing, take-off or maneuvering of aircraft intending to use the airport.
 - .1 A shield that reduces the amount of light visible from above and directs the light downward shall be required for all outdoor lights, except those incidental to residential uses.
 - .2 The owner of any existing and future structure or tree to install, operate and maintain at the owner's expense, such marking and lighting, the standards as found in FAA Circular AC-70-7460-1F.

1006 Conditional Use Permit required.

- .1 In the area lying within the boundaries of Area A shown on sheet two of the Augusta Municipal Airport Hazard Zoning Map (AMAHZM) a permit shall be required for any structure more than twenty-five feet of vertical height above the ground.
- .2 In the area lying within the boundaries of Area B on sheet two of the AMAHZM a permit shall be required for any structure more than seventy-five feet of vertical height above the ground.
- .3 In the area lying within the boundaries of Area C on sheet two of the AMAHZM a permit shall be required for any structure more than 150 feet of vertical height above the ground.
- .4 In the area lying within the boundaries of Area D on sheet two of the AMAHZM a permit shall be required for any structure more than 300 feet of vertical height above the ground.

1007 Augusta Municipal Airport Hazard Zoning Maps. The airport hazard zoning maps are hereby made a part of these regulations and shall be signed by the city clerk and marked with the effective date of these regulations.

Part III

Development Regulations

Commentary

The development regulations are to be made a part of and conditions for acceptance of any new zoning district or conditional use permit. The Planning Commission and Governing Body will review these regulations for those conditions and restrictions that are to be imposed as part of the conditions for acceptance.

Conditional Uses

Chapter 11

- 1100 General. A Conditional Use Permit shall be obtained for all uses not permitted by the zoning district and division. Approval of the Conditional Use Permit shall be based on the conditions and restrictions laid down by the Planning Commission acting as the Board of Zoning Appeals, hereinafter referred to as the "Board." The conditions and restrictions shall be made a part of the Site Development Plan or final plat prior to recording with the Butler County Register of Deeds.
- 1101 Application. All Conditional Use Permit applications shall be submitted to the Inspection Department as provided in these regulations.
- 1102 All applications shall be accompanied by 20 copies of a Site Development Plan or Expanded Preliminary Plat, drawn to scale on paper not smaller than 8 1/2 by 11 inch, nor larger than 24 by 36 inch, which shall consist of:
- .1 All the requirements for a Site Development Plan as provided in Chapter 15 of these regulations, and;
 - .2 All existing buildings and structures that are to remain on the site;
 - .3 All proposed buildings and structures;
 - .4 Arrangement and location of all off street parking, including stalls and unloading zones;
 - .5 Existing and proposed screening;
 - .6 Drainage controls;
 - .7 Location, size and type of signs;
 - .8 Lighting layout;
 - .9 Setback requirements from all property lines; and
 - .10 Height of all buildings and structures.

1103 Approval determination. The Board shall have the authority to impose conditions, restrictions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a Conditional Use permit shall not be made unless the evidence presented is such to establish:

- .1 That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area.
- .2 That the proposed use is necessary or desirable and provides a service or facility that contributes to the general well being of the surrounding area.
- .3 That such use will comply with these regulations and conditions specified in these regulations for such use.
- .4 The Board shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use.

1104 Expiration and revocation.

- .1 Any granted Conditional Use Permit shall become null and void within 180 days of the date of approval if not exercised. A Conditional Use Permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished.
- .2 If the building permit or use is abandoned or discontinued for a period of 180 days, it may not be reestablished unless authorized by the Board upon appeal.
- .3 A Conditional Use Permit may be revoked if the applicant fails to comply with the imposed conditions, restrictions and safeguards.

1105 Adjustments. An adjustment to an approved Conditional Use Permit shall be submitted to the Inspection Department accompanied by supporting information.

- .1 The Board shall review the adjustment and may grant, deny or amend such adjustments and impose conditions, restrictions or safeguards deemed necessary.
- .2 An adjustment shall not change the use as permitted.

General Provisions

Chapter 12

1200 The provisions of this chapter apply to all zoning districts.

1201 Off-Street parking.

- .1 General. There shall be provided at the time of erection of any main building or at the time such buildings are altered, enlarged, converted or increased in capacity minimum off-street parking space with adequate provision for ingress and egress by standard-sized vehicles in accordance with the requirements of this chapter. All parking spaces shall be of hard surface (concrete or asphalt) unless otherwise provided herein.
- .2 Parking space requirements.
 - .1 Required number. The Planning Commission may reduce or increase the required number of parking spaces due to special circumstances involved with a particular use. The number of parking spaces required by this section is to be used as a guideline to compute the total number of spaces required by each Conditional Use Permit, zoning districts and particular uses.
 - .2 Parking requirement guidelines.

Residential uses	-	3 parking spaces per dwelling unit.
Hotel/motel	-	1 parking space per room.
Office uses	-	1 parking space per 300 SF of floor area.
Business uses	-	1 parking space per 400 SF of floor area.
Assembly uses	-	1 parking space per each 3 seats.
Manufacturing	-	1 parking space per each 2 employees.
Industrial	-	1 parking space per each 2 employees.
Schools	K-8	- 1 parking space per each employee.
Schools	9-12	- 1 parking space per each 4 students.
 - .3 Combination uses. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.
 - .4 Location of parking. Parking shall be provided on the same lot as the use or on a lot not more than 500 feet from the use.
 - .5 Parking stall dimensions. A minimum of 9 feet in width and 20 feet in length shall be provided for each parking stall.

Exception: Compact parking stalls may be 8 feet in width and 18 feet in length.

Parallel parking stalls may be 8 feet in width and 22 feet in length.

- .6 Compact-to-standard stall ratio shall not exceed 1 to 2.
- .3 Screening. A 3 foot high buffer at the public way may be provided, if required, for all parking areas of five or more parking spaces.
- .4 Striping. All parking lots except single- and two-family dwelling uses, shall be substantially striped.
- .5 Lighting. All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.
- .6 Outdoor Parking and/or Storage of Recreational Vehicles and Trailers. The outdoor parking and/or storage of major recreational equipment such as boats, camping or house trailers, motor homes, horse trailers or utility trailers shall be regulated as follows:
 - .1 Major recreational equipment shall not be utilized for living purposes, except for the convenience of temporary lodging and when stored as personal property of the occupant. Temporary lodging shall be limited to 30 days in a calendar year.
 - .2 Parking and/or storage in the public right-of-way, whether in whole or in part, is prohibited.
 - .3 Parking and/or storage that obstructs the view for ingress and egress of alleys, driveways, and street corner sight triangles is prohibited.
 - .4 Parking and/or storage shall not impair utility and drainage easements.
 - .5 Parking and/or storage between the front property line and the front building line (extending to the lot's side property lines) is allowed only on a paved hard surface such as concrete, asphalt or at least 4 inches of packed rock or gravel. The drive area between the street and property line shall be poured concrete or asphalt. Paving on City property requires a permit. The minimum number of off street parking spaces required in the zoning district must still be maintained.
 - .6 Parking and/or storage in the side yard or back yard is allowed.

1202 Fence requirements.

- .1 The fence heights for all required yards shall be:
Front - 3.5 feet and of open design.
Side - 6 feet in height and of open or privacy design.
Rear - 6 feet in height and of open or privacy design.
The fence height may be tapered from 6 feet to 3.5 feet on the side property lines from the building setback line to the front property line and of open or privacy design.
- .2 No fence shall be constructed on street right-of-ways or sidewalks.
- .3 Privacy fences 6 feet in height shall be permitted to be constructed along the side property line on corner lots provided said fence shall not extend beyond the building setback line on the front of the main structure.

Masonry privacy fences 6 feet in height providing a subdivision shall be permitted to be constructed along the side property line. Said fence shall be permitted to be constructed at a 45 degree angle at the front building setback line, a distance not to exceed 20 feet. A site development plan shall be submitted to the Inspection Department for approval, a Building Permit and inspections shall be required for each project. (Ordinance No. 1800)
- .4 Where required by these regulations, fences of 8 feet in height shall be of the privacy type.
- .5 Conditional use. A Conditional Use Permit shall be required to increase the height of a fence from 6 to 8 feet.

1203 Location of accessory buildings.

- .1 Accessory buildings shall be located on the same lot as the main use or building and be separated from the main building by 3 feet.
- .2 Accessory buildings shall maintain the required setbacks for the zoning district or division.
- .3 Private garages. An accessory building used as a private garage may be located in any portion of the rear yard or side yard.
 - .1 The building may be located in the front yard of a sloping lot if the lot has more than a 10 foot difference in elevation from midpoint of the front lot line to a point 50 feet away midway between the side lot lines.

- .2 Private garages shall provide a 5 foot side yard and a 5 foot rear yard, unless the garage is entered from an alley, shall provide a 10 foot rear yard.
- .3 Storage buildings. All accessory buildings used for storage or other similar use may be located in any portion of the rear yard or side yard. No storage building shall be located in any front yard. Accessory buildings shall provide 5 foot side yards and 5 foot rear yard.
- .4 Recreation rooms. All accessory buildings or any portion thereof used as a recreation room shall provide 5 foot side yards and 5 foot rear yard. No such buildings shall be located in the front yard.

1204 Allowable projections into yards.

- .1 General. Eaves, cornices, bay windows or other similar architectural features may project into a required yard no more than 2 feet. Chimneys may project no more than 2 feet, provided the width of any side yard is not reduced to less than 30 inches. Required escape windows from basements may project into the side yard provided they have a substantial cover and the side yard is not reduces to less than 30 inches.
- .2 Front yards. Open, unenclosed ramps, porches, platforms, landings and carports may extend into the front yard a maximum of 8 feet, provided they are open on three sides and do not extend above the first story of the building. Bay windows may extend not more than 2 feet into the front yard.
- .3 Rear yards. Extensions or projections from building shall be allowed and shall conform to all set back and zoning regulations for said zoning district.

1205 Landscaping requirements.

- .1 General. Landscaping is required for all new buildings and additions over 500 square feet as defined in these regulations. Said landscaping shall be completed within one year from the date of occupancy of the building.
- .2 Front yards shall be completely landscaped, except for those areas occupied by access driveways, walls and structures.
- .3 Street-side side yards shall be completely landscaped, except for those areas occupied by utilities, access driveways, walls and structures.
- .4 Maintenance. All live landscaping required by these regulations shall be properly maintained. All dead or dying landscaping shall be replaced

immediately and all sodded areas mowed, fertilized and irrigated on a regular basis.

1206 Loading spaces.

- .1 General. Loading spaces shall be provided on the same lot for every building in the commercial or industrial zones. No loading space is required if prevented by an existing lawful building. The building official may waive requirements on unusual lots.
- .2 Size. Each loading space shall have a clear height of 14 feet and shall be directly accessible through a useable door not less than 3 feet in width and 6 feet, 8 inches in height. The minimum area of a loading space shall be 400 square feet and the minimum dimensions shall be 20 feet long and 10 feet wide.

1207 Grading and excavation regulations.

- .1 General. This section is intended to provide the community with fair and equitable grading practices and is not meant to supercede the requirements of the adopted building code.
- .2 Grading responsibilities. The developer shall be responsible for the prevention of damage to any public utilities or services. The person doing or causing grading is responsible for the prevention of damage to adjacent property. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, without supporting and protecting such property from any damage that might result.
- .3 Inspection notice. The developer shall notify the Inspection Department at least 24 hours prior to the start of the work.
- .4 Temporary erosion control. The developer shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding or deposition of mud or debris originating from the site. Precautionary measures must include provisions of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.
- .5 Traffic control and protection of streets. The developer shall provide flaggers, signs, barricades, ETC., to ensure adequate safety when working in or near public streets.

- .6 Hazard from existing grading. Whenever any existing excavation, embankment or fill has become a hazard to life or limb, or endangers structures, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the jurisdiction, shall within the time specified therein repair, reconstruct or remove such excavations, embankment or fill to eliminate the hazard.
- .7 Tracking of dirt onto public streets. The building contractor shall provide for adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets. The building contractor is responsible for cleaning the public street upon notice of the Inspection Department.
- .8 Maintenance of waterways and irrigation channels. The developer shall take all precautionary measures to protect and maintain the flow of waterways and irrigation canals.
- .9 Re-vegetation. The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such plantings shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage. A plan by a landscape architect may be required.
- .10 Design standards. The grading design standards required herein shall be those found in the building code as adopted.

1208 Approval for and availability of essential services.

- .1 All projects that require the additional use or new facilities of essential services, such as sewers, storm drains, fire hydrants, public streets, street lighting, water and electrical services, shall petition the City for such services at the time the property is platted.
- .2 Non-availability of essential services may be grounds for denying permits for additional development until such services are available. The City is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the City agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the City.

