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TITLE 29

MODEL ZONING ORDINANCE

CHAPTER 29.01 INTRODUCTION

29.01.010. Purpose. This zoning ordinance, adopted pursuant to the provisions of K.S.A. 12-707 to 12-715 of the Kansas State Statutes as amended, is intended to serve the following purpose:

1. To promote the health, safety, morals, comfort and general welfare.
2. To preserve and protect property values throughout the city.
3. To divide the city into zones and districts.
4. To facilitate adequate and economical public improvements and services.
5. To regulate and restrict the location and use of buildings, structures, and land within the City of Coffeyville, Kansas.
6. To restrict and regulate the height and size of buildings, percentage of lot coverage, size of yards and other open spaces, and density of population.

29.01.050. Title. This ordinance may be cited as "The Coffeyville Zoning Ordinance."

CHAPTER 29.02 CITY PLANNING COMMISSION

29.02.010. Created.

1. There is hereby created for the City a City Planning Commission.

29.02.030. Composition; qualifications of members.

1. The City Planning Commission shall consist of seven (07) members. Two (2) members of the Commission shall reside outside of but within three (3) miles of the corporate limits of the City, but the remaining members shall be residents of the City.

29.02.050. Appointment of members.

1. The members of the Planning Commission shall be appointed by the Board of City Commissioners.

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29.02.070. Tenure of office; filling of vacancies.

1. The members of the City Planning Commission, first appointed shall serve respectively for terms of one (1) year, two (2) years and three (3) years, divided equally or as nearly equal as possible between these terms. Thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term only.

29.02.090. Compensation.

1. Members of the City Planning Commission shall serve without compensation for their services.

29.02.110. General powers and duties.

1. The City Planning Commission shall be vested with such powers and charged with such duties as are now or as may hereafter be fixed by the laws of the state.

29.02.130. Meetings; officers; records.

1. The members of the City Planning Commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their number as chairman and one as vice-chairman who shall serve one year and until their successor has been selected. A secretary also shall be elected who may or may not be a member of the Planning Commission. Special meetings may be called at any time by the chairman or in his/her absence by the vice-chairman.

A majority of the Planning Commission shall constitute a quorum for the transaction of business.

2. The Commission shall cause a proper record to be kept of its proceedings. A copy of such proceedings, signed by the secretary or, in his/her absence, the chairman, shall be filed with the city clerk with a copy being sent to the City Commission.

All printer's proof of public hearing notices shall be filed with the city clerk with a copy given to the Engineering Dept.

29.02.150. Bylaws.

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1. The Commission shall adopt bylaws for the transaction of business and hearing procedures. Unless otherwise provided by this act, no action by the Planning Commission shall be taken except by a majority vote of the membership thereof.

29.02.170. Other.

1. The Planning Commission may employ, subject to City Commission approval, such persons deemed necessary and may contract for such services as the Planning Commission requires. The Planning Commission, from time to time, may also establish subcommittees, advisory committees, or technical committees to advise or assist in their activities.

CHAPTER 29.03 BOARD OF ZONING APPEALS

29.03.010. Created.

Effective January 1, 2013, pursuant to K.S.A. 12-759 (g), the Coffeyville, Kansas Planning Commission is also designated to serve as the Board of Zoning Appeals.

29.03.110. General powers and duties.

1. The board shall have the 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.

2. When deemed necessary by the board of zoning appeals, the Board may grant variances and exceptions from the zoning regulations which will not be contrary to the public interest and where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variances shall not permit any use not permitted by the zoning regulations in such cases.

3. The board may grant exceptions to the provisions of the zoning regulation in those instances where the board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation. In no event shall exceptions to the provisions of the zoning regulation be granted where the use or exception contemplated is not specifically listed as an exception in the zoning regulation.

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29.03.130. Meetings; officers; records.

1. The members of the Board of Zoning Appeals shall meet at such time and place as they may fix by resolution. The Board of Zoning Appeals may select one of their number as chairman and one as vice-chairman who shall serve one year and until their successor has been selected. A secretary shall also be elected who may or may not be a member of the Board of Zoning Appeals. Special meetings may be called at any time by the chairman or in his/her absence by the vice-chairman. A majority of the Board of Zoning Appeals shall constitute a quorum for the transaction of business.

2. The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and the vote upon each question.

Records of all official actions of the Board shall be filed in the Engineering Office and shall be a public record.

All printer's proof of public hearing notices shall be field with the city clerk with a copy given to the Engineering Dept.

29.03.150. Bylaws.

1. The Board of Zoning Appeals shall adopt bylaws for the transaction of business and hearing procedures. Unless otherwise provided by this act, no action by the Board of Zoning Appeals shall be taken except by a majority vote of the membership thereof.

29.03.170. Other.

1. The City Commission may establish a scale of reasonable fees to be paid in advance by the party appealing.

2. (See also 29.06.300 Variances and 29.011.170 Variance Procedures)

CHAPTER 29.04 RULES OF CONSTRUCTION

29.04.010. Construction. In the construction of this ordinance, the provisions and rules of this ordinance shall be construed to harmonize with any other sections of this ordinance. The further specific rules are set forth below:

1. Words used in the present tense shall include the future.

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2. Words in the singular number include the plural numbers, and words in the plural numbers include the single number.

3. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

4. The word "city," means the City of Coffeyville, Kansas.

5. Unless otherwise specified, all distances shall be in feet.

6. The phrase "city planning" means the incorporated area of the City of Coffeyville and the unincorporated area surrounding Coffeyville and designated in the comprehensive development plan as the planning area.

7. The word "county" means Montgomery County, Kansas, with specific reference to the three-mile area around Coffeyville.

8. Any word or phrase shall be given its common meaning unless the definition is set out in this ordinance.

9. The word "shall" is mandatory.

10. The word "may" is permissive.

29.04.050. Severability: It is hereby declared to be the intention of the City that the several provisions of these regulations are separable in accordance with the following rules:

1. If any court of competent jurisdiction shall adjudge any provision of these regulations to be invalid, such judgment shall not affect any other provision of these regulations.

2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure, such judgment shall not affect the application of said provision to any other property or structure.

29.04.100. Effect on existing building permits: Nothing in these regulations shall be deemed to require any change in plans, construction, or designated use of any structure in the event that:

1. A building permit for such structure was lawfully issued prior to the effective date of these regulations or the effective date of any amendments thereof.

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2. Such permit had not by its own terms expired prior to such effective date.
3. Such permit was issued on the basis of an application showing complete plans for proposed construction.
4. There has been a substantial change of position, substantial expenditures, or the incurrence of substantial obligations by the permit and certificate holder in reliance on such permit and certificate.
5. Such change of position, expenditures or incurrence of obligations were made prior to published or actual notice of a proposed amendment to these regulations which amendments would have made illegal the issuance of such permit or certificate.
6. Construction pursuant to such permit is completed prior to the expiration of such permit or certificate when possible.

CHAPTER 29.05 DEFINITIONS

29.05.010. The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. Accessory building: A detached subordinate building, located on the same lot with the main building, the use of which is incidental to the main building or to the main use of the premises.
2. Accessory use: Any use which is incidental to and sub-ordinate to the main use of the premises.
3. Agricultural uses: The growing of crops and the raising of such stock and poultry as are incidental to the acreage farmed. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables, dog kennels, or commercial feed lots be so considered.
4. Alley: A public thoroughfare which affords only a secondary means of access to abutting property.
5. Apartment: A room or suite of rooms in a multiple dwelling, or where more than one living unit is established in any building, intended, designed, used or suitable for use by one or more persons as a place of residence with or without culinary accommodations.

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6. Apartment house: A building or portion thereof intended, designed, used or suitable for use as a residence for two (2) or more families living in separate apartments.
7. Basement or cellar: A story having more than one-half (1/2) of its height below grade.
8. Bed and breakfast: A structure, other than a hotel or motel, furnishing accommodations for compensation to overnight guests, usually including a breakfast meal.
9. Boardinghouse: A building or place, other than a hotel, whereby pre-arrangement and for compensation, lodging and meals for a definite period are provided for three (3) or more persons.
10. Building: A structure having a roof supported by columns or walls intended, designed, used or suitable for use for the support, enclosure, shelter or protection of persons, animals, or property; and when separated by fire walls each portion of such structure so separated shall be deemed a separate building.
11. Building height: The vertical distance from the **existing** "grade" to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge of gable, hip, curved and gambrel roofs.
12. Campsite: A space or area within a RV Park designated for temporary occupancy by RV or tent campers, also referred to as "site."
13. Clinic: Any building designed for use by one or more persons lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings, including, but not limited to, doctors of medicine, dentists, chiropractors, osteopaths, optometrists and podiatrists, and in which no patients are lodged overnight.
14. Comprehensive Plan: The official adopted comprehensive plan for future growth of Coffeyville, Kansas and any amendments relating thereto.
15. Conditional use: A use that is permitted after a determination by the Planning Commission that all regulations and standards of this ordinance applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the Planning Commission may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses, the neighborhood, and in order to improve the public health.
16. District: A section or sections of the City of Coffeyville specifically declared

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within which the regulations governing the use of buildings and premises are uniform.

17. Drive-in establishment: An enterprise which accommodates the patrons' automobiles and from which the occupants of the automobiles may make purchases, transact business, or view motion pictures or other entertainment.

18. Drinking Establishment: An establishment in which the principal function is the public sale and serving of alcoholic beverages or cereal malt beverages.

19. Dump or landfill: A lot or land or part thereof used primarily for the disposal by abandonment, dumping, burial, burning or any other means and for whatever purposes of garbage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or solid waste material of any kind.

20. Dwelling: A building or portion thereof, but not a mobile home, designed or used for residential occupancy.

21. Dwelling, multiple-family: A building or portion thereof designed with accommodations for or occupied by three (3) or more families living independently of each other who may or may not have joint services of facilities or both.

22. Dwelling, single-family: A detached building or portion thereof designed for or occupied exclusively by one family.

23. Dwelling, two-family: A building or semi-detached building or portion thereof designed or occupied exclusively by two (2) families living independently of each other.

24. Family: An individual, or two (2) or more persons related by blood or marriage, or a group of not more than four (4) persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit.

25. Flea market (swap meet): An outdoor commercial activity, not including shopping centers, individual retail operations or sales conducted by a nonprofit or charitable organization, which is open to the general public and composed of two (2) or more semi-enclosed or outdoor stalls, rooms, stands or spaces used for the purpose of display and sale, exchange or barter of merchandise.

26. Flood Management Zone Definitions (See 29.011.030)

27. Garage, private: Any accessory building designed or used only for the housing

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and storage of not more than three (3) vehicles which are the property of, or provided for, the exclusive use of the occupants of the lot or premises upon which such building is located and having no provisions for the repairing or equipping of such vehicles.

28. Garage, public: Any building, portion of a building or premises designed, operated or used for commercial purposes in the storage, sale, hiring, care or repair of motor vehicles.

29. Garden shop: Stores which sell growing plants, seeds, bulbs, shrubs and tools, implements and supplies used for gardening and landscaping.

30. Governing body: The Board of Commissioners of the City of Coffeyville, Kansas.

31. Ground cover: Landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

32. Group Home. Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability who need not be related by blood or marriage and not to exceed two staff residents who need not be related by blood or marriage to each other or to the residents of the home, which dwelling is licensed by a regulatory agency of this state;

- a. "Disability" means, with respect to a person:
 - 1. A physical or mental impairment which substantially limits one or more of such person's major life activities;
 - 2. A record of having such an impairment; or
 - 3. Being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the controlled substance act (21 U.S.C. 802);
- b. "Licensed provider" means a person or agency who provides mental health services and is licensed by:
 - 1. The department of social and rehabilitation services pursuant to K.S.A. 75-3307b or 65-425 et seq., and amendments thereto; or

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2. The behavioral sciences regulatory board pursuant to K.S.A. 75-5346 et seq. or 74-5301 et seq., and amendments thereto; or
3. The state board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto.

33. Home occupation: An occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

34. Hotel or motel: A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, or otherwise.

35. House trailer: See "mobile home."

36. Junk yard: A lot or an area of land, with or without buildings or structures, used primarily for the collection, deposit, storage or sale of materials such as scrap metals, machinery, equipment, or two or more disabled motor vehicles on a permanent basis; or for the operation of an automobile graveyard for the dismantling of parts thereof for resale.