Special Regulations

Chapter 13

1301 Home Occupations.

- .1 General. Home occupations shall be permitted in the Agricultural and Residential districts, provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit. Home occupations shall be conducted wholly within the primary structure or existing accessory building on the premises.
- .2 Permit and fee. A Home Occupation Permit shall be obtained from the Inspection Department. The fees for each home occupation shall be \$10 annually.
- .3 Home occupations not permitted. Adult entertainment, massage parlors, sale or renting of tools, sale or storage of fire wood, vehicle repair; day care for more than 6 individuals; private schools, teachers of music or dance for more than 6 students at any one time.
- .4 Conditions. The home occupations shall:
 - .1 Not exceed 25 percent of the floor area of the primary structure and 50 percent of an accessory building on the premises,
 - .2 Not have more than one employee other than the immediate family,
 - .3 Not exceed 50 percent of the area of the home occupation to inventory and supplies,
 - .4 Not have exterior display or storage of goods on said premises,
 - .5 Not have more than one advertising sign displayed on the premises and said sign shall not exceed 2 square feet in area, the location of which shall be approved by the Inspection Department.
 - .6 Have sales and services to patrons arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time, and
 - .7 Have two additional off-street parking spaces provided.

1302 Adult uses.

- .1 Conditional Use Permit. A conditional use permit shall be obtained from the Planning Commission for all adult-use businesses.

- .2 Provisions. No adult-use business shall be:
 - .1 Located within 1,000 feet of a park, school, day care center, library or religious or cultural activity,
 - .2 Located within 500 feet of any other adult-use business or any agricultural or residential district.
 - .3 Distances shall be measured in a straight line without regard to intervening structures, topography and zoning districts.
 - .4 Such business shall be located in the Commercial District and shall not be permitted as a home occupation.

1303 The sale of personal property, goods or items, but not services, to the general public on agricultural or residential zoned land.

- .1 Personal sales by the owner, renter, lessee or tenant including, but not limited to, Estate sales, Garage sales, Household sales, Rummage sales, Yard sales and other owner sales shall be permitted as a temporary use in all agricultural and residential districts. (Ordinance No. 1870)
- .2 Such sales shall be limited to not more than 2 sales in any calendar year with each sale lasting for not over 3 days on any residential lot.
- .3 The property owner is required to register the location and date(s) of the sale with the Inspection Department prior to conducting such sale.
- .4 Temporary signs shall be permitted to be displayed on public and private property and shall be removed by the following Monday morning. A fee of \$3.00 per sign shall be charged to the property owner for each sign the Inspection Department picks up.

1304 Communication Towers, Antennas and Satellite Dish Antenna Regulations. (Ordinance No. 1811)

- .1 Applicability. These regulations shall apply to all communications towers, antennas and satellite dish antennas located in the zoning districts of the City of Augusta and the Growth Area.

These regulations shall not apply to FCC licensed amateur radio operating towers not over thirty-five (35) feet in height, satellite dish antennas in residential districts not over six (6) feet in diameter, preexisting facilities except upon expansion or reconstruction, utility poles owned by the City or a franchised utility company.

- .2 Preexisting Facilities. Preexisting communication devices shall comply with these regulations if expanded, reconstructed or increased in height.
- .3 Conditional Use Permit. All communication towers, antennas over thirty-five (35) feet in height and satellite dish antennas over six (6) feet in diameter shall require a Conditional Use Permit before installation. No communication tower, antenna or satellite dish shall be installed in a Residential District.
- .4 Each application shall be accompanied by the following information:
 - .1 A site development plan as required by Chapter 15 of these regulations and including a fall radius for the tower.
 - .2 A report from the manufacturer or licensed professional engineer which describes the tower's capacity, including the number and type of antennas it can accommodate.
 - .3 A statement explaining the need for the facility to complete or maintain the integrity of the communication system, including a map of the service area of the proposed tower, antenna or dish.
 - .4 A study comparing all potential host sites within a one-half mile radius of the proposed site. The study shall include existing buildings and towers in excess of one hundred (100) feet tall, vacant sites potentially suitable for a tower, the ability or inability of the site/tower/building to meet the applicant's needs and the reasons why the site/tower/building was excluded from consideration.
 - .5 A signed statement from the applicant indicating their intention to share space on the tower with other providers. The statement shall address the applicant's willingness to respond in a timely manner to inquiries from other providers and provide them technical information needed to evaluate the feasibility of Code Official-location or to modify/rebuild the tower.
 - .6 A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions: (1) the landowner and the applicant shall have the ability to enter into leases with other providers for Code Official-location with the consent of each party which shall not unreasonably be withheld; and (2) the landowner shall be responsible for the removal of the tower or facility in the event the lessee fails to remove it upon abandonment.

- .4 Performance Standards. All communication facilities shall comply with the following performance standards.
- .1 Height and number of Providers. The maximum height for a communications tower within the city limits is two hundred (200) feet, excluding a twenty (20) foot maximum lightening rod.
All proposed towers in the growth area in excess of two hundred (200) feet shall first be approved by the Federal Aviation Authority and the Federal Communications Commission.
All towers over one hundred (100) feet and not more than one hundred fifty feet (150) shall be designed to accommodate at least two (2) providers.
All towers over one hundred fifty (150) feet and not more than two hundred (200) feet shall be designed to accommodate at least three (3) providers.
 - .2 Setbacks. All communication facilities, including accessory buildings, shall comply with the setbacks required for the zoning district, except that any tower located adjacent to a residential district shall be setback the height of the tower plus twenty-five (25) feet.
 - .3 Separation. All communication facilities shall be separated by at least one-half the distance of the tallest tower or facility.
 - .4 Color and finish. All towers shall be silver, gray or a similar unobtrusive color unless specifically required by the FAA to be painted a more visible color or approved to be otherwise.
 - .5 Lighting. Towers shall only be illuminated if required by the FAA. No strobe lights shall be used. Security lighting may be installed around the base of a tower or an accessory building if no light is cast towards adjacent properties or streets.
 - .6 Fencing. Towers shall be enclosed by a minimum eight (8) foot chain link fence with privacy filler strips, wood fence or solid masonry fence equipped with an anti-climbing device.
 - .7 Accessory buildings. Accessory buildings shall include only such buildings and facilities necessary for communication functions.
 - .8 Removal of abandoned facilities. Any tower, mount, antenna or satellite dish that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of the facility shall remove same within ninety (90) days from a receipt of notice to remove from the Governing Body. If such facility is not removed within said ninety (90) days, the Governing Body may remove such facility at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Sign Regulations

Chapter 14

1401 SECTION 1. DEFINITIONS

1. “A” Frame or Sandwich Sign. An advertising device in the shape of an “A” or some variation thereof, located on the ground, easily moveable, not permanently attached thereto, and which is usually two-sided. Sandwich signs are to be removed daily at the close of business.
2. Abandoned Sign. A sign which no longer identified or advertises a bona fide business, service, owner, product, and/or for which no legal owner can be located. A sign that shows no evidence of regular maintenance.
3. Advertising Sign. (a) On Site – A sign that attracts attention to a business, commodity, service or activity offered at the location of the sign; (b) Off Site – A sign advertising an establishment, merchandise, service or activity which is sold, produced, manufactured or furnished elsewhere than the location of the sign. (e.g. a billboard)
4. Awning or Canopy Sign. A sign that is mounted on, painted on, or attached to an awning or canopy. No such sign shall project above, below or beyond the awning or canopy on which it is affixed.
5. Balloon. An inflatable object which intends to draw attention to a business or event that is greater than 2 feet in diameter and/or 6 feet in height.
6. Banner. A temporary sign made of fabric or any non-rigid material with no enclosing framework.
7. Beacon. A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under safety regulations described by the Federal Aviation Agency or similar agencies.
8. Bulletin Board or Marquee Sign. A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of events or activities occurring at the institution. Such sign may also present a greeting or similar message.

9. Business Sign. A sign that directs attention to a business or profession conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
10. Clearance. The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
11. Construction Sign. A temporary sign indicating the names of the architects, engineers, landscape architects, contractors and similar artisans involved in the design and construction of a structure, complex or project only during the construction period and only on the premises on which the construction is taking place.
12. Copy. The wording on a sign surface in either permanent or removable letter form.
13. Directional. A sign that provides direction to public places of education, historic, cultural, scientific or natural benefit.
14. Façade. The entire building front, including the parapet.
15. Flashing Sign. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.
16. Free-Standing Sign. A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be firmly in or below the ground surface and not attached to any building or any other structure whether portable or stationary.
17. Frontage. The length of the property abutting on one side of the street, measured along the dividing line between the property and the street right-of-way.
18. Frontage, building. The length of an outside building wall on a public or private right-of-way.
19. Government Sign. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railway crossings, and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping, etc.
20. Height of a Sign. As measured from the ground elevation at the base of the sign to the highest point of the sign.

21. Identification Sign. A sign containing the name and/or address of a structure, site or activity found at the location at which the sign is also located. Such signs may also contain a trademark or other recognized commercial symbol of professional status.
22. Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
23. Indirectly Illuminated Sign. Any sign that is partially or wholly illuminated at any time by a light source that is shielded so as not to be visible at eye level.
24. Internally Illuminated Sign. Any sign illuminated by diffused light through a translucent material so that the light source is not directly discernable.
25. Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
26. Memorial Sign. A sign usually cut into masonry or a rock surface that is part of a structure, or a bronze or similar material inset into a structure stating the name of the structure, date of construction, or remembering a person or event.
27. Monument Sign. A ground level sign whose base is greater in width than the face of the sign and whose height is no more than 8 feet. The materials of the base shall be one of the following: masonry, wood, anodized metal, stone, or concrete. A monument sign shall harmonize with the architecture of the structure or complex it serves and be constructed of materials consistent with the same.
28. Nonconforming Sign. A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations, or a sign which does not conform to the sign code requirements but for which a variance has been authorized.
29. Non-Profit Sign. A sign owned by non-profit, service, charitable or religious groups. Maximum Gross Area: sixteen (16) square feet.
30. Owner. A person recorded as such on the official records. The owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the Code Administrator (e.g. a sign is leased from a sign company).
31. Painted Wall Sign. Any sign which is applied with paint or similar substance on the face of a wall.
32. Parapet. The extension of a false front or wall above a roof line.

33. Permanent Sign. A sign which is set in the soil, concrete or other enduring foundation and which is to remain in place indefinitely.
34. Pole Sign. A self-supporting, permanent sign mounted on one or more free-standing poles, columns, or similar support.
35. Political Sign. A temporary sign used in connection with a local, state, or national election or referendum.
36. Portable Sign. Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or a building. A portable sign, as defined herein and temporary in nature, cannot be modified to become a permanent sign.
37. Projecting Sign. A sign other than a flat wall sign, which is attached to and projects perpendicular from a building wall or other structure specifically designed to support the sign.
38. Public Right of Way. In most instances, the area between the back side of the street curb and the property line of the adjacent property. Width of public right of way will vary from location to location.
39. Real Estate Sign. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
40. Roof Sign. Any sign erected over or on the roofline of a building.
41. Rotating Sign. A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.
42. Sign. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services. The "sign" may be out-of-doors or indoors.
43. Snipe Sign. Any sign of a material such as cardboard, paper, pressed wood, plastic or metal which is attached to a fence, tree or temporary structure, or any sign which is not securely fastened to a structure or firmly anchored to the ground.
44. Temporary Sign. A sign that is limited in time that such sign may remain in use either by the limitations of these regulations or the conditions of a sign permit.
45. Use. The purpose for which a building, lot, sign or structure is intended, designed, occupied, or maintained.

46. Wall Sign. A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building, including painted, individual letter, cabinet signs, and signs on a mansard.

1402 SECTION 2. ADMINISTRATION

A. Sign Permit Required:

1. Unless specifically provided otherwise, it shall be unlawful for any person to erect, relocate, or alter any sign as defined in this ordinance without first obtaining a sign permit.
2. Applications: Application for a permit for the erection, alteration, or relocation of a sign shall be made to the Inspection Department upon a form provided by the department and shall include the following information:
 - a. Name, address and telephone number of the owner of the sign;
 - b. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner;
 - c. Name of person, firm, corporation, or association erecting the sign;
 - d. The type and size of the sign or sign structure as defined in this ordinance;
 - e. A site plan showing the proposed location of the sign, along with the locations and square footage areas of all existing signs on the same premises.
3. Issuance: It shall be the duty of the Inspection Department, upon filing of an application for a permit, to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this article and all other laws and ordinances of the City, the Inspection Department shall then issue the permit. If the work authorized under a permit has not been completed within six (6) months after the date of issuance, then said permit is null and void.
4. Revocation and Denial: The Inspection Department may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or fraud. When a sign permit is denied by the Inspection Department, the Department shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.
5. Permit Number: Every sign hereafter registered shall show the permit number and date of permit in a conspicuous place on the sign.

6. Effect of Permit Issuance: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign. An unlawful sign is any sign that does not conform to or comply with all of the regulations of the City concerning signs.
- B. Permit Fees: Each applicant, before being granted a permit, shall pay to the City of Augusta, a permit fee to be established by resolution of the Governing Body. Permit fees shall be paid prior to issuance of any sign permit in order to cover the associated cost of sign permit review, processing of the permit application and required inspections for the installation, erection and placement of any sign or advertising structure.
- C. Removal of Sign:
1. If it has been determined that any sign or other advertising structure regulated herein is unsafe, or has been constructed, erected or is being maintained in violation of the provisions of this ordinance, or has been determined to be abandoned, written notice shall be given to the sign owner. The owner shall immediately remove or repair the sign to bring it into compliance and/or make it safe. If the owner fails to remove or repair the sign so as to comply within ten (10) days after the notice, the Inspection Department may cause the sign to be removed or alter it to be in compliance, at the expense of the permittee or owner.
 2. The Inspection Department may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.
 3. The City Clerk shall mail a statement of the costs for removal or repair of the unsafe or unlawful sign to either the last known address of the owner of record of the property, the person in charge of such property, or the sign permittee. If said costs are not paid within ten (10) days from the time of mailing of the notice, the Governing Body of the City may proceed to pass an ordinance levying a special assessment for the cost against the subject lot or parcel of land. The City Clerk shall certify the assessment to the County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.
 4. The Inspection Department may cause any snipe sign, which has deteriorated to the point that the message is faded or difficult to see, to be removed summarily and without notice.

D. Access and Right of Entry:

1. The Inspection Department, or designated representative, shall have the right to make an inspection of any sign for the purpose of determining compliance with this ordinance. Inspection shall be done at a reasonable time.
2. If the building, premises or establishment to be inspected is occupied, the Inspection Department, or a designated representative, shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Inspection Department shall have recourse as provided by law to secure entry.
3. If access or right of entry for inspection is denied, the Inspection Department shall have the right to revoke all sign permits issued for the premises for which access is denied.
4. If, after demand, entry or access is refused, the Inspection Department may acquire such access by application to a court of competent jurisdiction, provided, however, that the agency complies with the provisions of Section 15 of the Kansas Bill of Rights and the fourth amendment to the United States Constitution relating to unreasonable searches and seizures.

E. Permitted Location: In deciding whether a sign is permitted within a certain zoning district or location, first the structure of the sign shall be determined and then the use of the sign shall be considered; all as defined within these regulations. If either the structure or use is prohibited, then the sign cannot be located at the proposed site.

1403 SECTION 3. GENERAL STANDARDS

A. Gross Area of Sign: Unless otherwise regulated, gross area shall include the entire area within a single continuous perimeter enclosing the outer limits of the sign, exclusive of the base on which the sign is mounted or from which it is suspended. If more than one (1) side of a sign is used for copy, then the area of all sides containing copy shall be used to compute the gross area of the sign. On lots where more than one (1) sign is located, the total gross area of all signs shall not exceed the maximum gross area permitted by these regulations.

- B. Lineal Street Frontage: In those districts where gross sign area is allocated based on lineal street frontage and the tract or parcel is adjacent to more than one (1) street, the lineal street frontage shall be determined by using the whole dimension of the fronting street, which has the physical address, and one-half (1/2) the dimension of the adjacent street.
- C. Lighting: Unless otherwise specified by this ordinance, all signs may be illuminated. However, no sign regulated by this ordinance may utilize:
1. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffuser.
 2. Any exposed incandescent lamp in excess of one hundred fifty (150) watts unless a screen is attached or unless the sign is placed over twenty (20) feet above the ground.
 3. Electronic time/temp message centers are acceptable.
 4. Electronic message signs shall not blink or flash.
 5. All illuminated signs shall be shaded when located adjacent to a residential district and shall automatically turn-off or reduce intensity one-half the normal amount between the hours of 11:00 p.m. and 6:00 a.m.
- D. Changeable Copy: Unless otherwise specified by this ordinance, any sign herein allowed may use manual or automated changeable copy, under the condition that no obscene, profane or offensive words or graphics of any kind are utilized.
- E. Prohibitions and Restrictions:
1. Public Property: No signs of any type other than signs placed by agencies of government shall be erected on any publicly owned or maintained property.
 2. Private Property: No sign shall be placed on any private property or adjacent public right-of-way without the consent of the owner of the property. If property owner consent is granted, only temporary political, real estate, or garage sale signs may be erected on public right-of-way. Signs erected on public right of way shall not exceed eight (8) square feet in gross area and shall be removed immediately after the election and/or sale.
 3. Access Way or Window: No sign shall block any window or access way required by any building or fire code.

4. Signs on Trees or Utility Poles: No signs shall be attached to a public utility pole whether on private or public property. No signs shall be placed on trees in the public right of way and no sign of greater than two (2) square feet shall be attached to any tree on private property.
5. Beacon/Spotlight: It shall be unlawful for any person to operate or erect any attraction device or sign which contains a beacon of any type or contains a spotlight providing direct illumination, without a Special Use Permit. Beacon signs shall not be illuminated later than 12:00 a.m. and no light beam shall shine directly into or upon surrounding structures. Beacons shall not be used longer than two (2) weeks at the same location, and may be used no more than two (2) times within any calendar year.
6. Free-Standing Signs: It shall be unlawful to erect any free-standing sign whose total height is greater than the height specified for each zoning district.
7. Projecting Signs: It shall be unlawful to erect any projecting sign that projects more than six (6) feet from the wall of the building upon which it is erected and closer than five (5) feet to any curb line or which projects beyond the top of the wall to which it is attached. Only one (1) projecting sign per business shall be permitted.
8. Signs on the Rear of a Building: Signage is prohibited on the rear of a building, except for signs located on a rear exit door to identify the tenant of the building. Such signs may consist of the business name and/or address with no greater than six (6) inch non-illuminated letters painted, printed, stenciled or attached to the face of the rear door and covering no greater than twenty (20) percent of that door. In the event a building has an entryway that is open to the public to gain access to the building, then signs are permitted.
9. LED Signs: No LED sign shall exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and 1,000 nits per night.
10. Balloons: All balloon signs shall be anchored and tethered to withstand fifty (50) miles per hour wind gusts. The maximum altitude for a balloon sign is two hundred (200) feet above ground level. Balloons must not interfere with above ground utilities. Balloons shall not be flown longer than two (2) consecutive weeks, and may be used no more than two (2) times within a calendar year.
11. Obscene Material: No sign shall display and/or contain any message or graphics that are obscene, profane, indecent or immoral.
12. Size: No sign may exceed the gross area specified for each location or sign type unless expressly permitted by these regulations.

F. Traffic Safety:

1. No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic or railroad control sign, signal, or device, or where it may interfere with, mislead or confuse traffic.
2. Any sign located within three (3) feet of a driveway or within a parking area shall have its lowest elevation at least ten (10) feet above the curb level; however, unless otherwise permitted by these regulations, no sign shall be placed so as to project over any public right of way.
3. No sign shall be placed in the sight triangle as defined in the "Landscaping and Urban Forestry Code" of the City of Augusta. Reference Appendix C for more detail.

G. Nonconforming Signs: Nonconforming signs are declared by this ordinance to be incompatible to, and inconsistent with, land development and other permitted signs set forth within these regulations. Any existing non-permitted permanent or temporary sign must be removed or replaced upon adoption of this ordinance. Any existing permitted temporary sign must come into compliance within six (6) months of adoption of this ordinance. It is the intent of this section of these regulations to allow existing permitted permanent signs that do not conform to these regulations to continue to remain in place and be routinely repaired and maintained, until such time as they are required by these regulations to be removed or brought into compliance, as more specifically set out below, but not to encourage their continued existence.

1. Alterations of Nonconforming Signs: No nonconforming sign or advertising structure shall be expanded, relocated or restored unless said sign or advertising structure is brought into conformance with the provisions of this section or any other applicable City Code requirement.
2. Replacement, Restoration or Reconstruction: In the event that any existing nonconforming sign, as provided for in this section, is damaged by any means, including, but not limited to, fire, flood, wind, explosion, natural disaster, or act of a public enemy, to an extent of fifty (50) percent or more of the replacement, restoration or reconstruction value of the sign, or fifty (50) percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of this Ordinance. Any nonconforming sign which remains damaged or is not repaired, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three (3) months following the date of damage without issuance of a valid sign permit, shall not be replaced,

restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

3. Repairs and Maintenance: Routine repairs and maintenance of nonconforming signs necessary to maintain health and safety may be permitted. Said repairs and maintenance shall include such activities as painting and the replacement of a damaged or deteriorated sign face. The cost of said repairs and maintenance shall not exceed fifty (50) percent of the value of the sign which is to be repaired or maintained. Said value shall be that which is current at the time of the repair or maintenance. Prior to said repair and maintenance taking place, the Inspection Department shall be consulted to determine if a sign permit is necessary. If such determination is made, then all applicable work performed shall be accomplished through the issuance of a valid sign permit as required by this ordinance.
 4. Termination of Nonconforming Signs: Upon the discontinuance of a use, to which any nonconforming sign or advertising structure is accessory to, the tenant or property owner shall remove all nonconforming signs, supports and structures upon the building or property upon which said use was located.
- H. Sign Maintenance: All signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary, and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds.
- I. Portable Display Signs: A portable sign requires a permit prior to locating it on any permissible site. Portable signs may be displayed in private and public recreation, agricultural, neighborhood and central commercial, industrial or assembly zoning districts only and must be placed at the business or event site it is advertising or announcing. A permit shall be valid for fourteen (14) days from the date of issuance and there shall be no more than four (4) permits per location within a calendar year. No more than two (2) permits can be consecutive and no consecutive permits can be issued within six (6) months of any previous consecutive permit. Consecutive permits shall be defined as any permit for a portable sign issued within thirty (30) days of a previous permit. Once a permit for a portable display sign has expired, the sign shall be removed from the display site. Only one portable sign per lot shall be allowed.
- J. Special Use Permit: All special use permits for signs shall be issued by the City Inspection Department. An application must be filed in writing stating: (a) the type of signs requested; (b) the location of the sign on the lot it will occupy; (c) the dates on which the sign will be displayed; and such other information requested by the City Inspector. The Inspection Department shall determine the appropriate length for which the permit will be issued. A

decision of the Inspection Department in this process may be appealed to the Planning Commission by filing a written notice of appeal within ten (10) days of the decision and stating the express reason for the appeal. The Planning Commission shall make the final determination on the appeal.

1404 SECTION 4. EXEMPTIONS

- A. Total exemptions: The following signs shall be exempt from all requirements of this chapter, except for the provisions of Section 3 above:
1. Flags or emblems of a governmental or political, civic, philanthropic, educational or religious organization, displayed on private property.
 2. Signs of a duly constituted governmental body, including traffic or similar regulatory signs, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, safety, parking, swimming, dumping or any other activity regulated for the general welfare of the City.
 3. Memorial signs shall not be placed in City right of ways and shall not impede or interfere with foot or motorized traffic.
 4. Directional, identification, and informational signs, provided that such signs are limited to wall and free-standing signs with a maximum of four (4) square feet of display surface area.
 5. Scoreboards at athletic stadiums.
- B. Exemptions from Sign Permit: The following signs shall comply with all other regulations imposed by this article, but shall be exempt from the requirement to obtain a sign permit:
1. Business signs, not to exceed thirty-two (32) square feet, when located on property used for agricultural purposes and pertaining to the sale of agricultural products produced on the premises.
 2. Construction signs not exceeding thirty-two (32) square feet in gross area to be erected at the construction site only.
 3. Home occupation signs erected flat against the wall of a building and not exceeding four (4) square feet in area.

4. Private sales event signs placed on private property at the site of sale to advertise a special sales event (e.g. auctions or estate sales) not to exceed thirty-two (32) square feet in gross area on one side (both sides may be used). The sign shall not be erected in public right-of-way and shall be removed within three (3) days of the end of the event.
5. Professional nameplates erected flat on walls of buildings and not exceeding four (4) square feet of display surface.
6. Real estate signs not exceeding eight (8) square feet in gross area. See zoning districts for maximum allowable footage with a permit.
7. Repainting or recovering of signs, or the changing of letters or numbers on signs designed for changeable lettering or numbering, which were legally erected and maintained for such purposes.
8. All signs located within a building.
9. Signs painted on, or affixed to, glass surfaces of windows or doors and pertaining to lawful business conducted within.
10. One temporary subdivision identification sign indirectly illuminated, not to exceed thirty-two (32) square feet in area per surface, may be erected at any principal entrance to a subdivision, provided that in no event shall such sign remain for more than six (6) months within fifty (50) feet of an occupied structure.
11. Signs advertising or announcing community events sponsored by non-profit and charitable organizations not to exceed thirty-two (32) square feet in gross area on one side (both sides may be used). The sign shall not be erected in public right-of-way and shall be removed within three (3) days of the end of the event.
12. Political campaign signs, not exceeding eight (8) square feet in gross area in residential districts and thirty-two (32) square feet in gross area on one side (both sides may be used) in all other districts where political signs are allowed, displayed during no more than a four (4) week period preceding and a one (1) week period following an election. Reference Subsection E.2 under "General Standards" for placement of political signs in public right of way.
13. Temporary signs for garage, yard or porch sales at residences for a period not to exceed three (3) days.
14. Banner sign not exceeding thirty-two (32) square feet in size and shall not be displayed longer than five (5) days in residential or seven (7) days in all other

districts in which such a sign is allowed. Once removed, banners cannot be replaced within a 6-month period, and may be used no more than two (2) times within any calendar year.