37. Kenel: An establishment or place used for lodging, caring or breeding for four (4) or more domesticated animals, commonly considered as household pets.

38. Landscaped material: Shall consist of such living material as trees, shrubs, ground cover/vines, turf grasses, and nonliving material such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and/or other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculptures, etc.

39. Landscaped open space: All land area within the property lines not covered by building or pavement.

40. Lot: Any parcel of land occupied or intended for occupancy by one or more main buildings, together with the accessory buildings, including the open spaces required by this ordinance.

41. Lot area: The area of a horizontal plane bounded by the front, side and rear lot

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lines.

42. Lot, corner or external: A lot abutting upon two (2) or more streets at their intersection and shall be deemed to front on that street on which the lot has its least dimension.

43. Lot, depth of: A mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lines of the lot.

44. Lot, double frontage: A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

45. Lot, frontage: The length of the property abutting on one side of a street measured along the dividing line between the property and the street right-of-way.

46. Lot, internal: Any lot which does not constitute a corner or external lot.

47. Lot line, front (external): A boundary line of a lot which coincides with a street boundary line. The word "street" as used in this definition shall not include alley.

48. Lot line, rear (internal): A boundary line of a lot which does not coincide with a street boundary line, but may coincide with an alley line.

49. Lot, reversed corner: A corner lot having its side lot line substantially a continuation of the front lot line of the first lot to its rear.

50. Lot line, side (internal): A boundary line of a lot which does not coincide with a street boundary line. The word "street" as used in this definition shall not include alley.

51. Lot width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point mid-way between the front and rear lot lines.

52. Manufactured home: A factory built structure manufactured or constructed under the authority generally known as the HUD Code established pursuant to 42 United States Code, Sect. 5401, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations.

For purposes of these regulations, the term "manufactured home," when used by itself

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shall not include a "residential-design manufactured home" as defined in these regulations.

53. Mobile home: A structure, manufactured prior to 1976 or is not in conformance to the HUD code as is now required for a manufactured home, transportable in one or more sections, which has a body width of eight (8) feet or more and a body length of thirty-six (36) feet or more and which is built on a permanent chassis and designed to be used as a dwelling, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

- a. Designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels (or detachable wheels), and designed without a permanent foundation, whether or not a permanent foundation is subsequently provided, which includes one or more components that can be retracted for transporting purposes and subsequently expanded for additional capacity, or two (2) or more units separately transportable but designed to be formed as an integral unit, as well as a portable dwelling composed of a single unit;
- b. Designed for long term occupancy, and containing accommodations, a flush toilet, a tub or shower bath, kitchen facilities, and having plumbing and electrical connections provided for attachment to outside systems;
- c. Upon arrival at the intended site where such unit(s) is to be occupied as a dwelling, such unit is complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on support, connection to utilities, and placed as required by any and all other zoning regulations.

54. Mobile home community: Any area, tract or site or plot of land whereupon a minimum of twenty-five (25) mobile homes (or manufactured homes) as herein defined are placed, located or maintained or intended to be placed, located or maintained for dwelling purposes only and upon a permanent or semi-permanent basis.

55. Mobile home court: Any area, tract or site or plot of land whereupon a minimum of ten (10) mobile home or manufactured homes, parking spaces or area units are placed, located or maintained or intended to be placed, located or maintained for dwelling purposes. The term "mobile home court" does not include sales lots in which unoccupied mobile homes, whether new or used, are parked for the purposes of storage, inspection or sale.

56. Mobile home, dependent: A mobile home which does not have a flush toilet

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and a bath or shower.

57. Mobile home, independent: A mobile home which has a flush toilet and a bath or shower.

58. Mobile home space: Any plot of ground consisting of not less than two thousand (2,000) square feet within a mobile home park designed for the accommodation of one mobile home (or manufactured home) as herein defined.

59. Modular homes: A unit constructed without under- carriage, and being transported by flat bed or truck mounted rail to the location site, and being designed for placement on foundations in combination with other similar units to form a residential structure in conformance to the standards of the building code of the city and related technical codes.

60. Motor vehicle repair shop: A building or portion of a building arranged, intended or designed to be used for making repairs to motor vehicles.

61. Native grasses: Species of perennial grass other than those designed as noxious weeds.

62. Nightclub: An establishment which provides, in addition to serving food and entertainment, facilities for dancing and sale of legal alcoholic beverages.

63. Nonconforming use, building or yard: A use, building or yard which are lawfully used at the time of the effective date of this ordinance, but which do not conform with the zoning regulations and requirements of this ordinance. This definition shall have the same application to any amendments hereto.

64. Nursing or convalescent home: A health care facility for the care of the aged or infirm.

65. Open, unoccupied space: That area of private property upon which this ordinance prohibits the location of any building or structure. The word "structure" as used in this definition shall not be construed to prohibit the location, within such open, unoccupied space, of the following:

- a. Unenclosed steps and stairways.
- b. Concrete walk or driveway.
- c. Fence or trellis.

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1. An open, decorative, ornamental or chain link fence may be located in the front yard setback requirement, provided that the open fence shall not exceed a height greater than four feet (4') above the average grade of the principal structure.
2. An open or enclosed fence may be located in the side and rear yard, provided that it does not exceed six feet (6') in height.
- d. Retaining walls not more than eighteen inches (18") higher than the grade of the ground retained.
- e. Flue or fireplace chimney attached to the primary use of the building.
- f. Bay windows extending not more than eighteen inches (18") from the main body of the primary use building.
- g. Eaves not extending more than three feet (3').

66. Parking area, private: An area, other than a street or alley, used for the parking of automobiles of occupants and/or employees of a dwelling and/or business.

67. Parking area, public or customer: An area, other than a private parking area, street or alley, used for the parking of automobiles and available for public or semi-public use.

68. Parking space: A surfaced area of not less than two hundred square feet (200 s.f.) on private or public property, either within or outside a building, suitable in size and location to store one standard automobile.

69. Person: Any individual, firm, trust, partnership, association or corporation.

70. Planned unit development: A tract of land under single ownership or control, which is to be developed in accordance with a plan adopted by ordinance and the boundaries of which are established by the Zoning District Map.

71. Planning Commission: The Coffeyville, Kansas, Planning Commission.

72. Plat: A map, plan or layout of a city, township, section or subdivision indicating the location of utility lines and boundaries of individual properties.

73. Plot: A contiguous area containing more than one lot, and the entire area is

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owned by the same person(s).

74. Premises: A lot **or abutting multiple lots**, together with all buildings and structures thereon.

75. Primary Structure Communication Tower: Facilities related to the use of the radio frequency spectrum for the purposes of transmitting or receiving radio signals and may include, but are not limited to radio towers, television towers, telephone exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. The primary structure communication tower use category includes all associated equipment unless the context clearly indicates that another meaning is intended. Associated equipment may include, but is not limited to: antenna, equipment shelter or platform, lighting, monopole tower, security barriers, mounting hardware and supporting electrical or mechanical equipment.

76. Private club: An association organized and operated for profit or not for profit for persons who are bona fide members paying dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

77. Private street setback: That distance of open area between the street right-of-way line and the building setback line.

78. Public street setback: That distance of open area between the curb line and the property line.

79. Recreational vehicle: Any vehicular-type unit, designed for temporary living quarters for recreational, camping or travel use, which either has its own motor power or is mounted on or drawn by another vehicle.

80. Residential Goods Recycling Center: A lot or an area of land, with buildings or structures, in which only residentially-used recyclable material is collected, processed, and/or baled in preparation for shipment to others who will use those materials to manufacture new products, not intended for use in their original form. These residentially-used recyclable materials shall not include vehicles or parts from vehicles, tires, batteries, appliances, furniture or building materials. This use classification shall not include junk yards, salvage yards, wrecking yards, scrap metal processors or refuse transfer stations.”

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81. Residential-design manufactured home: A manufactured home on permanent foundation which has minimum dimensions of twenty-two (22) feet in width, a pitched roof, siding and roofing materials which are customarily used on site-built homes, and which complies with the standards specified in Section 29.09.200 of this Model Zoning Ordinance or those architectural or aesthetic standards as may be varied by the Planning Commission.

A residential-design manufactured home shall be considered a single-family dwelling.

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

83. Rooming house: A building or portion thereof, other than a hotel, where lodging for two (2) or more persons is provided for compensation.

84. RV Park: A parcel of land in which two or more campsites are designated primarily for temporary occupancy by recreational vehicles for travel, recreational or vacation uses. Such parks shall be construed to include those parks having sites for tent camping as well as for RV campers.

85. Salvage Yard: A lot or an area of land, with or without buildings or structures, used primarily for the collection, deposit, temporary storage, or processing of used materials such as scrap metals, waste paper, rags, discarded materials, and machinery, but not including motor vehicles on a permanent basis (more than 180 days), for the purpose of resale.

86. Service Building: Any structure within a RV Park which contains toilets, lavatories and bathing facilities. It may also include laundry facilities, a vending area, office or other service type facilities for park occupant use.

87. Service stations: Any building or premises used solely or principally for the storage, dispensing, sale or offering for sale at retail of any automotive fuels, or lubricants and accessories. If such dispensing, sale or offering for sale is incident to the conduct of a public, garage the premises will be classified as a public garage.

88. Set-back line, building: The distance extending across the full width of a lot, the depth of which shall be measured between the front line of the building and the front property line.

89. Shrubs: Any self-supporting, woody plant of a species which normally grows to an overall height of less than thirty inches (30”) in this region.

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90. Sign: Any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to designate an individual, firm, profession, business, or a commodity and which are visible from any public street or the air.

91. Site: See "lot" or "plot."

92. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

93. Story, half: A story under a gable, hip or gambrel, the wall plates of which on at least two (2) opposite exterior walls are not more than five (5) feet above the floor of such story.

94. Street: That area of land platted and dedicated for public use, and lawfully used, as a public thoroughfare for vehicular travel, excluding from this definition access ways commonly designated as alleys.

95. Street line: A dividing line between a lot, tract or parcel of land and a contiguous street.

96. Structure: Anything fabricated, assembled, constructed or erected by the skill of man, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground, including, but not limited to, buildings, advertising signs, billboards, poster panels, steak ovens, trash burners, radio towers, satellite dish antennas, poles and fences.

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

98. Tavern: An establishment in which the principal function is the public sale and serving of cereal malt beverages.

99. Theater, moving picture: A building or part of a building devoted to the showing of moving pictures on a paid admission basis.

100. Theater, outdoor drive-in: An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis to patrons seated in automobiles or on outdoor seats.

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101. Tourist cabins: See "hotel" or "motel."
102. Trailer camp: See "mobile home court."
103. Trees: Any self-supporting, woody plant of a species which normally grows to an overall minimum height of fifteen feet (15') in this region.
104. Turf grass: A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.
105. Use: The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.
106. Use, accessory: See "accessory use."
107. Variance: The granting of permission by the Board of Zoning Appeals to allow development of a lot or tract in such manner as necessary to alleviate an unnecessary hardship.
108. Way: A street or an alley or other thoroughfare or easement permanently established for passage of persons or vehicles.
109. Yard: An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the depth of the front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
110. Yard, front: A yard extending across the front of a lot, and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entrance way. Covered porches shall be considered part of the main building and shall not project into a required front yard.
111. Yard, rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

On both corner lots and interior lots, the rear yard shall, in all cases, be at the opposite

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end of the lot from the front yard. Permitted accessory structures may occupy space in the rear yard.

112. Yard, side: A yard extending from the front set-back line to the rear yard line, and being the minimum horizontal distance between the side lot line and the side of the main building or any projection thereof as herein defined.

On corner lots, the side yards shall be perpendicular to the street upon which the lot has its least dimension; the width of the internal side yard shall meet the standards established for the district in which the lot is located; and the external side yard width shall be equal to the front yard set-back established by the dwellings to the rear of such corner lot, or fifteen (15) feet measured from the lot line, whichever dimension is the greatest.

113. Zone or district: A section of the zoning area for which uniform regulations governing the use, height, area, size and intensity of use of buildings, land, and open space are herein established.

114. Zoning administrator: The person(s) authorized and empowered by the City Manager having jurisdiction to administer the requirement of these zoning regulations.

115. Zoning area: The area to be zoned as set out on the official zoning map filed of record.

116. Zoning regulations: The term zoning regulations of this or these regulations shall mean the requirements stipulated in the regulations herewith attached.