15. Advertising signs that do not exceed eight (8) square feet in gross area.

16. Holiday decorative signs.

1405 SECTION 5. DISTRICT REGULATIONS

A. Agricultural (AG)

1. Sign Structure Types Permitted

- a. A-frame or Sandwich
- b. Awning or Canopy
- c. Banner
- d. Free-Standing
- e. Monument
- f. Painted Wall
- g. Pole
- h. Portable
- i. Projecting
- j. Roof
- k. Snipe
- l. Wall

2. Sign Purpose and Types Permitted

- a. Advertising
- b. Bulletin Board
- c. Business
- d. Construction
- e. Directional
- f. Governmental
- g. Identification
- h. Non-Profit
- i. Political
- j. Real Estate
- k. Temporary

3. Special Use Permit Required

- a. Balloon
- b. Illuminated
- c. Indirectly Illuminated
- d. Internally Illuminated
- e. LED

4. Maximum Gross Area and Height

Signs in this district shall not exceed three hundred (300) square feet in gross area or thirty-five (35) feet in height.

5. Number of Signs Permitted

Signs are limited in number to one (1) per six hundred sixty (660) feet frontage.

6. Setbacks

Signs shall be set back thirty (30) feet from the property lines and shall be no closer than one hundred (100) feet to a residence. Signs shall conform to all other State regulations concerning such signs.

B. Residential (R)

1. Sign Structure Types Permitted

- a. A-frame or Sandwich
- b. Banner
- c. Monument
- d. Snipe
- e. Wall (limited to home occupation and subject to restrictions in Section 4 of this Chapter and Section 1301 of the Zoning Regulations)

2. Sign Purpose Types Permitted

- a. Advertising – on site only
- b. Business
- c. Construction
- d. Directional
- e. Government
- f. Non-Profit
- g. Political

- h. Real Estate
- i. Temporary

3. Special Use Permit Required

- a. Balloon
- b. Internally Illuminated
- c. Indirectly Illuminated

4. Maximum Gross area and Height: Signs are not to exceed thirty-two (32) square feet in gross area and eight (8) feet in height.

C. Private and Public Recreational (PR)

1. Sign Structure Types Permitted:

- a. A-frame or Sandwich
- b. Awning or Canopy
- c. Banner
- d. Free-Standing
- e. Monument
- f. Portable
- g. Projecting
- h. Snipe
- i. Wall

2. Sign Purpose Types Permitted

- a. Advertising
- b. Bulletin Board
- c. Business (only in PR2, PR3)
- d. Construction
- e. Directional
- f. Governmental
- g. Identification
- h. Non-profit
- i. Political (only in PR2, PR3)
- j. Real Estate (only in PR2, PR3)
- k. Temporary

3. Special Use Permit Required

- a. Balloon
- b. Beacon

- c. Flashing
 - d. Illuminated
 - e. Indirectly Illuminated
 - f. Internally Illuminated
 - g. LED
 - h. Painted wall
4. Political Signs are not permitted on public grounds.
 5. Maximum Gross Area and Height: Signs shall not exceed thirty-two (32) square feet in gross area or thirty-five (35) feet in height.
 6. Number of Signs Permitted: Signs in this district shall not exceed six hundred (600) square feet in total area.

D. Assembly (A)

1. Sign Structure types permitted:

- a. A-frame or Sandwich
- b. Awning or Canopy
- c. Banner
- d. Free-Standing
- e. Illuminated
- f. Indirectly Illuminated
- g. Internally Illuminated
- h. Monument
- i. Painted Wall
- j. Pole
- k. Portable
- l. Projecting
- m. Snipe
- n. Wall

2. Sign Purpose Types Permitted:

- a. Advertising
- b. Bulletin Board
- c. Construction
- d. Directional
- e. Government
- f. Identification
- g. Non-Profit
- h. Political

- i. Real Estate
 - j. Temporary
3. Special Use Permit Required:
- a. Balloon
 - b. Beacon
 - c. Flashing
 - d. LED
 - e. Rotating
4. Maximum Gross Area: Free-standing, pole and monument signs are limited to no more than one hundred (100) square feet in gross area per sign. The maximum height for signs is fifteen (15) feet.
5. Number of signs: Permanent free-standing, pole or monument signs are limited to one sign per lot. A lot that has frontage on two streets can have one sign per street frontage.

E. Neighborhood Commercial (C)

1. Sign Structure Types Permitted

- a. A-Frame or Sandwich
- b. Awning or Canopy
- c. Banner
- d. Free-Standing
- e. Illuminated
- f. Indirectly Illuminated
- g. Internally Illuminated
- h. Monument
- i. Painted Wall
- j. Pole
- k. Portable
- l. Projecting
- m. Snipe
- n. Wall

2. Sign Purpose Types Permitted

- a. Advertising
- b. Bulletin Board
- c. Business
- d. Construction

- e. Directional
- f. Government
- g. Identification
- h. Non-Profit
- i. Political
- j. Real Estate
- k. Temporary

3. Special Use Permit Required

- a. Balloon
- b. Beacon
- c. Flashing
- d. LED
- e. Rotating

4. Maximum Gross Area and Height: Free-standing, pole and monument signs shall not exceed one hundred (100) square feet in gross area. Other signs shall not exceed four (4) square feet per foot of leased building frontage. No signs shall be more than fifteen (15) feet in height.

5. Number of Signs Permitted: Permanent free-standing, pole or monument signs are limited to one sign per lot. A lot which has frontage on two (2) streets can have one (1) sign per street frontage.

F. Main Street Commercial (M)

1. Sign Structure Types Permitted: All rules and regulations for display and use of signs in this district are to be found in the following codes of the City of Augusta:

- a. International Building Code, 2003 Edition, Appendix K, as amended; and
- b. Sections 1007 and 1008 of Chapter 10 of the International Existing Building Code, Edition 2003, as amended.

2. Sign Purpose Types Permitted

- a. Advertising
- b. Bulletin Board
- c. Business
- d. Construction
- e. Directional
- f. Government
- g. Identification

- h. Non-Profit
- i. Political
- j. Real Estate
- k. Temporary

G. Central Commercial (CC)

1. Sign Structure Types Permitted

- a. A-Frame or Sandwich
- b. Awning or Canopy
- c. Banner
- d. Free-Standing
- e. Illuminated
- f. Indirectly Illuminated
- g. Internally Illuminated
- h. Monument
- i. Painted Wall
- j. Pole
- k. Portable
- l. Projecting
- m. Snipe
- n. Wall

2. Sign Purpose Types Permitted

- a. Advertising
- b. Bulletin Board
- c. Business
- d. Construction
- e. Directional
- f. Government
- g. Identification
- h. Non-Profit
- i. Political
- j. Real Estate
- k. Temporary

3. Special Use Permit Required

- a. Balloon
- b. Beacon
- c. Flashing
- d. LED
- e. Rotating

4. Maximum Gross Area: Free-standing, pole and monument signs are limited to no more than three hundred (300) square feet in gross area per sign. The maximum height for signs is thirty-five (35) feet.
5. Number of Signs Permitted: Permanent free-standing, pole or monument signs are limited to one (1) sign per lot. A lot which has frontage on two (2) streets can have one (1) sign per street frontage.

H. Industrial (I)

1. Sign Structure Types Permitted

- a. A-Frame or Sandwich
- b. Awning or Canopy
- c. Banner
- d. Free-Standing
- e. Illuminated
- f. Indirectly Illuminated
- g. Internally Illuminated
- h. Monument
- i. Painted Wall
- j. Pole
- k. Portable
- l. Projecting
- m. Roof
- n. Rotating
- o. Snipe
- p. Wall

2. Sign Purpose Types Permitted

- a. Advertising
- b. Bulletin Board
- c. Business
- d. Construction
- e. Directional
- f. Government
- g. Identification
- h. Non-Profit
- i. Political
- j. Real Estate
- k. Temporary

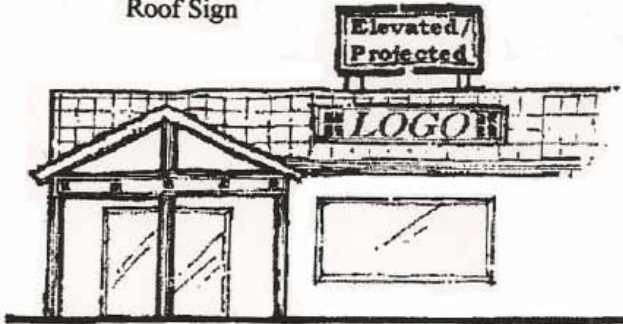
3. Special Use Permit Required
 - a. Balloon
 - b. Beacon
 - c. Flashing
 - d. Rotating

4. Maximum Gross Area and Height: Free-standing, pole and monument signs are limited to no more than one hundred (100) square feet in gross area per sign. The maximum height for signs is fifteen (15) feet.

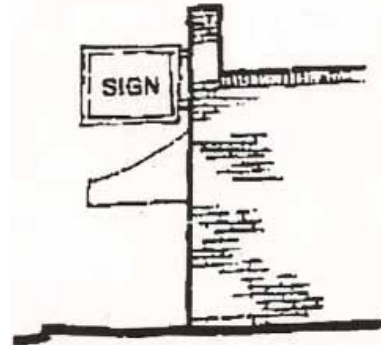
5. Number of Signs Permitted: Permanent free-standing, pole or monument signs are limited to one (1) sign per lot. A lot which has frontage on two (2) streets can have one (1) sign per street frontage.

APPENDIX A:
Illustration of Sign Types

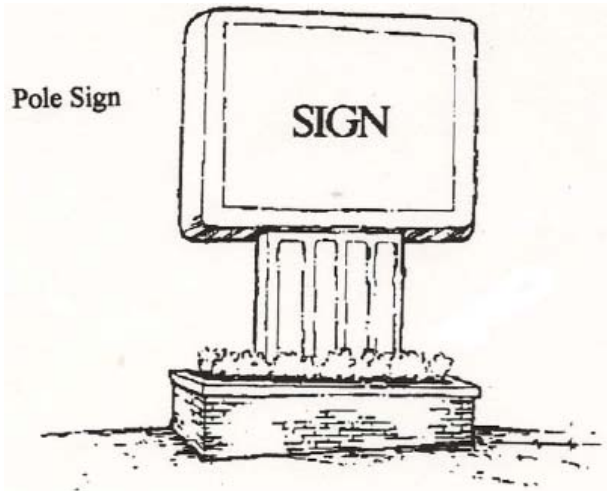
Roof Sign



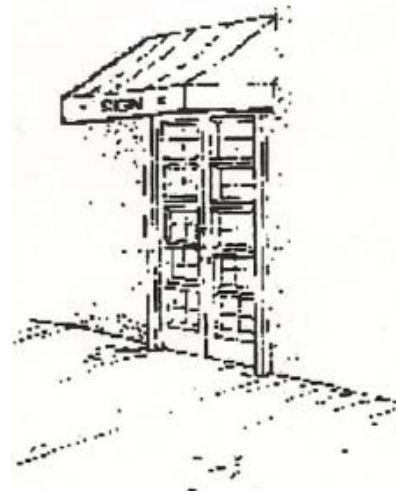
Projecting Sign



Pole Sign



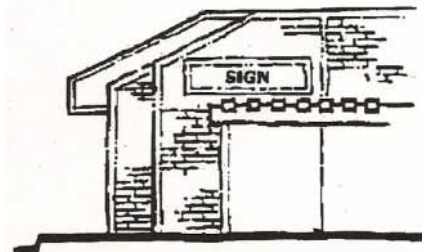
Canopy Sign



Portable Sign



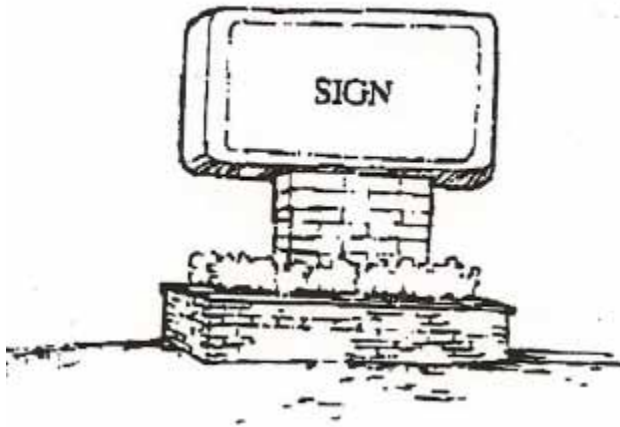
Wall Sign



Monument Sign



Free-Standing Sign



**Appendix B:
Chart of Sign Types and Purposes Where Permitted or Not Permitted**

Zoning Classification							
Agricultural (AG)	Residential (R)	Public and Private Recreation (PR)	Assembly (A)	Neighborhood Commercial (C)	Main Street Commercial (M)	Central Commercial (CC)	Industrial (I)