CHAPTER 29.06 ADMINISTRATION

29.06.010. Amendments and cost deposits:

1. The regulations imposed and the districts created under the authority of this ordinance may be amended from time to time by ordinance, duly enacted by the City Commission of the City of Coffeyville. No such amendment shall be adopted except through the following procedures:

- a. Amendments may be proposed: (1) by the City Commission of the City; or (2) by the Planning Commission; or (3) upon application by, or on behalf of, the owner of the property affected, but only in the manner and pursuant to the procedure set forth in this section. If such proposed amendment is not a general revision of the existing regulations and

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affects specific property, the amendment may be initiated by application of the owner of property affected. When the City Commission proposes an amendment, it shall transmit its proposal to the Planning Commission for a "public hearing" and report thereon. Any such amendment, if in accordance with the land use plan or the land use element of a comprehensive plan, shall be presumed to be reasonable. Approval of all zoning amendments must be by a majority of the Planning Commission members present and voting.

- b. When the owner of the property affected proposes an amendment to any of the regulations imposed by this ordinance, or to any zoning district created thereby, an application for amendment, addressed to the City Commission, shall be filed in duplicate with the Planning Commission.

The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning Commission, but shall, in all instances, contain the following information:

- 1. The applicant's name and address;
- 2. The precise wording of any proposed amendment to the text of this ordinance;
- 3. In the event that the proposed amendment would change the zoning classification of any property, the following shall be submitted:
 - a. the legal description and street address of the property proposed to be reclassified;
 - b. the name and address of the owner(s) of the said property;
 - c. the present zoning classification and existing uses of the property proposed to be reclassified;
 - d. the area of the property proposed to be re-classified, stated in square feet or acres or fractions thereof;
 - e. a plat, drawn to scale, accompanying the petition, which plat shall clearly show the property proposed to be reclassified, and its present zoning classification and existing uses; and
 - f. a photograph or drawing of the proposed structure and use, including all landscaping required under Section 29.07.

- 2. Cost deposits: Before any action shall be taken, as provided in this section, the private party(s) proposing or recommending an amendment, conditional use, home occupation,

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special exception, appeal for a variance, or change in zoning ordinance shall deposit with the city clerk the following sums to secure payment of the costs of such proceedings:

Rezoning	\$100.00
PUDs	100.00
Conditional Use Permits	50.00
Home Occupation Permits	50.00
Special Use Permits	50.00
Variances	50.00
Mobile Home Court	50.00
Temporary uses	10.00

In addition, the applicant shall be required to pay a minimum of \$75 or such fee required to enable the City to order an ownership list, certified by a registered abstractor, of the owners and the mailing address of all property located within two hundred feet (200') of the boundaries of the property to be affected by the proposed amendment within the City. If a zoning classification or district boundary change is proposed to property located adjacent to the City limits, the area of notification shall be extended to one-thousand feet (1,000') in the unincorporated area, regardless of the radius of notification within the City. Any such application will not be considered unless these payments are made at the time of application.

3. Disposition of amendment proposals: Upon receipt of a proposed amendment from the governing body, or an application for an amendment from the owner of the property affected, the Planning Commission shall hold a "public hearing" on the proposed amendment and forward to the City Commission its findings and recommendations with respect to the proposed amendment.

4. Public hearing: The Planning Commission shall hold a "public hearing" on each proposed rezoning, conditional use, home occupation, special exception or variance within sixty (60) days from the filing date. If the public hearing was to consider a change in zoning classification or district boundaries, the following factors shall be considered by the Planning Commission in determining its recommendation:

- 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

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- 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 adopted or recognized master plan being utilized by the City; and
 - h. a consideration of the recommendations of professional staff;

Not all factors must be given equal consideration by the Planning Commission in reaching its decision.

5. Notice of hearing: Public notice of "public hearing" on a proposed amendment shall be as required by K.S.A. 12-757.

- a. At least ten (10) days shall elapse between the date of such publication and the date for such "public hearing."

Such "notice" shall state the date, time and place of the "public hearing," and shall contain a statement regarding the proposed changes in regulations or restrictions, or the zoning classification of any property, or the boundaries of any zoning district.

Such "notice," available for public inspection, shall contain the following:

- 1. Zone case number;
 - 2. Legal description;
 - 3. Street address, or general street location of such property;
 - 4. Its present zoning classification; and
 - 5. The proposed zoning classification, or proposed changes in regulations or restrictions.
- b. 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 Planning Commission or the City Commission. Such notice is sufficient to permit the Planning Commission to recommend amendments to zoning regulations which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice.

6. Rezoning for lesser change: The planning commission may recommend, and the governing body may adopt, a change in zoning which is a lesser change than the one requested, provided that the more restrictive district is in the same residential, commercial, or industrial

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grouping as the district for which the change was requested. The adoption of a lesser district shall only be approved with the consent of the applicant.z

Least Restrictive to Most Restrictive

Residential	R-4, R-3, R-2, R-1, R
Commercial	C-4, C-3, C-2, C-1, C
Industrial	I-2, I-1

In no case may a change to a residential district be approved if the application is for a commercial or industrial district, and in no case may a commercial district be approved if the application is for an industrial district. The governing body may refer any such application back to the planning commission for further consideration if, in its judgment, it deems such referral advisable and in the best interest of the public and the applicant.

7. Conduct of hearing: The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Planning Commission may, from time to time, prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent, or by attorney. The Planning Commission may request a report on any proposed amendment from any government official or agency, or any other person, firm or corporation.

8. Report by Planning Commission: Within forty (40) days after the close of a "public hearing" on a proposed amendment, the Planning Commission shall submit a report on the proposed amendment to the City Commission. Such report shall contain a recommendation as to whether the proposed amendment should be adopted.

9. Adoption of amendments: If a proposed amendment is not acted upon finally by the City Commission within sixty (60) days after the report of the Planning Commission is submitted to it, such proposed amendment shall be deemed to have been defeated and denied, unless the application for such amendment shall have consented to an extension of such period of time.

Whenever a proposed amendment is defeated, either by vote of the City Commission or by reason of the operation of this section, such amendment shall not thereafter be passed without a further "public hearing," and notice thereof. A majority of the members of the Planning Commission present and voting at the hearing shall be required to recommend approval or denial of the amendment to the City Commission.

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If the Planning Commission fails to make a recommendation on a rezoning request, the Planning Commission shall be deemed to have made a recommendation of disapproval.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment and the reasons therefore, the City Commission may:

- a. Adopt such recommendation by ordinance;
- b. **Override the Planning Commission's recommendation by a two-thirds (2/3) majority vote of the membership of the City Commission;** or
- c. Return such recommendation to the Planning Commission with a statement specifying the basis for the City Commission's failure to approve or disapprove. If the City Commission returns the Planning Commission's recommendation, the Planning Commission after considering the same, may resubmit its original recommendation giving the reasons therefore or submit a new and amended recommendation. Upon the receipt of such recommendation, the City Commission, 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. If the Planning Commission fails to deliver its recommendation to the City Commission following the Planning Commission's next regular meeting after receipt of the City Commission's report, the City Commission shall consider such course of inaction on the part of the Planning Commission as a re-submission of the original recommendation and proceed accordingly. The proposed rezoning shall become effective upon publication of the respective adopting ordinance.
- d. If such amendment affects the boundaries of any zone or district, the respective ordinance 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 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.

10. Protest: Regardless of whether or not the Planning Commission approves or disapproves a zoning amendment, if a protest petition against such amendment is filed in the office of the city clerk within fourteen (14) days after the date of the conclusion of the public

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hearing pursuant to the publication notice, signed by the owners of record of twenty percent (20%) or more of any real property proposed to be rezoned or by the owners of record of 20% or more of the total area required to be notified by this act of the proposed rezoning of a specific property, excluding streets and public ways, the ordinance adopting such amendment shall not be passed except by at least a three-fourths (3/4) vote of all the members of the City Commission.

11. Appeal: Within thirty (30) days of the final decision of the City, any person aggrieved thereby may maintain an action in the Montgomery County District Court to determine the reasonableness of such final decision.

12. Minimum size of parcel: No amendment changing the zoning classification of any lot, parcel or tract of land shall be adopted unless such lot, parcel or tract has one hundred (100) feet front or side lot line which abuts and is parallel to a public street, or has ten thousand (10,000) square feet of area, or abuts on a lot, parcel or tract of land that has the same zoning classification as that which is proposed for the property which is the subject of the proposed amendment.

13. Refiling of rezoning request: No application for an amendment to this chapter including the zoning map, home occupations, conditional uses, or special exceptions, and Planned Unit Developments, shall be accepted by the Planning Commission if an application for the same amendment has been denied by the City Commission within the preceding ninety (90) days. The withdrawal of an original application after it has been advertised for public hearing shall constitute a denial of the application just as if the public hearing had commenced and been concluded.

An application for a rehearing may be accepted by the Planning Commission within ninety (90) days after a denial if it is accompanied by an affidavit setting forth facts which, in the judgment of the Planning Commission, constitute a substantial change from the original application.

All requests for rehearing shall be submitted to the Planning Dept. fifteen (15) days prior to a regularly scheduled meeting of the Planning Commission and shall be included on the agenda for that meeting as a non-public hearing item. If the Planning Commission determines that the application constitutes a substantial change from the original application, the item will be advertised and a public hearing will be held at their next regularly scheduled meeting. The fee will be waived if rehearing is requested within ninety days.

14. Completion: In the event that reasonable progress toward completion of the structure, located upon property that has been rezoned, is not made within two (2) years of the date of approval by the City Commission, the rezoning classification is void and the

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classification reverts back to the zone that was held at the time the request for rezoning was approved.

29.06.050. Certificate of occupancy for nonconforming uses:

A "certificate of occupancy" shall be required for all non-conforming uses. Application for a "certificate of occupancy" for nonconforming uses shall be filed with the city engineering dept. within twelve (12) months from the effective date of this ordinance, accompanied by affidavit of proof that such nonconforming use was lawfully commenced prior to the effective date of this ordinance.

29.06.100. Interpretation, purpose and conflict:

1. It shall be the duty of the building inspector, or any deputy or inspector working under his direction, to enforce the provisions of this ordinance, and to refuse to issue any permit for any building or structure or for the use of any premises which would violate any of the provisions hereof, and to cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat, in violation of any provision of this ordinance, and a copy of such order will be forwarded at the time of issuance with the secretary of the Planning Commission.

2. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land used in violation of this ordinance, said building inspector is hereby authorized and directed to institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, restrain, correct, or abate such violation to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct or use in or about such premises.

3. In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, propriety, general welfare and the preservation of personal and property rights.

4. It is not intended by this ordinance to interfere with, abrogate or annul any ordinance, rule, regulations or permit previously adopted or issued and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued, pursuant to law, relating to the use of building or premises.

5. It is also not intended by this ordinance to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or requires a larger

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open space than one imposed or required by such ordinance, rules, regulations or permits, or by easements, covenants or agreements, the provisions of this ordinance shall control.

29.06.150. Nonconforming use regulations:

1. The lawful use of buildings and premises existing at the time of the effective date of this ordinance may be continued, although such use does not conform to the provisions of this ordinance, and a "certificate of occupancy" has been filed in the City engineering office.

2. In the event that a nonconforming use of any building or premises is disconnected, or its normal operations stopped continuously for a period of six (6) months, the use of such building or premises shall thereafter conform to the use regulations in the district in which the same is located.

3. The only nonconforming use that can be enlarged, extended, restructured or structurally altered shall be any accessory building which does not meet the minimum side yard footage requirement. Before said accessory building shall be enlarged, extended, restructured or structurally altered, an application to make any of said changes shall be filed with the board of zoning appeals. The only notice that shall be required shall be written notice by certified mail to the directly affected adjoining property owner. The distance between the existing side lot lines shall not be decreased by any of the aforementioned structural changes.

A fee of twenty-five dollars (\$25.00) shall be paid to the city clerk to pay the costs of such proceedings and no other fee shall be required. Said regulation shall apply only to existing structures and shall not be construed to mean new structures.

4. When a legal nonconforming use building is damaged 50% or less of its fair market value by fire, wind, tornado, earthquake, explosion, act of God, or the public enemy, except flooding, it may be rebuilt provided such rebuilding does not increase the intensity of use as determined by the number of dwelling units for residences, floor areas, or ground coverage for nonresidential uses.