Sign Structure

A Frame or Sandwich	P	P	P	P	P	P	P	P
Awning or Canopy	P	N	P	P	P	P	P	P
Balloon	S	S	S	S	S	S	S	S
Banner	P	P	P	P	P	P	P	P
Beacon	N	N	S	S	S	N	S	S
Flashing	N	N	S	S	S	N	S	S
Free-Standing	P	N	P	P	P	P	P	P
Illuminated	S	S	S	P	P	P	P	P
Indirectly Illuminated	S	S	S	P	P	P	P	P
Internally Illuminated	S	S	S	P	P	N	P	P
LED	S	N	S	S	S	N	S	S
Monument	P	P	P	P	P	P	P	P
Painted Wall	P	N	S	P	P	P	P	P
Pole	P	N	N	P	P	P	P	P
Portable	P	N	P	P	P	N	P	P
Projecting	P	N	P	P	P	P	P	P
Roof	P	N	N	N	N	N	N	P
Rotating	N	N	N	S	S	N	S	S
Snipe	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P

Sign Purpose

Advertising	P	P	P	P	P	P	P	P
Bulletin Board	P	N	P	P	P	P	P	P
Business	P	P	PR1=N; PR2/3=P	N	P	P	P	P
Construction	P	P	P	P	P	P	P	P
Directional	P	P	P	P	P	P	P	P
Government	P	P	P	P	P	P	P	P
Identification	P	N	P	P	P	P	P	P
Non-Profit	P	P	P	P	P	P	P	P
Political	P	P	PR1=N; PR2/3=P	P	P	P	P	P
Real Estate	P	P	PR1=N; PR2/3=P	P	P	P	P	P
Temporary	P	P	P	P	P	P	P	P

P = Permitted

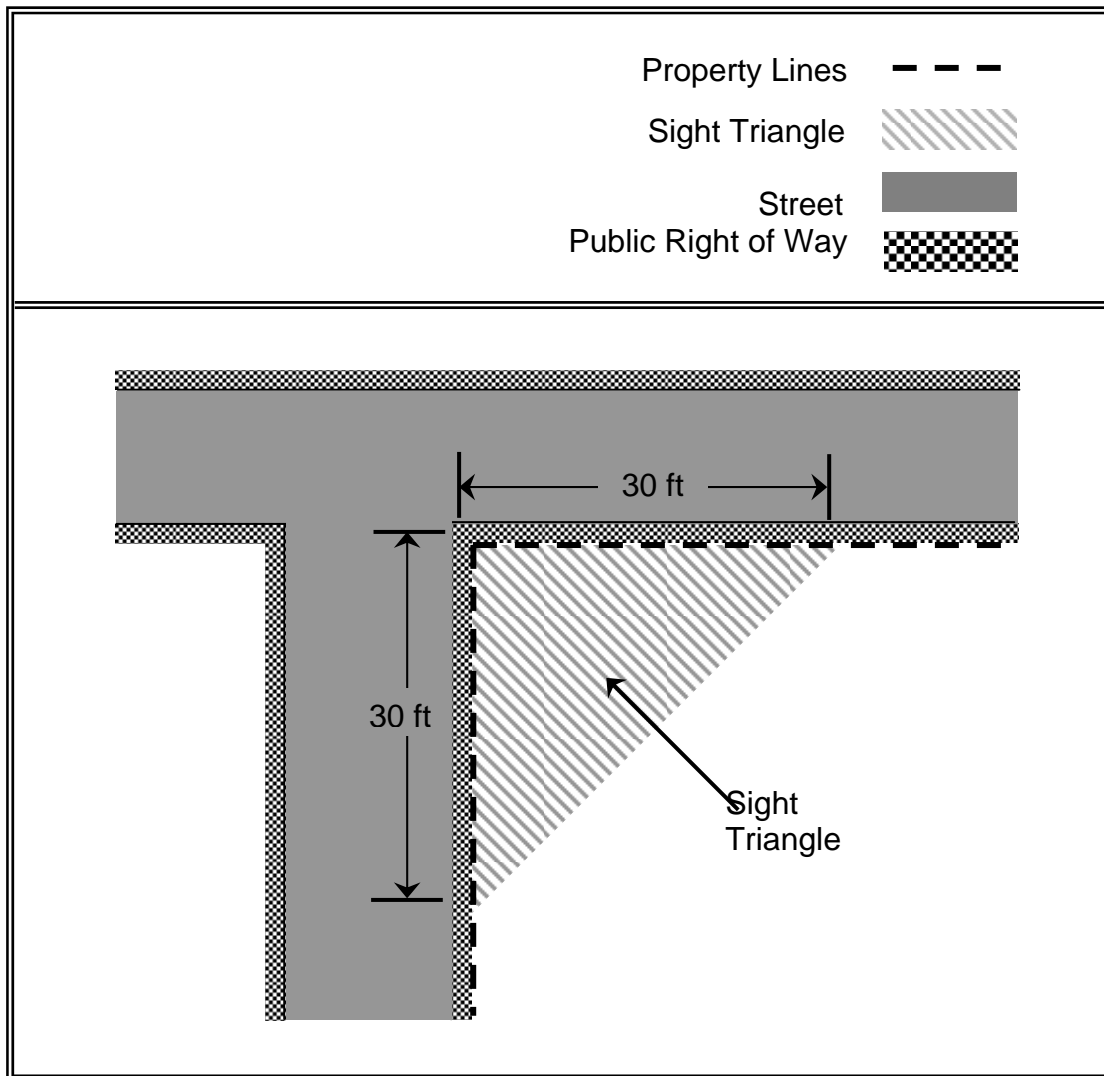
N = Not permitted

S = Special Use Permit Required

14 - 25
Appendix C:

Traffic Safety - Sight Triangle

Sight Triangle means a triangle area at a street intersection in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede driver vision between a height of 2 ½ feet to 8 feet above the grades of the outside edge of the street surface of the intersecting streets, measured from the point of intersection of the property lines 30 feet in both directions along the streets.



SITE PLAN REVIEW

CHAPTER 15

- 1500 Intent. The City of Augusta recognizes that the very nature of land development creates potential for traffic congestion, overcrowding, adverse visual environmental impacts, and health problems. Also, the City strives to achieve the goal of promoting growth in Augusta, while stabilizing the established residential patterns of the area. The City seeks to ensure that any location that must accommodate intense urban uses, shall be subject to Site Plan Review by the Planning Commission. Site Plan Reviews shall help ensure that the meaning and intent of the Zoning Regulations are fully complied with.
- 1501 The Site Plan Review regulates the development of structures and sites in a manner, which considers the following concerns:
- .1 The balancing of landowners' right to use their land, with the corresponding rights of abutting and neighboring landowners to live without undue disturbances (e.g., noise, smoke, fumes, dust, odor, glare, storm water runoff, etc.);
 - .2 The convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent areas or roads;
 - .3 The adequacy of waste disposal methods and protection from pollution of surface or groundwater;
 - .4 The protection of historic and natural environmental features on the site under review, and in adjacent areas; and
 - .5 The stability of the built environment - particularly residential neighborhoods - by promoting urban development which is compatible with clearly identified natural resources.
- 1502 Applicability. The Inspection Department shall require that all applications for building permits in the multiple-family, commercial and industrial zoning districts shall be subject to Site Plan Review in accordance with these regulations. A Site Development Plan shall be required if the development enlarges the size of the original structure by more than 50 percent; a new multiple family residential structure; new commercial or industrial structures more than 2,000 square feet in size.

Any development which requires a Change of District Classification to Multiple Family, Commercial or Industrial Districts shall submit a Site Development Plan.

Any development which requires a plat shall submit an expanded Preliminary Plat which indicates the information called for on a Site Plan.

Developments shall be encouraged to implement future land use planning in preserving natural resources and grid-pattern streets to secure a coherent urban design and foster compatibility among land uses in the City of Augusta.

Site Plan reviews shall be performed by the Inspection Department and approved by the Planning Commission.

1503 Authority. Building permits shall not be issued for any use of land or proposed construction on a lot in the zoning districts in which Site Plan Review is applicable, unless Site Plan Review approval has been granted by the Planning Commission.

1504 Submission Requirements. The Site Plan or expanded Preliminary Plat shall include the following data, details, and supporting plans which are found relevant to the proposal.

The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions.

1505 Contents of the Site Plan.

- .1 Site Plans shall be prepared by a registered professional civil engineer, architect, or landscape architect at a scale of 1 inch equals 20 feet, on standard 24 x 36 inch sheets.
- .2 Name of project, address, boundaries, date, north arrow and scale of the plan.
- .3 Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
- .4 Name and address of all owners of record of abutting parcels.
- .5 All existing lot lines, easements, and right-of-way. Include area in acres or square feet, abutting land uses and structures.
- .6 The location and use of all existing and proposed structures within the development. Include all dimensions of height and floor area, and show all exterior entrances and all anticipated future additions and alterations. For developments in the General Commercial District (CR), indicate design details to make new construction compatible with existing structures.

- .7 The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location, type, and screening details for all waste disposal containers shall also be shown.
- .8 The Inspection Department may require location, height, intensity, and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- .9 The location, height, size, materials and design of all proposed signage.
- .10 The Inspection Department may require a landscape plan showing all existing open space, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, drainage retention areas and wells.
- .11 The location of all present and proposed utility systems including: sanitary sewage system, water supply system, telephone, cable and electrical systems, storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes, and drainage swells.
- .12 Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.
- .13 Existing and proposed topography shown at not more than two-foot contour intervals. All elevations shall refer to the United States Geodetic Survey (USGS) datum. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (FEMA) requirements.
- .14 Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
- .15 Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site. The City Engineer may require a detailed traffic study for mixed use and multi-family developments, or for developments in heavy traffic areas to include:
 - .1 The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - .2 The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and

- .3 The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.
- .16 Standard of Review. The recommendations of the Inspection Department shall be based on the following standards:
 - .1 The extent to which the proposal conforms to the previous sections of these regulations.
 - .2 The extent to which the development would be compatible with the surrounding area.
 - .3 The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.
 - .4 The extent to which the proposal conforms to customary engineering standards used in the City.
 - .5 The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

"GROWTH AREA REGULATIONS"

CHAPTER 16

- 1601 Authority. By authority of an inter-local agreement between Butler County, Kansas and the City of Augusta, Kansas providing for the delegation of certain land use regulatory authority, between the County and the City, within territory designated as the "Growth Area," of the City of Augusta. K.S.A 12-2901 et seq. and K.S.A. 12-744(c).
- 1602 Jurisdiction. These regulations shall apply to all land within the following land boundary, which is located outside of the corporate city limits of the City as presently exists or are hereafter established, and designated as the city's "Growth Area."

All of the following area, except the City of Augusta, Beginning at the Northeast corner of Section 36, Township 26 South, Range 4 East, of the Sixth Principal Meridian; thence West along the section lines to the Northwest corner of Section 34, Township 26 South, Range 4 East; thence South along the section line to the Northwest corner of Section 3, Township 27 South, Range 4 East; thence West along the section lines to its intersection with the center line of the Whitewater River; thence South along the center line of the Whitewater River to its intersection with the North section line of Section 21, Township 27 South, Range 4 East; thence West along the section lines to the Northwest corner of Section 23, Township 27 South, Range 3 East; thence South along the section lines to the Southwest corner of Section 26 Township 27 South, Range 3 East; thence East along the section lines to its intersection with the centerline of the Walnut River; thence Northeasterly along the center line of the Walnut River to its intersection with the East section line of Section 18, Township 27 South, Range 5 East; thence North along sections lines to the Northeast corner of Section 6, Township 27 South, Range 5 East; thence West along the section line to the Northeast corner of Section 1, Township 27 South, Range 4 East; thence North along the section line to the point of beginning.

- .1 Said boundary shall encompass the following sections of land:
Township 26 South, Range 4 East
All of Sections 34, 35 and 36
Township 27 South, Range 3 East
All of sections 23, 24, 25 and 26
Township 27 South, Range 4 East
All of Sections 1, 2, 3, 10, 11, 12, 14, 15, 19, 20, 21, 22, 28, 29 and 30.
The area of land East of the Whitewater River in Sections 4, 5, 8, 9 and 16.
The area of land East of the Whitewater River and North of the Walnut River in Sections 13, 23, 24, 26 & 27.
Township 27 South, Range 5 East
All of Sections 6 and 7
The area of land North of the Walnut River in Sections 18 and 19

Section 1602 of Chapter 16 of the Zoning Regulations as it existed prior to this ordinance shall be repealed.