Rebuilding may permit expansion when such expansion complies with the limitations as is hereinafter set forth. However, the structure shall not be rebuilt closer to the property lines than the original structure or that of the zoning district setback lines, whichever is closer.

Nonconforming structures damaged 50% or less of their fair market value by flooding may be rebuilt as set forth in this section, provided such reconstruction shall conform to all requirements of the building code of Coffeyville, Kansas, related to construction in flood hazard areas. Any structure damaged by more than 50% of its fair market value shall not be restored except in conformity with the district regulations of the district in which the building is situated.

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5. Notwithstanding any other provisions of this ordinance, any junkyard in existence in any district, other than heavy industrial I-2 district, at the date of enactment of this amendment, shall become a prohibited and unlawful use and shall be discontinued.

29.06.200. Occupancy permits:

1. Subsequent to the original effective date of this ordinance, no change in the use of land and no change in the use of existing buildings shall be made until a "certificate of occupancy" shall have been issued by the City Engineering Dept. A "certificate of occupancy" for a new building or the structural alteration of an existing building shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the erection or alteration of such building or part thereof shall have been accomplished in conformity with the ordinances of Coffeyville.

2. Pending the issuance of a regular "certificate of occupancy," a "temporary certificate of occupancy" may be issued by the City Engineering Dept., which shall be valid for a period of not to exceed six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion.

Such temporary certificate shall not be construed in any way as altering the respective rights, duties, or obligations of the owners or of the City relating to the use of occupancy of the premises or any other matter covered by this ordinance; and such temporary certificate shall not be issued, except under such restrictions and limitations as will adequately insure the safety of the occupants.

3. The "certificate of occupancy" shall state that the building or proposed use of the premises complies with all the building and health ordinances, and with the provisions of this ordinance.

4. A record of all "certificates of occupancy" shall be kept on file in the City Engineering Dept., and copies thereof shall be furnished on request to any person having a proprietary or tenant interest in the building or premises affected.

5. A fee of five dollars (\$5.00) shall be paid to the City Engineering Dept. for the issuance of such "certificate of occupancy;" provided, however, that no fee shall be charged for the issuance of an original "certificate of occupancy" applied for coincident with the application for a building permit. All fees so collected shall be accounted for to the City.

6. A fee of five dollars (\$5.00) shall be paid to the City Engineering Dept. for the issuance of "certificate of occupancy" for a nonconforming use. All fees so collected shall be

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accounted for to the City.

29.06.250. Validity:

Should any section, subsection, sentence, clause, or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

29.06.300. Variances:

The Board of Zoning Appeals shall administer the details of appeals from or other matters referred to it regarding the application of the zoning ordinance or resolution as hereinafter provided. The Board shall fix a reasonable time for the hearing of an appeal or any other matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official city newspaper at least ~~ten~~ (10) days prior to the date fixed for hearing. A copy of the notice shall be mailed to each party to the appeal.

Appeals to the Board of Zoning Appeals 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. Such appeal shall be taken within a reasonable time as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefor.

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. The Board shall have power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance.

In exercising the foregoing powers, the Board, in conformity with the provisions of K.S.A. 12-759, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that 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 permit.

When deemed necessary by the Board of Zoning Appeals, 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

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regulations which will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of the regulations, in an individual case, results in unnecessary hardship, and provided that the spirit of the regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the ordinance in such district.

A request for a variance may be granted in such case, upon a finding by the Board that all of the following conditions have been met:

- a. 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;
- b. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;
- c. That the strict application of the provisions of this ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application;
- d. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;
- e. That granting the variance will not be opposed to the general spirit and intent of the zoning ordinance; and

2. To grant exceptions to the provisions of the zoning regulation in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of the zoning regulation.

In no event shall exceptions to the provisions of the zoning ordinance be granted where the use or exception contemplated is not specifically listed as an exception in the zoning ordinance. Further, under no conditions shall the Board of Zoning Appeals have the power to grant an exception when conditions of this exception, as established in the zoning ordinance by the City Commission, are not found to be present.

29.06.350. Violations; penalties, actions.

1. Any violation of any regulation adopted under the authority of this act shall be a misdemeanor and shall be punishable by a fine of not to exceed \$500 or by imprisonment for not

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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 or county, and any person the value or use of whose property is or may be affected by such violation, shall have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the adopted zoning regulations and to abate nuisances maintained in violation thereof.

3. Whenever any building or structure is proposed to be erected, constructed, altered, converted or maintained or any building, structure or land is proposed to be used in violation of any zoning regulation, the city or county, 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 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 herein.

29.06.500. Development rights, vesting of:

For the purpose of single-family residential developments, development rights in such land use shall vest upon recording of a plat of such land.

If construction is not commenced on such land within five (5) years of recording a plat, the development rights in such shall expire.

1. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest upon the issuance of all permits required for such use by a city and construction has begun and substantial amounts of work have been completed under a validly issued permit.

2. The Planning Commission may provide in zoning regulations for earlier vesting of development rights. However, vesting shall occur in the same manner for all uses of land within a land-use classification under the adopted zoning regulations.

29.06.550. Height:

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Public, semi-public or public service buildings, hospitals or schools, when permitted in a district, are unrestricted in height.

29.06.600. Joint driveways and garages:

Where joint driveways and joint garages were in existence prior to the original passage of this ordinance August 28, 1974~~+~~, it shall be permissible to repair, reconstruct, or enlarge joint garages, and it is not necessary to conform to the provisions governing internal lot lines.

29.06.650. Area:

No lot shall be so reduced in area that any required open space will be smaller than prescribed in the regulations for the district in which said lot is located.

29.06.700. Number of employees:

Whenever the number of employees is restricted in connection with any use, such maximum number applies only to employees engaged in processing or treating materials or products on the premises and not be employees engaged in selling, clerical, delivery, or similar activities.

29.06.750. Protection of sewers and utility lines:

No building or addition thereto shall be erected over or across any public sewer or utility line, nor upon any platted or recorded easement, unless permission is granted in writing by the City, and the public utility whose lines are involved.

29.06.800. Vacated streets and alleys:

Whenever any street, alley or other public way is vacated by official action, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacated street or alley, and all areas included in such adjacent district shall then and thenceforth be subject to all regulations of the extended districts.

29.06.850. Visibility at intersections: On a corner lot in any residential district, and on all collector or arterial streets, except in an area bounded by 12th Street on the south, 6th Street on the north, Willow Street on the west, and Spring Street on the east, no fence, wall, hedge, or other structure or planting, more than three feet (3') in height measured from the center of the street, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are thirty feet

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(30') distant from the point of intersection, measured along said street lines.

CHAPTER 29.07 LANDSCAPING

29.07.010. Statement of intent:

1. To provide greenery to visually soften paved areas and buildings.
2. To establish environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, and noise, glare, and heat abatement.
3. To ensure that the local stock of native trees is replenished. Plant material shall generally be native or hardy to this region.
4. To buffer uncomplimentary land uses and generally enhance the quality and appearance over the entire site of the project.

29.07.030. General requirements:

All pervious land areas shall be brought to finished grade and planted in sod, native grasses, or other appropriate ground covers. Specifically, these regulations are intended for Highway 166/169 running east, west and south (locally known as 11th and South Walnut Streets). In addition to the trees already located on the rights-of-way on these highways, it is suggested that additional trees be planted depending on the design criteria for the project and the amount of land available.

29.07.050. Minimum tree requirements for commercial districts.

1. Within the front and corner side yards where a street right-of-way occurs, a continuous landscaped area shall be provided at a rate of one (1) medium or large tree for every fifty (50) feet, or portion thereof, of linear street frontage, and shall be required within the landscape setback abutting said street frontage. Said trees may be clustered or arranged within the setback and need not be placed evenly at 50-foot intervals.
2. In addition to the required trees based upon street frontage, one medium or large tree, shrubs, or ground cover shall also be required for every 3,000 square feet of landscaped open space.

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3. On a corner lot, no tree, shrub, hedge, or other structure, more than three feet (3') in height measured from the center of the street, shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street curb lines at points which are thirty feet (30') distant from the point of intersection, measured along said street curb lines.

4. The primary landscaping materials used in parking lots shall be trees native to this area which provide shade or are capable of providing shade at maturity. Shrubbery, hedges, and other planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.

29.07.070. Maintenance.

The trees, shrubs and other landscaping materials shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan. As such, all landscaping materials shall be the maintenance responsibility of the property owner, the developer, its successor and/or subsequent owners and their agents. Trees placed in the right-of-way shall be the maintenance responsibility of the adjoining property owner.

29.07.090. Tree preservation.

1. All existing trees, which are larger than four and one-half feet (4 1/2') above ground level shall be preserved on an approved development project unless one of the following conditions exists:

- a. Any tree that poses imminent danger to the public health, welfare or safety of the residents of the City of Coffeyville.
- b. Any tree(s) located in a buildable area where a commercial structure would be placed, and cannot be reasonably relocated on the property.
- c. Any tree that cannot be relocated on or off site because of the age, type or size.
- d. Any tree that is diseased, injured, in danger of falling, too close to existing or proposed structures, interferes with existing utility service, or creates unsafe vision clearance.

2. When determining the location of improvements or structures within a commercial lot(s), the developer shall make every reasonable effort to save existing vegetation including healthy hardwood trees measured four and one-half feet (4 1/2') above ground level and all shrubbery.

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CHAPTER 29.08 OFF-STREET PARKING REQUIREMENTS

29.08.010. Off-street parking requirements:

In any zoning district, all structures built and all uses established hereafter, shall provide accessory off-street parking in accordance with the following regulations. When an existing structure or use is expanded, accessory off-street parking shall be provided in accordance with the following regulations for the area or capacity of such expansion.

29.08.050. Handicapped Parking: All Off-street parking lots shall provide, within the space requirements specified in Sub-Section 29.08.150, handicapped parking as required by Federal regulations promulgated under the Americans with Disabilities Act, 1991.

29.08.100. General Provisions:

1. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
2. Area: A required off-street parking space shall be at least nine feet (9') in width and at least twenty feet (20') in length, exclusive of access drives or aisles, ramps, columns, office or work areas.
3. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
4. Ingress and egress: All parking areas in any multiple family, business, industrial or similar use, shall be designed and arranged so that a vehicle must have access to or exit from any off-street parking space from a public right-of-way. In any instance stated in this section, access to or exit from a parking space shall be by forward movement only from an aisle, driveway or similar arrangement.
5. Open and enclosed parking: Off-street parking spaces open to the sky may be located in any yard except that in residence districts, no such parking spaces shall be located in a required front yard or a required side yard adjacent to a street. Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in which located.

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6. Design and maintenance:
- a. Design: Off-street parking spaces shall comply with such design standards relating to curb length, stall depth, driveway width, island width, barriers, and ingress and egress as may be established from time to time by the City. Off-street parking may be open to the sky or enclosed in a building.
 - b. Surfacing: All open off-street parking areas, except required parking spaces accessory to a single-family dwelling, shall be graded and paved or otherwise improved with an all-weather, dustless material.
 - c. Screening: All open off-street parking areas containing more than six (6) parking spaces shall be effectively screened on each side that adjoins any property situated in a residential district by a wall, fence or densely planted compact evergreen hedge not less than five feet (5') nor more than six feet (6') in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge.
 - d. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
 - e. Repair and service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
 - f. Computation: When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
 - g. Collective provisions: Off-street parking facilities for separated uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use, and provided that all regulations covering the location of accessory parking spaces in relation to the use served are adhered to.
 - h. Location: All parking spaces required to serve buildings or uses shall be located on the same zoning lot as the structure or use served or within six hundred feet (600') of a main entrance to the structure or use served, provided no off-street parking facilities for a structure or use permitted

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only in business or manufacturing districts shall be located in a residence district, unless such parking areas are adjacent to the business or manufacturing served and are screened.

- i. Employee parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- j. Control of off-site parking facilities: When required parking facilities are provided on land other than the zoning lot on which the building or use served by such facilities is located, they shall be or remain in the same possession or ownership as the zoning lot occupied by the building or use to which the parking facilities are accessory.

No such off-site parking facilities shall be authorized and no occupancy permit shall be issued where the plans call for parking facilities other than on the same zoning lot until and unless the Planning Commission has reviewed the plans and heard the applicant and made findings that the common ownership or possession of the zoning lot and the site of the parking facilities are reasonably certain to continue and that the off-site parking facilities will be maintained at all times during the life of the proposed use of the building.

- k. In yards: Off-street parking spaces may be located in any yards except required front yards.
- l. Maximum number of spaces: The total number of accessory parking spaces provided for a single-family, two-family, or multiple-family dwelling shall not exceed that required by this ordinance for such use or for any equivalent new use by more than fifty percent (50%) or four (4) spaces, whichever number is greater.
- m. Exempt zone: Notwithstanding any other provisions of this ordinance, no accessory off-street parking facilities shall be required for any structure, except multiple-family residences, in the area enclosed by Patterson Street on the east; 11th Street on the south; Willow Street on the west; and 7th Street on the north.

29.08.150. Required spaces: Off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

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1. Dwelling and lodging uses:

- a. Hotels and motels: At least two (2) parking spaces; plus one parking space for each rental unit; plus such spaces as are required for restaurants, assembly rooms and affiliated facilities.
- b. Apartments and condominiums: Efficiency, one space per unit; one-bedroom, one and one-half (1 1/2) spaces per unit; two-bedroom, two (2) spaces per unit; three (3) or more bedrooms, three (3) spaces per unit. All units shall provide one space for any nonresident manager.
- c. Single-family and two-family dwellings: One parking space for each dwelling unit.
- d. Bed and Breakfasts/Lodging houses: One parking space per each one (1) lodging room.
- e. Dormitories, fraternities, sororities and other lodging facilities and rooms: At least two (2) parking spaces for each three (3) occupants, based on the designed capacity of the building.
- f. Mobile home parks: At least one parking space for each mobile home, plus at least two (2) additional spaces for each five (5) mobile home spaces.

2. Commercial and industrial uses:

- a. All business and commercial establishments except those specified thereafter: At least one parking space for each three hundred square feet (300 s.f.) of floor area.
- b. Retail stores: At least one parking space for each two hundred fifth square feet (250 s.f.) of floor area.
- c. Automobile service stations: At least two (2) parking spaces for each service bay, plus one for each employee, but not less than five (5) parking spaces.
- d. Banks and financial institutions: At least one parking space for each two hundred square feet (200 s.f.) of floor area.

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- e. Dental clinics and medical clinics: At least three (3) parking spaces for each examination or treatment room, plus one for each doctor and employee of the building.
- f. Office, professional and public administration or service building: At least one parking space for each three hundred square feet (300 s.f.) of floor area.
- g. Cartage, express, parcel delivery and freight terminal establishments: At least one (1) parking space for each two (2) employees as related to the working period when the maximum number of persons are employed on the premises, and one parking space for each vehicle maintained on the premises.
- h. Establishments handling the sale and consumption on the premises of food, beverages or refreshments: At least one (1) parking space for each three (3) persons based upon the maximum number of persons that can be accommodated at the same time in accordance with the designed capacity, provided that drive-in restaurants shall have a minimum of at least ten (10) parking spaces.
- i. Furniture, appliance stores, motor vehicle showrooms and used car lots: At least one parking space for each four hundred square feet (400 s.f.) of enclosed floor area and at least one parking space for each three thousand square feet (3,000 s.f.) of open sales lot area devoted to the sale and display of motor vehicles.
- j. New and used motor vehicle, mobile home and trailer sales rental lots: At least one parking space for each three thousand square feet (3,000 s.f.) of open sales lot area devoted to the sale, display and rental of motor vehicles, mobile homes, and trailers.
- k. Manufacturing, production, processing assembly, disassembly, cleaning, servicing, testing or repairing of goods, materials or products: At least one parking space for each three (3) employees as related to the working period when the maximum number of persons are employed on the premises.
- l. Automobile wrecking yards: At least one parking space for each two (2) employees, plus one space for each ten thousand square feet (10,000 s.f.) of storage area.

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- m. Automobile laundries: At least two (2) parking spaces for each stall in a self-service establishment, and at least two (2) parking spaces for each twenty linear feet (20 l.f.) in attendant operated establishments.
 - n. Bowling alleys: At least five (5) parking spaces for each alley, plus such additional space as may be required herein for affiliated uses such as restaurants and the like.
 - o. Theaters: At least one parking space for each four (4) seats.
 - p. Undertaking establishments and funeral parlors: At least one parking space for each four (4) seats, based upon the designed maximum capacity parlor, plus at least one parking space for each employee and one parking space for each vehicle maintained on the premises.
 - q. Warehouse, storage and wholesale establishments: At least one parking space for each three (3) employees, as related to the working period when the maximum number of persons are employed on the premises.
3. Other uses:
- a. Secondary schools, public or private: At least two (2) parking spaces for each three (3) faculty members and one for each eight (8) students, based upon the maximum number of students attending classes on the premises at any one time in any twenty-four (24) hour period.
 - b. Primary and intermediate schools, nursery schools and group day care centers, public or private: At least one parking space for each three (3) faculty members and other full-time employees, plus a satisfactory off-street student loading area.
 - c. Trade and commercial schools: At least one parking space for each three (3) students.
 - d. Hospitals: At least one parking space for each two (2) hospital beds, plus one parking space for each two (2) employees (other than doctors) on duty, plus one parking space for each doctor assigned to the staff.
 - e. Nursing and convalescent homes: One parking space for each two and one-half (2 1/2) residents, based on the designed maximum capacity,

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plus one parking space for each employee or staff member on duty.

- f. Churches and temples: At least one parking space for each four (4) seats.
- g. Private clubs and lodges: At least one parking space for each three (3) persons, based on the maximum number of persons that can be accommodated at same time in accordance with designed capacity.
- h. Swimming pools and clubs: At least one parking space for each thirty-eight (38) square feet of water area.
- i. Auditoriums, gymnasiums and other places of assembly without fixed seats: At least one parking space for each three (3) persons, based upon the designed maximum capacity.
- j. Auditoriums, gymnasiums and other places of assembly with fixed seats: At least one parking space for each four (4) seats.
- k. [Unlisted uses:] Parking spaces for other permitted or special uses not listed above shall be provided in accordance with the determination of the Planning Commission, with respect to the number of spaces that are required to serve employees and/or the visiting public at each such use.

CHAPTER 29.09 SPECIAL USES

29.09.010. Conditional uses:

Any person applying for a conditional use permit shall make an application for such permit in the Engineering Dept.; notice of conditional use permit request shall be published twenty (20) days prior to the next regular Planning Commission meeting; a written notice containing the same information as the published notice shall be mailed to all owners of property within two hundred (200) feet thereof. (See permit regulations in Section 29.06.) Upon receiving the application for conditional use permit, the Planning Commission shall hold a "public hearing" within sixty (60) days from the filing date.

~~Approval of conditional use permits must be made by a majority of the Planning Commission. Decisions upon the conditional use request shall appear in the Planning Commission minutes. No further approval shall be required.~~

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~~The Planning Commission may recommend approval of a Conditional Use Permit, and the City Commission may approve such permit, using the following factors shall be considered by the Planning Commission~~ in determining its recommendation:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations, and use limitations.
2. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
3. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate use of the neighboring property in accordance with the applicable zoning district regulations.

In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

- a. The location, nature and height of buildings, structures, walls and fences on the site.
 - b. The nature and extent of landscaping and screening on the site.
4. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. (Section 29.08.)
 5. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 6. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.
 7. In consideration of requests for any conditional use permits, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interests of the City, and the surrounding property and to achieve the objectives of this Ordinance.

A violation of a requirement, condition, or safeguard shall be considered a violation of

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this Ordinance and grounds for the Zoning Administrator to terminate and cancel such conditional use permit.

8. The Planning Commission may recommend a time limitation on the conditional use requested. Said conditional use permit shall be renewable at the discretion of the Planning Commission.

29.09.050. Group Home.

No mentally ill person shall be eligible for placement in a group home unless such person has been evaluated by a licensed provider and such provider determines that the mentally ill person is not dangerous to others and is suitable for group-home placement. A group home shall not be a licensed provider for the purposes of evaluating or approving a mentally ill person in a group home.

1. No person shall be eligible for placement in a group home if such person is (a) assigned to a community corrections program or a diversion program; (b) on parole from a correctional institution or on probation for a felony offense; or (c) in a state mental institution following a finding of not guilty by reason of insanity pursuant to K.S.A. 22-3428, and amendments thereto.

2. No person shall be placed in a group home under this act unless such dwelling is licensed as a group home by the department of social and rehabilitation services or the Dept. of Health & Environment.

3. The City shall not prohibit the location of a group home in any zone or area where single family dwellings are permitted. Any zoning ordinance, resolution or regulation which prohibits the location of a group home in such zone or area or which subjects group homes to regulations not applicable to other single family dwellings in the same zone or area is invalid.

4. Notwithstanding the provisions of this act, group homes shall be subject to all other regulations applicable to other property and buildings located in the zone or area that are imposed by the City through zoning ordinance, resolution or regulation, its building regulatory codes, subdivision regulations, or other nondiscriminatory regulations.

5. No person or entity shall contract or enter into a contract, restrictive covenant, equitable servitude or such similar restriction, which would restrict group homes or their location in a manner inconsistent with the provisions of this act.

29.09.100. Home occupations:

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Any person applying for a home occupation permit shall make an application for such permit in the Engineering Department; notice of home occupation permit request shall be published twenty (20) days prior to the next regular Planning Commission meeting; a written notice containing the same information as the published notice shall be mailed to all owners of property within two hundred (200) feet thereof. (See permit regulations in Section 29.06.)

Approval of home occupation permits must be made by a majority of the Planning Commission. Decisions upon the home occupation request shall appear in the Planning Commission minutes. No further approval shall be required.

With the approval of the Planning Commission, a home occupation will be permitted in any district (excluding I-1 and I-2) under the following conditions:

1. A home occupation shall be located in the main residential building, shall be incidental to the principal use of the premises and shall not occupy more than twenty percent (20%) of the total floor area of the residential building.
2. If some product is made as part of the activity, it and only it may be sold.
3. There shall be no alteration of the residential building which changes the character of the dwelling.
4. There shall be no mechanical or electrical equipment exceed the permissible noise exposure of 90 decibels in an eight-hour day (OSHA, 29CFR Ch. XVII, 7-1-92 edition).
5. No outdoor storage of materials or equipment used in the home occupation shall be permitted; no commodities shall be displayed or sold outside of the main residential building.
6. No person shall be engaged in such home occupation other than a person occupying such dwelling as his residence.
7. There shall be no manufacturing or processing done under a home occupation permit.
8. There shall be no visible evidence of the operation except for one non-illuminated sign no larger than two (2) square feet in area, and not exceed thirty-six (36) inches in length.
9. A home occupation permit shall be issued only to the owner or tenant occupying a dwelling as his residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner or tenant.

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Such home occupations may include, but are not limited to, the following:

1. Artists, sculptors and authors or composers.
2. Barber and beauty shops.
3. Dressmakers, seamstresses, tailors.
4. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc.
5. Ministers, rabbis, priests.
6. Music teachers, provided that instructions shall be limited to one pupil at a time, except for occasional groups.
7. Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.
8. Office facilities for salesmen, sales representatives, manufacturers' representatives, when no retail, wholesale or exchange of goods are made or transacted on the premises.
9. Child Group Day-Care Home:
 - a. Not more than ten (10) children, including the operator's own children, shall receive care during a calendar day.
 - b. The owner or operator shall occupy the structure as his or her private residence.
 - c. Child group day-care homes shall be operated in accordance with State of Kansas Dept. of Health & Environment regulations.
 - d. If the planning commission find that neighboring properties will be adversely affected, they may require that the number of children be reduced to the extent that adjoining properties will not be adversely affected.

A home occupation cannot create a nuisance with regard to:

1. Anything that creates interference with radio or TV reception.
2. Fire or explosive hazard.
3. Gases.
4. Glare or heat.
5. Noise.
6. Odor.

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7. Smoke and other particulate matter.
8. Traffic / Parking.
9. Trash accumulation.
10. Vibration.
11. Water Pollution.
12. Other factors detrimental to the health, safety and welfare of the area.

29.09.150. Planned unit development:

1. Purpose: It is the intent of this ordinance to provide for a greater flexibility in the design of buildings, yards, courts and circulation that would not otherwise be possible through the strict application of district regulations, and to produce:

- a. A maximum choice in the types of environment and living units available to the public.
- b. Open space and recreation areas.
- c. A pattern of development which preserves trees, outstanding natural topography, and geologic features, and prevents soil erosion.
- d. A creative approach to the use of land and related physical development.
- e. An efficient use of land resulting in smaller networks of utilities and streets.
- f. An environment of stable character in harmony with surrounding development.
- g. A more desirable environment than would be possible through strict application of other sections of this ordinance.