1603 Building Code and County Regulations. The most recent building codes and sanitation codes shall be enforced by Butler County Inspection Department. All required fees shall be paid to the County.

1604 Infrastructure Requirements. All residential zoning districts shall comply with the following infrastructure requirements.

- .1 Water. Water available for domestic use shall only be provided by a rural water district, incorporated city or other water supply system when approved by the Planning Commission. The subdivision and/or lot owner shall provide written proof of the adequacy and availability of the water supply from any applicable rural water district, city extending service to the subdivision or individual water well on a single lot, with approval of the County Sanitarian.
- .2 Street and Roads.
 - .1 In all subdivisions of five or more lots and one acre or less, streets and roads abutting each lot shall be provided or guaranteed by the developer, by creation of a special benefit district for curb/guttering/asphalt streets.
 - .2 In all subdivisions of five or more lots of over one acre to 20 acres, streets and roads abutting each lot shall be provided or guaranteed by the developer, by creation of a special benefit district for 6 inch asphalt road surfaces and proper drainage ditches. (Ordinance 1870)
 - .3 In all subdivision of 1 to 4 lots and over 20 acres per lot, streets and roads abutting each lot shall be provided or guaranteed by the developer, by creation of a special benefit district for hard surface (concrete or asphalt) or gravel road surfaces and proper drainage ditches.
 - .4 The payment of road impact fees, to provide for off-site street and road improvements, is governed by the provisions of a Road Impact Fee Resolution adopted by the County Board.
- .3 Sewage. All sewage collection and treatment facilities shall be in compliance with the Butler County Sanitation Code. NO private sewage disposal system shall be permitted on any lot of less than one acre. No lagoons shall be permitted on any lot of less than five acres.
- .4 Fire Protection. Information as to (a) street and road layout, (b) points of ingress and egress to the development and each lot therein, and (c) adequacy of the planned water supply system and/or surface water features for fire fighting purposes shall be provided to the rural fire district within which the proposed development is located. The fire chief shall review the information provided and

require any alternations or improvements that in the chief's discretion, are necessary to protect lives and property within the development.

- .5 Building Setback line for U.S. 54 Highway Expansion. The building setback line shall be established at 150 feet from either side of the centerline of U.S. 54 highway from Hunter Road to Diamond Road and from a point 1,000 feet West of Diamond Road to Santa Fe Lake Road. The building setback line shall be established at 100 feet from either side of the centerline of U.S. 54 highway from Diamond Road to a point 1,000 feet west of said road.
- .6 Variances Not Allowed. No variances from the standards for infrastructure requirements contained in this Section shall be allowed under these regulations.

1605 Temporary Placement and Use of a Manufactured Home. The Planning Commission may approve the temporary placement and use of a manufactured home in addition to an existing residence under conditions of extreme hardship as defined by these regulations, provided:

- .1 The applicant clearly states the reason for the hardship.
- .2 All requirements for the Butler County Sanitation Code are met.
- .3 No permanent foundation shall be required as a condition of approval of the temporary placement under this subsection.
- .4 The applicant shall provide a notarized affidavit relevant to the application for the placement of a temporary hardship manufactured home for a period of one (1) year which acknowledges that failure to remove the temporary hardship home upon expiration of the term approved by the Planning Commission constitutes a zoning violation punishable by a fine of \$200 for each day of violation.
- .5 The temporary placement and use of a hardship residence may be extended for one or more successive one year periods of time upon verification by the Planning Commission that the hardship continues to exist.
- .6 All existing temporary placement and use of a hardship residence legally in existence at the time of the adoption of these regulations shall remain in force until the expiration date assigned by the Butler County Zoning Administrator.
- .7 The authorization for the placement of a temporary manufactured home shall be by a Conditional Use Permit.

Definitions

Chapter 17

1700 General. For the purpose of these regulations, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural the singular.

- .1 Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be considered as providing ordinarily accepted meanings.

1701 A

ACCESSORY BUILDING is an incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building. Such as a detached garage or storage shed.

ACCESSORY USE is a use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and customarily found in connection with, such primary use.

ACREAGE, GROSS is the overall total area.

ACREAGE, NET is the remaining area after all deductions are made; with deductions including streets, easements for access and street deductions.

AGRICULTURE is the tilling of the soil, raising of crops, animals, horticulture, gardening, bee keeping and aquaculture.

ALLEY is any public way or thoroughfare more than 10 feet but less than 16 feet in width which has been dedicated or deeded to the public for public use.

ALTERATION is any change, addition or modification in construction, occupancy or use.

AMUSEMENT CENTER is an establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games and similar recreational diversions within an enclosed building.

APARTMENT HOUSE is a residential building designed or used for three or more dwelling units.

ASSEMBLY BUILDING is a building or portion of a building used for the gathering together of 50 or more persons for such purposes as amusement, drinking or dining or awaiting transportation.

AUTOMOTIVE REPAIR is an establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, provided it is conducted within a completely enclosed building.

AUTOMOTIVE SELF-SERVICE STATION is that portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale at retail other convenience items as a clearly secondary activity and may also include a free-standing automatic car wash.

AUTOMOTIVE SERVICE STATION is that portion of property where flammable or combustible liquids or gasses, used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities may include automotive repair and maintenance, car wash and food sales.

AWNING is a shelter supported entirely from the exterior wall of a building.

1702 B

BASE FLOOD means a flood having a 1% chance of being equaled or exceeded in any one year.

BASEMENT is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

BED AND BREAKFAST FACILITY is a limited commercial activity, occurring within any zone, conducted within a structure, which includes dining and bathroom facilities with sleeping rooms for short-term guest lodging.

BLOCK is land, or a group of lots, surrounded by streets or other rights-of-way, other than an alley, or land that is designated as a block on any recorded subdivision tract.

BOARD is the Planning Commission acting as the Board of Zoning Appeals of the City of Augusta, Kansas.

BOARDING HOUSE is a dwelling containing a single dwelling unit and not more than 10 guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week.

BUILDING is any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING CODE is the building code adopted by the City of Augusta, Kansas.

BUILDING HEIGHT is the vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building.

BUILDING LINE is the perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the wall of the building or structure.

BUILDING, MAIN, is a building in which the principal use of the site is conducted.

BUILDING, TEMPORARY, is a building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities or used temporarily in conjunction with the sale of property within a subdivision under construction.

BUSINESS OR FINANCIAL SERVICES is an establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service.

1703 C

CANOPY is a roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

CARPORT is a roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

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

COMMERCIAL PARKING GARAGE is a building, other than a private garage, used for the parking of automobiles with or without a fee.

COMMERCIAL RETAIL SALES AND SERVICES are establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in sale of either general merchandise or convenience goods.

COMMERCIAL SCHOOL is a school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

COMMISSION is the Planning Commission of the City of Augusta, Kansas.

COMMUNITY SIGNS are temporary, on- or Off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a jurisdiction-based nonprofit organization.

COMPREHENSIVE PLAN is the declaration of purposes, policies and programs for the development of the jurisdiction. Also called the General Plan.

CONDITIONAL USE is a use that would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDOMINIUM is a single dwelling unit in a multiple dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

CONGREGATE RESIDENCE is any building or portion thereof which contains facilities for living, sleeping and sanitation as required by these regulations and may include facilities for eating and cooking, for occupancy by other than a family, also called a "group home." A congregate residence may be shelter, convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

CONVALESCENT CENTER is a facility which is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals.

COURT is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

1704 D

DANCE HALL, DISCOTHEQUE, is an establishment intended primarily for dancing and entertainment within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only.

DAY CARE, FAMILY, is the keeping of part-time care and/or instruction, whether or not for compensation, of 6 or less children or adults at any one time within a dwelling, not including member of the family residing on the premises.

DAY CARE, GROUP, is an establishment for the care and/or instruction, whether or not for compensation, of 7 or more children or adults at any one time. Child nurseries and preschool facilities are included in this definition. Day care facilities must be licensed by the Kansas Board of Health.

DENSITY is the number of dwelling units that are allowed on an area of land, which area of land may include dedicated streets contained within the development.

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

DRIVEWAY is a private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

DWELLING, ATTACHED, is any dwelling that is joined to another dwelling unit at one or more side by a party wall or walls.

DWELLING, DETACHED, is any dwelling that is entirely surrounded by open space on the same lot.

DWELLING UNIT is any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by these regulations, for not more than one family, or a congregate residence for 10 or less persons.

DWELLING, DUPLEX, is a building designed or arranged to be occupied by two families living independently, the structure having only two dwelling units.

DWELLING, MULTIPLE-UNIT, is a building or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

DWELLING, PLANNED GROUP, is two or more detached buildings used as dwelling units located on a lot that is in single ownership having yards, courts or facilities in common.

DWELLING, SINGLE-FAMILY, is a detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family.

1705 E

EASEMENT is that portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on or above said lot or lots.

EFFICIENCY DWELLING UNIT is a dwelling unit containing only one habitable room.

1706 F

FACE OF BUILDING, PRIMARY, is the wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

FAMILY is an individual or two or more persons related by blood, marriage or adoption, or a group not to exceed 10 unrelated persons living together as a single housekeeping unit.

FARM ANIMALS are animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or family food production, education or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchilla, chickens, turkeys, pheasants, geese, ducks and pigeons.

FLOOD is a temporary rise in streams flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel. An unusual and rapid accumulation of run-off or surface waters from any source.

FLOOD ELEVATION DETERMINATION is a determination of the water surface elevations of the 100-year flood: that is, the level of flooding that has a one percent chance of occurrence in any given year.

FLOOD INSURANCE RATE MAP (FIRM) is an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.

FLOOD INSURANCE STUDY (FIS) is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

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

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

FLOOD PROOFING is any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOOD-WAY is the channel or a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge a 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.

FLOOD-WAY FRINGE is that area of the flood plain, outside of the flood-way that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

FLOOR AREA, GROSS, is the sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

FLOOR AREA, NET, is the gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

FRONTAGE is the width of a lot or parcel abutting a public right-of-way measured at the front property line.

1707 G

GARAGE, PRIVATE, is a building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.

GENERAL PLAN is the declaration of purposes, policies and programs for the development of the jurisdiction. Also call the Comprehensive Plan.

GOVERNING BODY is the City Council of the City of Augusta, Kansas.

GRADE (Adjacent Ground Elevation) is the lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

GROSS LEASABLE AREA (GLA) is the total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet, as measured from the center line of joint partitions and from outside wall faces.

GROUP CARE FACILITY is a facility, required to be licensed by the state of Kansas, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering the effect of drugs or alcohol; this does not include day-care center, family day-care homes, foster homes, schools, hospitals, jails or prisons.

GUEST ROOM is any room or rooms used or intended to be used by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

1708 H

HABITABLE SPACE (Room) is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space.

HOME, CHILD CARE CENTER is a day nursery providing care for 6 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, kindergarten not operated by the public schools, and other establishments offering care to groups of children. Such centers shall meet all requirements of the Kansas State Department of Health and Environment for licensing.

HOME, ELDERLY DAY CARE is a home in which care is given outside their own home during part of the day or night to not more than 10 individuals. Such homes shall meet all requirements of the Kansas State Department of Health and Environment for licensing.

HOME, FOSTER FAMILY is a residential facility caring for a maximum of 6 foster children, not more than two of whom are under 18 month of age. Such facility shall be licensed by the Kansas State Department of Health and Environment of licensing.

HOME, GROUP is any dwelling occupied by not more than 10 persons, including 8 or fewer physically handicapped, mentally ill, mentally retarded or other developmentally disabled persons who need not be related by blood or marriage and not to exceed 2 staff residents which is licensed by a regulatory agency of the State of Kansas.

HOME OCCUPATION is the partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof which is subordinate and incidental to the use of the dwelling for residential purposes.

HOSPITAL is an institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices, but not including clinics or health-care centers.

1709 I

INDUSTRIAL or RESEARCH PARK is a tract of land developed according to a master site plan for the use of a family or industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

1710 J

JURISDICTION as used in these regulations, is the City of Augusta, Kansas.

1711 K

KENNEL is any lot or premises on which four or more adult dogs or cats are kept, for compensation or not.

KITCHEN is any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

1712 L

LANDSCAPING is the finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment may also include the use of logs, rocks, fountains, water features and contouring of the earth.

LEGISLATIVE BODY is the City Council of the City of Augusta, Kansas.

LIVESTOCK includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals.

LOT is a single parcel of land.

LOT, CORNER, is a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

LOT, FLAG, is a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an accessing strip connecting the main building site with the frontage street.

LOT, INTERIOR, is a lot other than a corner lot.

LOT, IRREGULAR, is a lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the application non-elevation design requirements of this regulation.

1713 M

MANUFACTURED HOME is a transportable home in one or more sections, which is built on a permanent frame for base and is designed for use with or without a permanent foundation when connected to the required utilities. A manufactured home is designed for year-round single-family dwelling with the seal of the June 15, 1976 National Manufactured Housing Construction and Safety Standards Act. The term does not include mobile home.

For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK or SUBDIVISION means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MANUFACTURING is the manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard, that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

MOBILE HOME is a vehicle, other than a motor vehicle, greater than 320 square feet in gross floor area designed with attached axles and wheels, which may be used for permanent or semi-permanent housing or human occupancy, and which is designed to be drawn by a motor vehicle. The terms shall also include any vehicle meeting the above description that is used for an office, a classroom, a laboratory, processing, manufacturing, retail sales or other use. Mobile homes do not meet the requirements and seal of the June 15, 1976 National Manufactured Housing Construction and Safety Standards Act.

MOTEL, HOTEL, is any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

MORTUARY, FUNERAL HOME, is an establishment in which the dead are prepared for burial or cremation. The facility may include a chapel for the conducting of funeral services and spaces for funeral services and informal gatherings and/or display of funeral equipment.

1714 N

NATURAL WATERWAYS are those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels and determined band identified by the jurisdiction.

NEW CONSTRUCTION in FLOOD PLAIN MANAGEMENT means those structures where new construction or substantial improvement of which is begun after December 31, 1974, or the effective date of the FIRM, whichever is later.

1715 O

OPEN SPACE is land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space may be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.

OVERLAY DISTRICT is a district that acts in conjunction with the underlying zoning district or districts.

1716 P

PARK is a public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

PARK AND RIDE FACILITIES are parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car pooling for purposes of commuting, or for access to recreation area.

PARKING SPACE, AUTOMOBILE, is a space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

PERSON is a natural person, heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLANNED UNIT DEVELOPMENT (PUD) is a residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

PLOT PLAN is a plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

PUBLIC IMPROVEMENT is a work within dedicated rights-of-way or easements.

PUBLIC SERVICES are uses operated by a unit of government to serve public needs, such as a police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities.

PUBLIC UTILITY STATION is a structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

PUBLIC WAY is any street, alley or similar parcel of land essentially unobstructed from the ground to the sky that is deeded, dedicated or otherwise permanently appropriated to the public for public use.

1717 Q

QUASI-PUBLIC is essentially a public use, although under private ownership or control.

QUORUM is a majority of the authorized members of the Commission.

1718 R

RECREATION, INDOOR, is an establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theaters, and related amusements.

RECREATION, OUTDOOR, is an area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures, used primarily for recreational activities.

RECREATIONAL VEHICLE is a vehicular unit, other than a mobile home, whose gross floor area is less than 320 square feet, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

RECYCLING FACILITY is 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 and bottles and other such materials.

REGULATORY FLOOD ELEVATION indicated on the FIRM as the elevation of the 100-year flood.

REGULATORY FLOOD PROTECTION ELEVATION is an elevation one foot higher than the water surface elevation of the regulatory flood.

REHABILITATION CENTER (halfway house) is an establishment whose primary purposes is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, halfway houses for prison parolees and juveniles.

RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY is a use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble for worship.

RESIDENTIAL-DESIGN MANUFACTURED HOME is a manufactured home on permanent foundation which has a minimum dimension of 22 body feet in width, a pitched roof and siding and roofing materials which are customarily used on site-built homes.

RESTAURANT is an establishment that provides food for on-premises consumption.

RESTAURANT, DRIVE-IN, is a restaurant that serves food to customers seated in vehicles.

1719 S

SALVAGE YARD is 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, materials such a scrap metals, paper, rags, tires and bottles.

SETBACK is the minimum required distance between the property line and the building line.

SIGN is an advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

SITE PLAN is a plan that outlines the use and development of any tract of land.

START OF CONSTRUCTION for FLOOD PLAIN MANAGEMENT (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Public L. 97-248]) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORY is that portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

STREET is any thoroughfare or public way not less than 16 feet in width that has been dedicated or deeded to the public for public use.

STREET, PRIVATE is a right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

STRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

STRUCTURE for FLOOD PLAIN MANAGEMENT is a walled and roofed structure including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

SUBDIVISION is the division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

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

SWIMMING POOL is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground above-ground and on-ground swimming pools, hot tubs and spas.

1720 T

THEATRE is a building used primarily for the presentation of live stage productions, performances or motion pictures.

1721 U

USE is the activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

USE, CHANGE OF, is the change within the classified use of a structure or premise.

USE, NON-CONFORMING, is a use which was not lawfully occupying a building or land at the time these regulations became effective, which as been lawfully continued and which now conforms with the use regulations. All non-conforming uses are granted a Conditional Use Permit at the time these regulations became effective.

USE, TEMPORARY, is a use that is authorized by these regulations to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets and garage sales.

1722 V

VARIANCE is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

1723 W

WAREHOUSE, WHOLESALE OR STORAGE, is a building or premises in which goods, merchandise or equipment are stored for eventual distribution.

WRECKING YARD is any place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

1724 X

No definitions.

1725 Y

YARD is an open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in these regulations.

YARD, FRONT, is a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

YARD, REAR, is a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.

YARD, SIDE, is an open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

1726 Z

ZERO LOT LINE DEVELOPMENT is single-family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line or a series of attached single-family dwellings sharing a common party wall.

ZONING means the regulation or restriction of the location and uses of buildings and uses of land.

ZONING REGULATIONS are the lawfully adopted zoning ordinances of the City of Augusta, Kansas.

SEVERABILITY and EFFECTIVE DATE

Chapter 18

- 1800 Severability. If any provisions of these regulations are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such provisions shall be considered separately and apart from the remaining provisions of these regulations, and 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.
- 1801 Effective Date. These regulations shall take effect and be in force from and after their adoption by the Planning Commission, approval by the Governing Body of an ordinance incorporating these regulations by reference, and publication of such ordinance in the official city newspaper.

ADOPTED by the Planning Commission on November 22, 1999.

H.V. Chapin, Chairperson
ATTEST:

Raedine Crandall, Secretary

APPROVED by the Governing Body on April 17, 2000.

Ross Rountree, Mayor
ATTEST:

Deborah L. Cossel, City Clerk

(SEAL)

Approved by Ordinance No. 1788 by the Governing Body on April 17, 2000 and officially published on April 28, 2000.

Part IV Appendix

Commentary

The appendix is hereby created to supplement these zoning regulations. The appendixes are hereby made a part of these zoning regulations.

Designated Streets

Appendix - A

COLLECTOR STREETS

The following named streets are hereby designated Collector Streets.

ARONOLD DRIVE	Ohio Street to East City Limits
AUGUSTA AVENUE	Hunter Road to Highland Drive
AUGUSTA AVENUE	Washington Lane to East City Limits
BELMONT AVENUE	Dearborn Street to Ohio Street
BROADWAY AVENUE	West Street to Wirth Street
DEARBORN STREET	Santa Fe Street to Belmont Avenue
FIFTH AVENUE	Walnut Street to Santa Fe Street
FRISCO AVENUE	Santa Fe Street to Ohio Street
HIGHLAND DRIVE	Park Lane to Augusta Avenue
HUNTINGTON ROAD	Ohio Street to Ridgecrest Road
OHIO STREET	Main Avenue to Frisco Avenue
OSAGE STREET	Main Avenue to Summit Avenue
SANTA FE STREET	Frisco Avenue to Fifth Avenue
SIXTH AVENUE	Santa Fe Street to Hunter Road
STATE STREET	Kelly Avenue to Sunflower Avenue
SUMMIT AVENUE	Money Street to Dearborn Street
SUNFLOWER AVENUE	Washington Lane to Ohio Street
TWELFTH AVENUE	State Street to Custer Lane
WASHINGTON LANE	Kelly Avenue to Augusta Avenue
WESTWOOD AVENUE	Washington Lane to Highland Drive

Arterial Streets

The following named streets are hereby designated as Arterial Streets.

BELMONT AVENUE	Ohio Street to East City Limits
CUSTER LANE	Seventh Avenue to SW Seventieth Street
DAVID AVENUE	Ohio Street to Custer Lane
HUNTER ROAD	Seventh Avenue to SW Seventieth Street
KELLY AVENUE	Hunter Road to Custer Lane
LULU STREET	Seventh Avenue to Harrington Avenue
MAIN AVENUE	Osage Street to Ohio Street
MONEY STREET	Harrington Avenue to Kelly Avenue
OHIO STREET	Main Avenue to SW Seventieth Street
OSAGE STREET	Seventh Avenue to Main Avenue
SEVENTH AVENUE	Hunter Road to Custer Lane
SW SEVENTHIETH STREET	Hunter Road to Custer Lane
STATE STREET	Walnut Street to Kelly Avenue
WALNUT STREET	Second Avenue to Seventh Avenue

Planning Commission Report To the Governing Body

Appendix – B

Change of District Classification

The following information was received during the Public Hearing for Case Number _____ held on _____.

1. Current zoning _____.
2. Proposed zoning _____.
3. Character of the neighborhood.
4. Zoning and uses of properties within 1,000 feet.
5. Suitability of the subject property for the uses to which it has been restricted.
6. Extent to which removal of the restrictions will detrimentally affect nearby property.
7. Length of time the subject property has remained vacant as zoned.
8. Relative gain to the public health, safety and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner.
9. Conformance of the requested change to the Comprehensive Plan.
10. Recommendation of staff.
11. Recommendation of the Planning Commission.

TABLE OF COMPARABILITY FOR ZONING DISTRICTS

Appendix – C

In accordance with provisions provided for in K.S.A. 12-708 and in Section 203.2 of these Zoning Regulations of the City of Augusta, Kansas, the Augusta Planning Commission hereby established a "Table of Comparability for Zoning Districts" as listed below. This table designates the zoning districts that are considered to be "lesser changes" due to their more restrictive characteristics as set forth in these Zoning Regulations.

Most Restrictive

AG		Agricultural District
R		Residential
Division	1	Single-Family Dwelling (8,400 square foot lots)
Division	1A	Single-Family Dwelling (6,000 square foot lots)
Division	2	Two-Family Dwelling
Division	2A	Two-Family Dwelling
Division	3	Multiple-Family Dwelling
Division	3A	Multiple-Family Dwelling
Division	4	Manufactured Home Park
Division	5	Planned Unit Subdivision
Division	6	Rural Residential
A		Assembly
C		Commercial
I		Industrial

Least Restrictive

DISTRICTS EXCLUDED FROM THE TABLE

APH	Airport Hazard Overlay District
FF	Flood-way Fringe Overlay District
FW	Flood-way Overlay District
PR	Public and Private Recreational District

It is not the intent of the Table of Comparability that there is a most to least restrictive district between the Residential, Assembly, Commercial and Industrial districts.

PLANNING COMMISSION BYLAWS, RULES and REGULATIONS

Appendix - D

ARTICLE I. OFFICERS.

1. The Planning Commission shall organize annually at the first regular meeting after the appointment of new members.
2. The Commission shall elect a Chairperson and a Vice-Chairperson from among the members at the annual organizational meeting.
3. The Officers shall serve for one year.
4. The Chairperson shall preside at all meetings and public hearings of the Planning Commission; shall decide all points of order and procedure; shall certify plans and subdivision plats; shall transmit reports and recommendations of the Planning Commission to the City Council.
5. The Vice-Chairperson shall assume the duties of the Chairperson in his/her absence.

ARTICLE II. MEETINGS.

1. The Planning Commission shall establish one regular meeting date each month.
2. Special meetings of the Planning Commission for obtaining public opinion on a problem or discussion of a particular problem with interested parties may be called by the chairperson or, in his/her absence by the Vice-Chairperson.
3. All regular and special meetings, hearings and records shall be open to the public, provisions for recessed executive sessions may be made but no formal action may be taken.
4. Four members, a majority of the Commission, shall constitute a quorum for the transaction of business. If a quorum is not present at a regular or special meeting, those present may either adjourn the meeting or hold the meeting to consider such matters as are on the agenda. No action at such a meeting shall be final or official unless ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present.
5. The order of business at all meetings shall be as follows:
 - I. Call to Order
 - II. Roll Call
 - III. Approve the minutes of the previous meeting
 - IV. Old Business
 - a. Continuance of Public Hearings
 - b. Continuance of past Reports, Meetings, Projects and Planning
 - V. New Business
 - a. Public Hearings
 - b. New Reports, Meetings, Projects and Planning
 - VI. Adjournment

6. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter (second) of a motion shall be recorded.
7. An affirmative of at least three members, a majority of a required quorum, shall be necessary to authorize any official action of the Commission, unless otherwise specified by statute. Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the City Council with an explanation of the failure to establish an official vote on the subject in question. All members, including the Chairperson, shall have a vote and shall vote when present except that any members shall automatically disqualify himself/herself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.
8. When procedural and parliamentary rules adopted by the Planning Commission do not conflict, parliamentary procedure shall be according to "ROBERTS RULES OF ORDER."