2. A residential PUD shall function as an overlay district which acts in conjunction with the underlying zoning district. As such, the residential PUD may be established in any residential district and will not require a zoning change.

3. In general, the height and bulk of buildings, the amount of open space, light and air, the concentration of population and parking requirements will be equivalent to those in the corresponding districts R to R-4 inclusive. The uses permitted shall also be the same as in the equivalent districts R to R-4 inclusive.

4. Variations and departures from normal practice may, however, be permitted provided that the governing body finds that in respect to the intended use of the PUD, such modifications shall create an environment for living that is equal or superior to the development obtainable under existing zoning regulations. For example:

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- a. Each residential structure need not face on a public street. Residential structures may be located closer to lot lines than otherwise permitted provided such buildings are architecturally suitable for such relationship to adjoining buildings or property, due consideration being given to future development of adjoining property under separate ownership.
- 5. Any building or portion thereof may be owned in condominium under K.S.A. 58-3101, et. seq.
- 6. Design standards and conditions for residential PUDs:
 - a. Location: A residential PUD shall be permitted as an overlay district to any residential district and shall not require a zoning change.
- 7. The PUD shall be designated as follows:

<u>PUD</u>	<u>Corresponding District</u>
R/PUD	R Single Family
R-1/PUD	R-1 Single Family
R-2/PUD	R-2 Two Family
R-4/PUD	R-4 Multi Family

- a. Design characteristics: The design of the residential PUD may provide for modifications of interior yard setbacks provided that the plan provides adequate space between buildings for access by emergency vehicles. Yard setbacks on the outside perimeter of the PUD may be reduced. However, said perimeter setback requirements shall not be detrimental to adjacent property.
- b. Minimum size: The minimum size of site upon which a PUD may be situated is intended to be two (2) acres. However, the City Commission may vary said minimum area where such an alteration would not have a negative impact on adjacent property.
- c. Type of permitted dwelling units: The type of dwelling units permitted within the residential PUD shall remain the same as would be permitted if the area were to be developed conventionally. However, the dwelling units so permitted may be clustered and located irrespective of yard setback requirements or lot lines in order to create a smaller network of streets and utility lines and to create additional open space for the

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enjoyment of the residents provided necessary setbacks be maintained to allow emergency access in case of fire or natural disaster.

- d. Number of permitted dwelling units: The maximum number of permitted dwelling units within a residential PUD shall be computed as follows:

$$\text{Permitted dwelling units} = \frac{\text{Residential area of the PUD}}{\text{Minimum lot area per dwelling unit permitted in the applicable use district}}$$

The residential area for the purposes of the above described computation shall be the gross area of the PUD less the lot area or areas designated for any use other than dwellings, quasi-dwellings, residential open space and recreation areas.

- e. Minimum lot area: The **average** lot area per dwelling unit shall not be less than the least restrictive minimum lot area per dwelling unit permitted in the applicable zoning district.

PUD DISTRICT

<u>Dwelling unit type</u>	<u>R/PUD</u>	<u>R-1/PUD</u>	<u>R-2/PUD</u>	<u>R-4/PUD</u>
Single Family	*10,000 s.f.	*7,000 s.f.		
Two Family			*5,500 s.f.	
Multi Family				*5,500 s.f.

*denotes the **average** lot area required per dwelling unit

- f. Off-street parking: The off-street parking requirements, as required by the applicable zoning ordinances, may be complied with by providing one or more permanent, common, off-street parking facilities for all uses within the development, provided that the parking facility contains the requisite number of spaces for each use as required by applicable zoning ordinances.

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The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the ownership of permanent control of the owners for the use for which the spaces are required.

- g. Permitted uses: The uses permitted by right in a residential PUD shall be only those designated in the corresponding districts listed above as set out in Section 29.010.
- h. Conditional uses: The uses conditionally permitted shall only be those designated in the corresponding districts listed above as set out in Section 29.010.
- i. Height limitations: The height limitations for structures in residential PUDs are intended to be the same as those for corresponding residential districts.

However, the governing body may vary said maximum building height where such an alteration would permit a more harmonious relationship to adjacent property and where the public health, safety and welfare will be preserved.

- j. Common open space: Open space resulting from the application of the residential PUD standards for density or intensity of land use shall be set aside for the use and benefit of the residents in such development. The appropriateness of the layout and configuration of open space shall be determined by the Planning Commission in respect to the intended use of the PUD.

Such open space shall be owned and maintained in common by the residents through a homeowner's association. The residential PUD shall include such provisions for the ownership and maintenance of the common open space as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the City if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the PUD or of the entire community. Such remedial measures shall include provisions for right of access over private streets, if necessary.

- k. Staged development: The residential PUD may be developed in stages.

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In such case, the owner of the PUD shall designate divisible geographic sections of the entire parcel to be developed as a unit, and shall specify the intended sequence and time schedule of development for each unit.

Each stage of development shall be a balanced unit of development and shall not provide a higher density or less open space as permitted in the PUD standards. However, it is recognized that in some instances it may be desirable to begin development with those portions of the overall PUD area which is devoted to more intensive use, leaving the undeveloped stages of the PUD in depleted density and open space.

In such cases the governing body may permit the development of an initial stage containing a density in excess of that allowable within the whole PUD unit provided that such departure is in the best interest of the residents of the PUD and the City. In such case, the developer shall be required to execute a deed running in favor of the City granting it the following rights:

1. The right, in the event that development of the PUD is abandoned prior to completion, to locate the required amount of open space upon the balance of the PUD site for the exclusive benefit of the residents of the developed portion of the sites - such location to be established only after a public hearing given to all interested parties;
 2. The right, after such hearing and decision upon the proper location, to require that the developer deed the open space over to the established PUD homes association.
-
- l. Landscaping and screening requirements: The governing body may require additional landscaping and/or screening where it is necessary to protect the property values of the immediate neighborhood or its environs. Such additional requirements may be contained in the conditions in each ordinance authorizing the establishment of the particular residential PUD.
 - m. Financial guarantees: The developer may be required to furnish such performance bonds, escrow deposit, or other financial guarantees as may be reasonably required to assure performance in accordance with the development plan and to protect the public interest in the event of abandonment of said plan before completion.

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8. PUD pre-application procedure: Before any application for a PUD is made under this ordinance, the owner or his agent and the owner's engineer or architect, shall confer with City staff to determine the applicable ordinances and regulations and to familiarize themselves with procedures required by the City of Coffeyville.

9. PUD Application: An application for a PUD overlay may be submitted for any residential zoning district and shall not require a zoning change.

A preliminary plan shall include the entire PUD project. Application of the preliminary plan/plat approval shall be made on forms obtained from the office of the city engineer. Said application shall be completed in its entirety and filed together with a reproducible original and four (4) copies of the proposed preliminary plan and the preliminary plat at least twenty-five (25) days prior to the regular City planning commission meeting at which the proposed PUD will be considered.

The application for preliminary plan/plat approval shall include the following information.

- a. The applicants/owners names, mailing addresses and telephone numbers.
- b. The street address or general location of the site.
- c. The legal description for the entire PUD.
- d. The existing zoning of the property.
- e. The proposed use of the property.
- f. Generally, the type of structures proposed.

10. PUD preliminary plan: The developer shall also submit with the PUD a reproducible original and twelve (12) copies of the proposed preliminary plan drawn at 1" = 100'.

- a. Location of proposed land uses.
- b. Scale, date and north arrow.
- c. Location of proposed and existing collector streets and thoroughfares serving the PUD.
- d. Sufficient surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed.
- e. Existing topography with contours at a maximum of two feet (2') intervals and drainage information regarding the number of acres in the drainage area and the indication of the 100-year flood level on all creeks.
- f. Location and size of open space and recreation areas.

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- g. General location of proposed buildings, parking facilities, signs, ponds and walkways with significant dimensions indicated to clarify the plan.
 - h. All buildings and uses shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the PUD shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation.
 - i. The substance of covenants, grants of easements or other restrictions proposed to be imposed upon the use of land, buildings, and structures, including proposed easements or grants for public utilities.
11. Preliminary plan/plat review procedures:
- a. Criteria for preliminary plan/plat approval shall consist of the following:
 - 1. The preliminary plan is in conformance with the standards and conditions of the PUD in which it is located.
 - 2. The preliminary plat is in conformance with the Coffeyville subdivision regulations.
 - 3. The streets proposed are suitable and adequate to carry anticipated traffic and will not overload the streets adjacent to the development.
 - 4. The existing or proposed utility services are adequate for the proposed PUD.
 - 5. Modifications in floor area, building height, yard setbacks or uses as permitted in a PUD shall result in a more desirable land use development than would otherwise result from the application of the basic provisions of the zoning ordinance.
 - 6. The preliminary plan reflects the intent of the PUD in which it is located.
 - 7. The proposed uses and the development plan are compatible with and implement the planning goals and objectives of the City as contained in the comprehensive plan.

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8. The applicant shall demonstrate adequate financial resources to assure compliance of the PUD.
 9. The preliminary plans are consistent with good general planning practice and the development will promote the general welfare of the City.
- b. Action by the Planning Commission:
1. The Planning Commission shall hold a public hearing on the PUD application as provided by law.
 2. The Planning Commission shall consider reports from the following public agencies or departments before submitting a recommendation to the governing body:
 - a. Public utilities
 - b. Fire
 - c. Building inspector
 - d. Engineering
 - e. Public Service
 3. The Planning Commission shall, within thirty (30) days following the public hearing, recommend approval or disapproval of the preliminary PUD plan and shall transmit written notice of its recommendation to the governing body. Failure of the Planning Commission to make a recommendation within the thirty (30) day period shall constitute approval of the preliminary plan/plat.
 4. The Planning Commission shall recommend to the governing body such additional conditions of use as it deems necessary to protect the best interests of the City and the surrounding property and to achieve the objectives of this ordinance.
- c. Action by governing body:
1. Upon receipt of the Planning Commission's recommendation, but within forty-five (45) days from the date of the public hearing, the City Commission may approve or disapprove the requested overlay application. Approval shall be granted if the body finds

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the proposed PUD is consistent with good general planning practice, can be implemented in a manner that is not detrimental to the surrounding neighborhood environment and is deemed desirable to promote the general welfare of the City. The recommendations of the Planning Commission shall not be binding on the governing body which may approve or disapprove the Planning Commission's findings.

12. PUD final plan/plat approval: No application shall be accepted for approval of a final plan/plat approval until the preliminary plan/plat has been approved for the PUD in accordance with Sections 29.010 and 29.011.

- a. A final plan/plat may include the entire preliminary plan/plat area or it may include only a phase or several phases of the approved preliminary plan/plat.
- b. Application for final plan/plat approval shall be made in the City Engineer's office. Said application shall be filed together with a reproducible original and twelve (12) copies of the proposed final plan and final plat with the engineering dept. at least twenty-five (25) days prior to the meeting of the Planning Commission at which the project is to be considered.
- c. Application for final plan/plat approval shall include the following:
 1. The title of PUD.
 2. The names of the owners/developers.
 3. The general location of the PUD project.
 4. A certificate showing no delinquent taxes outstanding.
 5. Acreage in final plan/plat.
 6. Certification by a land surveyor to the effect that the plat represents the accurate results of a survey made by him.
 7. Abstract of title or other certificate establishing ownership interests and proof that proper parties have signed the plat for all land in the PUD.

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8. Proposed deed restrictions, protective covenants and homeowner's association articles of incorporation and bylaws.
 9. Proposed method of maintaining any open space areas such as common open space areas, common areas in front of or surrounding homes, playgrounds, swimming pools, tennis courts, and similar facilities.
 10. An agreement in writing on a form provided by the city engineer that the developer shall install the minimum improvements required in the subdivision regulations.
 11. Signatures of applicants and owners certifying the accuracy of the requested information.
 12. Any additional information deemed necessary by the zoning administrator.
- d. Final plan/plat: The application shall be accompanied by a reproducible original and twelve (12) copies of the proposed final plat drawn at a scale of 1" = 100' horizontal and drawn on the existing topographic survey of the property. Also, five (5) sets of final construction plans shall be submitted with the final plan/plat.
1. The title of PUD.
 2. Scale, date and north arrow.
 3. A key map drawn at appropriate scale showing the final plan in relation to the approved PUD (if the plan represents only a portion of the development) and the plan in relation to the surrounding area.
 4. The boundary lines of all adjoining lands for a distance of 100' and showing the right-of-way lines of adjacent streets and alleys with their widths and names.
 5. Existing conditions in the plan area showing all utilities, bridges, streets, alleys and existing structure.