ARTICLE III AGENDA SUBJECTS.

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

ARTICLE IV HEARINGS.

1. Before the adoption or recommendation of all or any part of the Comprehensive Plan, Subdivision Regulations, Major Street Plan or the Zoning Ordinances, the Planning Commission shall hold a public hearing on the matter.
2. The Zoning Administrator shall cause a notice of such public hearing to be published once in the official city newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing.
3. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded or postponed to a later date.
4. The Planning Commission may prepare recommendations and adopt the same by an affirmative vote of a majority of the Planning Commission or by an affirmative vote of a majority of all its members as provided by law.

ARTICLE V RECOMMENDATIONS.

1. An authorized representative of the Planning Commission shall have the right to appear before the Governing Body for the purpose of reporting recommendations of the Planning Commission.
2. Authorized representatives shall be the Chairperson or Vice-Chairperson of the Planning Commission, Zoning Administrator, or _____.

ARTICLE VI COMMITTEES.

1. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.
2. The Chairperson shall designate the members of each committee and shall name the Chairperson of each committee. The Planning Commission Chairperson shall fill vacancies on committees as they are created.

ARTICLE VII EXPENSES.

1. The Planning Commission shall review and prepare an annual budget and submit it to the City Manager.
2. The Planning Commission may accept, receive and expend funds, grants and services from Federal, State, County or Local Government agencies and private persons or organizations.
3. The Planning Commission may purchase property and materials as needed through the Zoning Administrator.
4. The Planning Commission shall deposit moneys received as gifts, donations, or grants from public or private sources for planning purposes, with the designated fiscal agent.
5. The designated fiscal agent for the Planning Commission shall be the City Clerk.

ARTICLE VIII PLANNING COMMISSION STAFF.

1. The City Council may employ such staff and/or professional consultants, as it may require, subject to approved budgetary requirements and limitations.
2. The Planning Commission staff shall consist of a Zoning Administrator and such other personnel as may be authorized by the City Council.
3. The Zoning Administrator is charged with the duty of preparation and administration of such plans as are appropriate.
4. The Zoning Administrator shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. The Zoning Administrator's work shall be carried on with the widest degree of professional responsibility subject to the policy determinations of the Planning Commission and administrative policies of the municipality.
5. The Zoning Administrator shall:
 - a. Supervise and review the work of the professional, technical and non-technical employees of the Planning Commission Staff.
 - b. Advise and assist the Planning Commission in the establishment of general planning policy.
 - c. Be responsible for formulation of staff policy.

6. The Zoning Administrator shall recommend to the Planning Commission action necessary for effecting plans with respect to both public and private endeavors through such control techniques as:
 - a. Zoning and Subdivision control.
 - b. Programs for Capital Expenditures.
 - c. Long-range Comprehensive Plans for the guidance of growth.
 - d. Neighborhood plans for the guidance of area growth.
7. The Zoning Administrator shall:
 - a. Assist all individuals, agents or owners of property in filling out all forms required by the Planning Commission and City Ordinance.
 - b. Prepare reports to the Planning Commission concerning all requests for public hearings and special meetings.
 - c. Cause the publication of all Official Public Notices and notices to the property owners located within 200 feet (within the city limits) or 1,000 feet (within the growth area) of all zoning cases.
 - d. Compile the list of property owners located within the required 200/1,000 feet as provided by state statutes.
 - e. Update the Official Zoning Map(s) for the City, maintain copies of the Official Zoning Map(s), Zoning Ordinance, Subdivision Rules and Regulations and the Comprehensive Plan.
 - f. Officially present the Planning Commission's recommendations to the City Council.
 - g. Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the municipal government and serve generally as a liaison between the Planning Commission and the public.
 - h. Encourage private development or investment in accord with comprehensive plans.
 - i. Cooperate with public and private agencies and with individuals for the development, acceptance and effecting plans.
 - j. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and approval of planning.
 - k. Accept other responsibilities as may be directed by the Planning Commission or City Council.

ARTICLE IX RECORDS AND REPORTS.

1. The Commission shall keep a record of its resolutions, transactions, findings and determinations.
2. All records of the Planning Commission shall be available for public review.
3. The Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the City Council regarding same on or before the first day of June each year.
4. The Planning Commission shall, on or before the first Monday in July of each year, prepare and file with the City Manager a report covering the activities of the Planning Commission for the first half of the calendar year.

ARTICLE X PUBLICITY.

The Planning Commission shall encourage the public to attend its regular meetings and shall take positive action to keep its activities before the public by supplying newspapers and radio and television stations with information and by having members and staff appear before civic groups to discuss the purpose of planning and the work of the Planning Commission.

ARTICLE XI AMENDMENTS.

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

PUBLIC HEARING PROCEDURES

Appendix - E

Welcome to the Augusta Planning Commission Meeting. The Planning Commission follows certain procedures when conducting a meeting and a public hearing.

1. The Order of Business at all meetings is:
 - I. Call to Order
 - II. Approval of the Minutes of the previous meeting
 - III. Introduction of Guests
 - IV. Old Business
 - V. New Business
 - VI. Adjournment

2. The Chairperson will announce the Opening of the Public Hearing and request City Staff to present the case. City Staff will state:
 - a. Zoning or Board of Zoning Appeals Case Number
 - b. Address of the property
 - c. Owner of the property
 - d. Purpose of the request
 - e. Read any correspondence received concerning the case
 - f. List any pertinent facts and information concerning the case
 - g. Make a recommendation/s to the Planning Commission

3. The Chairperson will invite the Applicant and/or two (2) individuals to present supporting evidence, data and/or facts.
Each presentation may last up to 10 minutes.
Any Planning Commissioner may request clarification at the end of the presentations or ask for additional information.

4. The Chairperson will invite individuals in favor of or opposed to the proposed application to make statements or to ask question.
Each presentation may last up to 10 minutes.
Each statement should strive to make some point that has not been made in a previous statement.
You are encouraged to present documents to support your statement/s.
Commissioners may question the speaker.

5. The Chairperson will invite the applicant and/or other witnesses in favor of the application to make rebuttal statements.

Statements should be limited to five (5) minutes each, addressing each individual opposing the issue providing it is not repetitive.

After each statement, Commissioners may question the speaker.

6. The Chairperson will close the Public Hearing.
The Audience MAY NOT participate in this discussion unless requested by the Chairperson or a Planning Commissioner.
The Planning Commissioners will discuss the case, review the facts and request additional information.
The Planning Commission may postpone the Public Hearing if additional information is requested that has not been presented during the hearing.
7. The Planning Commissioners will consider the following factors in reaching a decision for Changes in Zoning Districts:
 - a. the character of the neighborhood
 - b. the zoning and uses of properties nearby
 - c. the suitability of the subject property for the uses to which it has been restricted
 - d. the extent to which removal of the restrictions will detrimentally affect nearby property
 - e. the length of time the subject property has remained vacant as zoned
 - f. the relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner
 - g. the conformance of the requested change to the Comprehensive Plan; and
 - h. the recommendation/s of the City Staff.
8. Any Planning Commissioner may make a motion to recommend or not to recommend the zoning change to the City Council.
Another Planning Commissioner must second the motion.
The motion will be automatically defeated if a second is not made, and a new motion will have to be made.
9. Once a motion and second has been made, the Chairperson will ask if there is any further discussion on the motion.
Any Commissioner who intends to abstain from voting on a case will announce his/her intentions at this time.
If not, the Chairperson will call for a vote.
A simple majority is required to pass or reject a motion.
10. Property Owners located within 200 feet have 14 days to lodge an Official Protest against the proposed zoning change. The forms may be picked up at the Inspection Department and must be given to the City Clerk.

11. The City Council will make the final determination to approve or disapprove an application for a zoning change.
12. The Planning Commission is also the Board of Zoning Appeals and will hear cases of Appeals from the decisions of the Zoning Administrator, Variances and Conditional Use Permits.
In such cases, the decision of the Planning Commission is final and can only be protested to District Court.
13. The Planning Commission, acting as the Board of Zoning Appeals, will consider the following information:
 - a. Appeal the decision of the Zoning Administrator.
Any error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.
 - b. Variance for the requirements of the Zoning/Subdivision Regulations.
 1. that the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
 2. that the granting of the conditional use permit for the variance will not adversely affect the rights of adjacent property owners or residents;
 3. that the strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
 4. that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 5. that granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations.
 - c. Conditional Use Permits.
It shall be the duty of the Commission to approve or reject all conditional use permit applications. The application shall be accompanied by maps, drawings, or other documentation in support of the request. The granting of a conditional use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

GUIDELINES FOR CHANGE OF ZONING CLASSIFICATION

Appendix - F

INSTRUCTIONS

The following guidelines are to be used by the Planning Commissioners when determining Changes of Zoning Classifications. The guidelines are designed to contain the information required to view the entire scope of the zoning change.

I. INFORMATION ON THE SUBJECT PROPERTY.

Current Zoning _____
Proposed Zoning _____
Occupied _____ Unoccupied _____ Time remained vacant _____
Amount of vacant land that currently has the same zoning _____
The above land is Available _____ Unavailable _____ for development
Public Utilities: Existing _____ Proposed _____
On the property _____ Adjacent to the property _____

II. ENVIRONMENT IMPACT.

Air, water, noise, vibration, lighting or communications pollution possible with the intended use/s. Yes _____ No _____
Have adequate provisions been taken to eliminate or control the pollution/s created? Yes _____ No _____

III. THE SURROUNDING NEIGHBORHOOD.

Current Zoning: North _____ South _____ East _____ West _____
Character of the Surrounding Neighborhood _____
Condition of the Surrounding Neighborhood _____
Are the character and condition of the Surrounding Neighborhood changing? Yes _____ No _____
Are the possible permitted uses and conditional uses compatible with the Surrounding Neighborhood? Yes _____ No _____

IV. CONSIDERATION OF THE ZONING REGULATIONS AND COMPREHENSIVE PLAN.

Would the zoning change correct an error;
a. made by the City: Yes _____ No _____
b. made in the application of these zoning regulations: Yes _____ No _____
Would the zoning change be in conformance with the Comprehensive Plan? Yes _____ No _____

V. FINAL CONSIDERATIONS.

Based on the information obtained from the previous section, does the zoning change qualify under the outlined conditions?

Subject Property	Yes___	No___
Environmental Impact	Yes___	No___
Surrounding Neighborhood	Yes___	No___
The Zoning Regulations	Yes___	No___
The Comprehensive Plan	Yes___	No___

Are you in favor of ___ or against ___ the proposed zoning change?

Motion to Approve___ Disapprove___

Motion by_____

Second by_____

Motion Approved___ Motion Failed___

Remarks:

ANNEXATION POLICY

City of Augusta, Kansas

Appendix - G

The following policy is hereby enacted in determining the proper procedures for zoning land when annexed into the City of Augusta, Kansas.

1. All land annexed into the City of Augusta shall be automatically zoned R-1 Single-Family Dwelling District.
2. The property owner may request in writing to be annexed into the City with R-1 Single-Family Dwelling District zoning classification providing the Planning Commission has held a public hearing on the subject property and proposed zoning classification.
3. Zoning other than R-1 may be accomplished at the time of annexation providing the Planning Commission has held a public hearing on the subject property and proposed zoning classification.
4. Land in the Growth Area surrounding the City may be annexed by the Governing Body when the landowner has signed a "Waiver of Annexation" as required for receiving City Utilities.
5. The Governing Body may annex land in the Growth Area when it is required for Capital Improvements involving Electrical Distribution, Water Distribution, Sanitary Sewers, Storm Drainage and New Streets.

ADOPTING ORDINANCE

Appendix - H

APPROVED by the Governing Body on April 17, 2000.

Ross Rountree, Mayor

ATTEST:

Deborah L. Cossel, City Clerk

(SEAL)

Approved by Ordinance No. 1788 by the Governing Body on
April 17, 2000 and officially published on April 28, 2000.

AGRICULTURAL LAND CALCULATIONS

Appendix - I

All land zoned Agricultural Division Two located within the Growth Area of the City of Augusta, Kansas shall be calculated according to the traditional system of land subdivision.

Section	640 Acres
Half Section	320 Acres
Quarter Section	160 Acres
Half Quarter Section	80 Acres
Quarter-Quarter Section	40 Acres

The traditional land measurements shall be used regardless of the actual land area as calculated by survey or other means of measurement.

The traditional land measurement shall not apply to any other zoning district.

Section 3. All provisions of the zoning regulations and other ordinances in conflict with the amended sections are hereby repealed.

Section 4. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

DESIGNATED GROWTH AREA

Appendix – J

J – 1