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6. Existing zoning classification of PUD and the zoning that exists on all adjacent properties.
7. Location of all proposed buildings, streets, parking facilities, signs, open space areas, ponds and walkways with significant dimensions indicated to clarify the plan.
8. All buildings and uses shall be clearly labeled as to the proposed use and all parcels of lands to be dedicated or reserved for public use or for use in common by property owners in the PUD shall be indicated on the preliminary plat, along with any conditions of such dedication or reservation.
9. Site plan data shall be indicated on the final plan and shall include the following:
 - a. Total gross area of the final plan in acres and square feet.
 - b. Breakdown of total gross area by land use type such as townhouses, single family, retail shops, open space, church, school, etc.
 - c. Residential data: total residential units, average square feet of residential land per each type of unit, breakdown of non-residential land by type and use, total parking by land use type and parking ratio per dwelling unit.

13. Final plan/plat review procedures: The final plan/plat shall be in general compliance with the preliminary plan/plat. The final plan/plat shall be deemed to be in general compliance provided any modification of the plan does not:

- a. Result in a change in the proposed building arrangement or land use pattern which significantly changes the design concept or the relationship to any property abutting or fronting upon the PUD.
- b. Result in a change in the proposed traffic pattern which significantly changes the traffic circulation concept or the circulation relationship to any property abutting or fronting upon the PUD.

14. The final plat shall be in conformance with the subdivision regulations and the zoning ordinance. Variations other than those allowed for in this section shall be considered

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amendments to the plan and the application for such amendment shall be handled in the same manner as the processing procedures for preliminary plan/plat approval.

15. Staff review and comment: Upon submittal of the application for final plan/plat approval, the zoning administrator and other designated members of the City staff or Planning Commission shall review the plan to determine its compliance with the criteria for final plan/plat approval.

The City zoning administrator shall forward the application and copies of the final plan/plat to the Planning Commission along with a written summary of the staff review and analysis.

16. Action by the Planning Commission:

- a. The Planning Commission shall, within thirty (30) days following its consideration of the final plan/plat, recommend approval or disapproval of said final plan/plat and shall transmit written notice of its recommendation to the governing body. Failure of the Planning Commission to make a recommendation within the thirty (30) day period shall constitute approval of the preliminary plan/plat.
- b. A public hearing need not be held for approval of a final plan if it is in substantial compliance with the approved preliminary plan/plat. However, if the Planning Commission finds that the final plan/plat does not comply with the preliminary plan/plat, then it shall be processed in the same manner as the original application with public hearings before the Planning Commission and the governing body following due public notice as required by law.

17. Action by governing body:

- a. Upon receipt of the Planning Commission's recommendation, but within forty-five (45) days from the date of the public hearing, the City Commission may approve or disapprove the requested overlay application. Approval shall be granted if the body finds the proposed PUD is consistent with good general planning practice, can be implemented in a manner that is not detrimental to the surrounding neighborhood environment and is deemed desirable to promote the general welfare of the City. The recommendations of the Planning Commission shall not be binding on the governing body which may approve or disapprove the Planning Commission's findings.

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18. Effect of final plan/plat approval:

- a. Approval of the final plan/plat and construction plans shall confer upon the developer, for a period of one (1) year from the date of approval, a right that all design concepts shall remain unchanged as they apply to the property included in the final plan/plat.
- b. Approval of the final plan/plat and the construction plans (as required in the Coffeyville subdivision regulations) shall confer upon the developer the right to record the final plat in the office of the Register of Deeds for Montgomery County, Kansas.
- c. Upon approval of the final plan/plat and construction plans and after the plat has been officially recorded by the Register of Deeds, the developer shall have the right to sell lots in the PUD.

19. Issuance of Building Permits:

No building permit shall be issued for the construction of any structures and no placement of utilities shall take place on any portion of the PUD until the final plat of the areas to be developed and the necessary covenants shall have been filed on record with the Register of Deeds.

20. Project abandonment

- a. In the event that a plan and plat or section thereof is given final approval and thereafter, the land owner shall abandon said plan or section, he shall so notify the City in writing. In the event the land owner shall fail to commence the proposed development within one (1) after final approval has been granted, such final approval shall terminate and shall be deemed null and void unless such time period is extended by the Planning Commission upon written application by the landowner.
- b. Where a PUD has been processed so that the final plat is approved, its abandonment shall require the approval of the Planning Commission and vacation of the plat.

21. Appeals

- a. Any person or persons, including city officials, jointly or severally

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aggrieved by any decision of the governing body may appeal such decision back to the body, provided that:

1. Such appeal is accompanied by specific items which either were not included in the original petition or were not adequately explained to the body prior to their action on said petition; and, furthermore, there is reason to believe that if such item(s) were included in the original petition, the governing body's decision might be reversed or modified.
2. Such appeal is filed at the office of the City Clerk within thirty (30) days after the governing body's action on the original petition.
3. Only one such appeal shall be allowed for every person, officer, board or other group of people who may have a shared interest in said petition. However, further appeal to such decisions by the body may be presented to the District Court of Montgomery County, as provided in paragraph 22 below.

22. Any person or persons jointly or severally aggrieved by any decision of the governing body may present to the District Court of Montgomery County, Kansas, a petition duly verified.

Said petition shall set forth that such decision is illegal, in whole or in part, and specify the ground of its illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision by the governing body.

29.09.200. Residential design manufactured home:

1. On and after January 1, 1992, residential-design manufactured homes, as defined in these regulations, shall be permitted wherever one-family dwellings are permitted, subject to the following architectural and aesthetic standards:

- a. The roof must be double-pitched and have a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run, 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.
- b. Exterior siding cannot have a high-gloss finish, and must be residential

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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.

- c. The home shall be permanently supported and attached to its foundation. A masonry wall shall enclose the crawl area (space between the ground and sub-floor) around the entire perimeter of the home and with the necessary openings for ventilation and access.
- d. All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.
- e. The unit must be oriented on the lot so that its long axis is parallel with the street. A perpendicular or diagonal placement may be permitted if there is a building addition or substantial landscaping so that the narrow dimension of the unit, as so modified and facing the street, is no less than 50 percent of the unit's long dimension.
- f. The lot must be landscaped to ensure compatibility with surrounding properties.
- g. The home must be at least 22 feet in width, not including overhang. See Section 29.05(#75).
- h. All fuel supply systems shall be constructed and installed within the foundation wall or underground within all applicable building and safety codes.
- i. j. Where a garage or carport is required, the external material and roofing of the garage or carport must be the same as that of the dwelling unit.
- k. Exclusion of manufactured homes is prohibited.
 - 1. The City of Coffeyville shall not adopt or enforce zoning regulations which have the effect of excluding manufactured homes from the entire zoning jurisdiction of the City. In addition, the governing body shall not adopt or enforce zoning regulations which have the effect of excluding residential-design manufactured homes from single-family residential districts solely

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because they are manufactured homes.

1. Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land.

29.09.250. Special Use Permits:

Any person applying for a special use permit shall make an application in the Engineering Department; notice of request shall be published ten (10) days prior to the next regular Planning Commission meeting; a written notice containing the same information as the published notice shall be mailed to all owners of property within two hundred (200) feet thereof. (See permit regulations in Section 29.06.)

~~Approval of special exception use permits must be made by a majority of the Planning Commission. Decisions upon the special exception request shall appear in the Planning Commission minutes. No further approval shall be required.~~

~~The Planning Commission may recommend approval of a Special Use Permit, and the City Commission may approve such permit, using the following factors shall be considered by the Planning Commission in determining its recommendation:~~

1. Whether the proposed use will destroy the aesthetics of the surrounding development (to protect the character of the surrounding development.)
2. Whether the proposed use will result in increasing the amount of vehicular traffic to the point where it exceeds the capacity of the street network to accommodate it.
3. Whether the proposed use is reasonably necessary for the convenience and welfare of the public and will not substantially or permanently injure the appropriate use of adjoining property.
4. Whether the proposed use will impact the proposed development of community facilities.
5. Whether the proposed use will conform to the general intent and purpose of the ordinance. All special uses shall comply with the height and area regulations of the district in which they may be located.

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Any of the following uses may be located in any district by approval of a special use permit under the above conditions:

1. Amusement parks, commercial baseball, or athletic fields, race tracks, circuses, carnivals, or rodeo fairgrounds, multi-purpose facilities.
2. Aviation fields, airports, heliports or terminals.
3. Bed and breakfasts.
4. Buildings or the use of premises for public utility purposes or public service corporations, which buildings or the uses the board deems necessary for public convenience or welfare.
5. Cemeteries, mausoleums, or crematories for the disposal of the human dead.
6. Cemeteries for the disposal of animals.
7. Chick hatcheries and establishments for the incubation and hatching of chicken eggs into chicks for immediate sale, or sale within not more than one week after the hatching of said eggs.
8. Child care center: A day nursery providing care for ten (10) or more children, for part or all of a day, away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, centers giving emphasis to special programming for children, and other establishments offering care to groups of children for part or all of the day. Child care centers shall meet all requirements of the Kansas State Board of Health, and be duly licensed.
9. Churches or similar places of worship, with their accessory structures.
10. Drive-in theaters (outdoor theaters.)
11. 4-H, boy/girl scout camps.
12. Golf driving ranges and miniature golf courses, either commercial or illuminated.
13. Gun clubs or target ranges.
14. Homes for the care and convalescent of the aged or infirm.
15. Homes for the care of the mentally retarded.
16. Hospitals and clinics.

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17. Hospitals for the insane or feeble minded, or penal or correctional institutions.
18. Mobile homes and camper sales.
19. Off-street parking (parking lots.)
20. Quarries, mines, sand or gravel pits, or excavations for the purpose of removing, screening, crushing, washing or storage of ore, clay, stone, gravel, or similar materials; provided, however, that no permit shall be issued until and unless the site location and plan of operation, including necessary structures, has been submitted to and approved in writing by the Planning Commission, which permit shall be for a limited period of time, not to exceed five (5) years.
21. Reservoirs, (water supply) wells, towers, filter beds, or water supply plants.
22. Riding stables and tracks, or riding academy.
23. Sewage, refuse, or garbage disposal plants, sites or dumps.
24. Tourist cabin, motels, and motor hotels.
25. Primary Structure Communication Towers, subject to the following additional conditions: **Should all of this be a separate outline number ? Like the PUD? We don't want these to be able to go into any District.**
 - a. PURPOSE: The purpose of these regulations is to establish reasonable restrictions for the siting and screening of communication towers and their related equipment in order to accommodate the growth of wireless communication systems while protecting the public against any adverse impacts on the community's aesthetic resources and the public welfare. Also, to balance the growth of wireless communications systems while protecting the public health, safety and welfare, these regulations establish minimum standards for construction and facility siting to minimize visual effects of towers through careful design, siting, lighting and screening, avoid potential damage to adjacent properties from tower failure through engineering and appropriate siting of tower structures, encourage the joint use of any new communication tower to reduce the number of such towers needed in the future, and require the removal of abandoned towers.
 - b. REGULATIONS: Each application for a Special Use Permit for a communication antenna or communication tower and where the location of the proposed communication antenna or communication tower is within the incorporated boundaries of the City, shall be accompanied by a development

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plan in sufficient detail to evaluate its conformance with applicable standards and guidelines.

1. Site Development Plan requirements:
 - A. A site plan or plans drawn to a scale of 1" = 30.00' or larger and identifying the site boundary, tower location, guy wire anchors, existing and proposed structures, existing vegetation and proposed landscaping, and use, structures, and land use designations on the site and abutting parcels.
 - B. Location of access roads, fencing and type, parking area.
 - C. Proposed lighting and exterior lighting specifications.
 - D. Land elevation contours.
 - E. Details of any proposed building, its elevations and proposed use of the building.
2. The applicant shall provide written authorization from the property owner of the proposed tower site, unless the site is owned by the applicant.
3. A report, bearing the engineer's seal, shall accompany the sealed plans from a registered engineer, which describes the tower's design standards and structural capacity, including the number and type of antennas it can accommodate.
4. A report shall accompany the plan, which compares all potential host sites within an approximate ½ mile radius of the subject site. The report shall include a description of the surrounding sites, a discussion of the ability or inability of the site to host a communication facility and the reasons why the site was excluded from consideration. The applicant shall demonstrate to the Planning and Zoning Commission's satisfaction that the alternative site or tower is not available or suitable due to one or more of the following reasons:
 - A. Unwillingness of the owner to entertain a communications facility proposal.

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- B. Topographic limitations of the site.
 - C. Adjacent impediments that would obstruct adequate communication tower transmission.
 - D. Physical site constraints that would preclude the construction of a communication tower.
 - E. Technical limitation of the system.
 - F. The planned equipment would exceed the structural capacity of existing and approved towers and facilities, considering existing and planned use for those facilities.
 - G. The planned equipment would cause frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
 - H. Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably.
 - I. The applicant demonstrates that there are other limiting factors that render the use of existing towers and structures unsuitable.
- 5. A map identifying the service area of the proposed tower shall be made available to the Planning and Zoning Commission.
 - 6. A signed statement from the applicant indicating their intention to share space on the tower with other providers subject to reasonable acceptable terms and the number of providers that the communication tower can support.
- c. STANDARDS: The following standards of development shall be maintained for the approval of the application for a Special Use Permit.
 - 1. Tower Design: All communication towers shall be designed and engineered by a registered professional engineer and conform to the design standards of the Electronic Industry Association's EIA/TIA-222-E, as amended, or other standard approved by the Commission.

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2. Setbacks: Towers and accessory buildings shall meet the yard requirements of the zoning district in which they are located. S
3. Separation Requirements: All communication towers, except those designed as an architecturally compatible elements in terms of the material, design and height to the existing or proposed use of the property, shall comply with the following separation requirements:

All towers shall have a 1,500' separation

In support of a deviation request from the separation requirements, the applicant shall submit a technical study acceptable to the City, which confirms that there are not other suitable sites available within the separation requirements. The Planning and Zoning Commission may also recommend to the City Commission that a deviation be granted to allow two or more communication towers within a 200' radius be clustered for the purpose of lessening the overall visual impacts of such towers on the community.

4. Accessory uses: Accessory uses shall include only those buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage area, nor similar uses not necessary for the transmission functions.
5. Fencing and Screening: Security fences must be constructed around or upon parcels containing towers and similar structures. The base of the tower shall be screened from view with a solid screening fence a minimum of 6' in height above the ground if requested by adjacent property owners, notwithstanding right-of-ways. The materials proposed for the screen shall be specified in the development plan, and subject to the review of the Planning and Zoning Commission and the City Commission. The Planning and Zoning Commission and/or City Commission may waive the required screening where the design of the accessory facilities provides the necessary screening from view.
6. Security: All towers must be secured to protect against trespass or unauthorized use of the tower or accessory structures. The security may be the same as the visual screening and fence if it meets the criteria set forth in paragraph "c 5." above.

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7. Lighting: Communication towers shall not be lighted except to insure public safety as required by the Federal Aviation Administration. Towers shall be designed and sited so as to avoid, wherever possible, application of FAA lighting, signage and painting requirements. Advertising signage will be prohibited on structure. Security lighting around the base of a tower may be provided such that the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way.

d. MAINTENANCE: All towers, telecommunications facilities and similar structures shall at all times be kept and maintained in good condition, order and repair so as not to menace or endanger the public health or safety. Permittees shall install and maintain towers, telecommunications facilities, wire, cables, fixtures and other equipment in compliance with the requirements of the adopted electrical code of the City of Coffeyville, as appropriate. The property will be maintained within the requirements of other sections of the code.

The permittee shall certify in writing that its tower is structurally sound and conforms to the requirements of the applicable state law and all other construction standards set forth by the local, state and federal law every three years after the initial permit period by filing, by January 1, of each three year period a sworn statement to that effect.

e. DEVELOPMENT STANDARDS: All proposed communications towers of 150' or less in height, not including a lightning rod, shall be designed to accommodate at least one additional wireless telecommunications or similar platform. All proposed communication towers in excess of 150' shall be designed to accommodate at least two additional antennas for each additional 150' of height. The above requirements may be modified by the Planning and Zoning Commission in order to provide the maximum number of compatible users within the radio frequency emission levels.

f. ABANDONMENT OF TOWER: Any antenna or tower that has not operated for a period of 12 continuous months or which was operated under a Special Use Permit which has been revoked as provided in this ordinance, shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 calendar days of a receipt of notice from the Planning and Zoning Commission notifying the owner of such required abandonment. If such antenna or tower is not removed within said 90 calendar days, the City

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Commission may cause the removal of such antenna or tower at the owner's expense. If multiple users of a single tower, then this provision shall not become effective until all users have ceased using the tower for a period of 12 continuous months.

- g. REVOCATION OF PERMIT: The City Commission may at any time revoke a permit for failure to comply with the provisions of these regulations.
1. The City Commission shall provide permittee with written notice of a cause for revocation and the intent to revoke and shall allow permittee 60 calendar days subsequent to receipt of the notice in which to correct the violation or to provide adequate assurance of performance in compliance. The City Commission shall provide permittee with written findings of fact, which are the basis of the revocation, with the notice required herein.
 2. The City Commission shall provide the permittee with the right to a public hearing before the City Commission at the written request of the permittee. The request must be made within 60 calendar days following permittee's receipt of the notice specified above, which public hearing shall follow the 60-calendar days notice. All interested parties shall be allowed an opportunity to be heard at the public hearing and present evidence.
 3. Within 30 calendar days after the public hearing date, the City Commission shall issue a written order setting forth its findings of fact and conclusions of law forming the basis for its decision.
 4. Upon written determination by the City Commission to revoke a permit, the permittee may appeal the decision to a court of competent jurisdiction.
 5. Upon permittee's failure to correct a violation, the City Commission may issue an order to disconnect utilities to said tower to any utility company providing same. Said order shall not be issued prior to 30 calendar days from the date of the City Commission's written determination. Said order shall be served upon the chief executive officer thereof, together with the permittee at the last known address, and have attached to it the findings of the City Commission.

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- h. PERMIT HOLDER CHANGES: A tower permit may not be sold, transferred, leased nor assigned by any other person without the prior notification of the City Commission.
- i. CONSIDERATION OF SPECIAL USE PERMIT: In lieu of the factors for consideration of a Special Use Permit application under Section 29.09.250 of these regulations, the Planning and Zoning Commission may recommend approval of the Special Use Permit, and the City Commission may approve such permit for a communications tower, using the following factors as guidelines:
 - 1. Whether approval of the conditional use would be consistent with the intent and purpose of, and meets the requirements of, these regulations.
 - 2. The aesthetic impact of the proposed communication tower on the surrounding neighborhood.
 - 3. Whether the relative gain to the public health, safety and general welfare outweighs the hardship imposed upon the applicant by not granting the permit.
 - 4. Whether the positions of the applicant and/or the opponents are substantiated by substantial competent evidence or rather generalized concerns or unsubstantiated claims are made to the Planning and Zoning Commission and/or City Commission.
 - 5. Whether an F.C.C. license has been granted to the applicant authorizing provision of wireless services to the community and whether radio frequency emissions will comply with F.C.C. regulations.
 - 6. Whether there is an existing tower upon which the applicant can co-locate and if so, what substantiated efforts have been made by applicant for co-location and upon what basis were any such towers deemed unacceptable by the applicant.
 - 7. Will the tower adversely impact adjoining property values, present a hazard to air space, negatively impact the environment, traffic or in any other manner create negative impacts upon the neighborhood or community.

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8. The recommendation of professional planning staff.
9. The expert testimony presented on behalf of and in opposition to the application.
10. Such other factors as may be relevant to the facts and evidence presented in the application.

29.09.300. Temporary uses:

Temporary locations are permitted in Zoning Districts C-1 through and including C-4 upon the review and finding by the zoning administrator that the proposed use is in the public interest.

1. An application for the location of a temporary use shall be filed with the engineering department a minimum of five (5) working days prior to the scheduled event.

2. The zoning administrator shall review said application for conformity with the zoning ordinance.

3. In approving a temporary use application, the zoning administrator may impose any reasonable condition relative to location, character or other feature of the proposed use. Those conditions imposed shall be in addition to any condition imposed by the zoning ordinance on a particular temporary use.

4. When in the judgment of the zoning administrator the use proposed has characteristics that may impact adjacent properties, notice shall be given to adjacent property owners prior to final action on the application.

5. The below temporary uses shall be allowed in any commercial district which are of the same general character and have the prior approval of the zoning administrator and which will not be detrimental to the district in which located.

- a. Christmas tree sales lot.
- b. Farmer's market.
- c. Flea market.
- d. Revival or tent meeting.

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- e. Transient merchant with or without temporary structure.

29.09.350. Special Exceptions (Reserved)

29.09.400. Recreational Vehicle Park **Should this be a separate zoning district? Like the M, Mobile Home Court District?**

1. Purpose: It is the intent of this section to achieve the following:

- a. Provide commercial rental parking spaces and sites for recreational vehicles (RVs), including motor homes, travel trailers, pick-ups, campers, tents and tent trailers.
- b. Provide goods and services customarily needed by occupants of the park.
- c. Assure reasonable standards for the development of facilities for the occupancy of recreational vehicles on a temporary basis, ranging from short overnight stops to longer destination-type stays of several days to eight (8) weeks.

2. Application Procedures

- a. Any person applying for a special use permit for a RV Park, or an expansion thereof, shall submit an application for such permit, along with all application requirements in the Engineering Department; notice of the permit request shall be published ~~twenty~~ **ten** (20 **10**) days prior to the next regular Planning Commission meeting; a written notice containing the same information as the published notice shall be mailed to all owners of property within two hundred (200) feet thereof (See permit regulations in Section 29.06). Upon receiving the application for a special use RV Park permit, the Planning Commission shall hold a “public hearing” within sixty (60) days of the filing date.
- b. Staff review and comment: Upon submittal of the application for a special use RV Park permit, the zoning administrator and other designated members of the City Staff or Planning Commission shall review the comprehensive development plan to determine its compliance with the criteria for permit approval.

The City zoning administrator shall forward the application and copies of the comprehensive development plan to the Planning Commission, along with a written summary of the staff review and analysis.

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- c. The Planning Commission shall, within **forty (40) days** following the public hearing, recommend approval or disapproval of the special use RV Park permit application and shall transmit written notice of its recommendation to the City **Commission**. Failure of the Planning Commission to make a recommendation within the **forty (40) day** period shall constitute approval of the application.
 - d. Upon receipt of the Planning Commission’s recommendation, but within sixty **(60) days** from the date of the public hearing, the City Commission may approve or disapprove the requested special use RV Park application. The recommendation of the Planning Commission shall not be binding on the governing body, which may approve or disapprove the Planning Commission’s findings.
3. Application Requirements – Any person applying for a special use permit for a RV Park, or an expansion thereof, shall submit an application for such permit in the Engineering Department, along with the following:
- a. A listing of all names and addresses of all owners of property located, in whole or in part, within two hundred (200) feet of the property line.
 - b. A time schedule for development.
 - c. An application fee of fifty dollars (\$50.00) for a RV Park permit.
 - d. A complete and comprehensive development plan, including the following:
 1. Detailed site plan, drawn to a scale of 1”=100’ or greater, including the dimensions and location of RV rental spaces, roadways, sidewalks, service buildings, permanent structures and common facilities, open space and recreation areas, surrounding land uses and zoning districts. The plan shall also include all existing or proposed easements, water course boundaries, public utilities, monuments, pins, benchmarks and other significant features.
 2. Vicinity map drawn to a scale of 1”=1000’.
 3. Typical roadway cross sections.
 4. Proposed surface treatment and design of all interior roadways and rental pads.

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5. Grading and drainage plans, including topography of site, at two (2) foot contours.
 6. Utility plans.
 7. Landscape and open space plans, drawn to a scale of 1"=50' or greater, and including calculations that confirm that all landscape and open space requirements have been met.
 8. Fire protection plan.
 9. Legal description of property, including acreage.
 10. Density of RV rental spaces per acre.
4. Site design standards and conditions for Recreational Vehicle Parks:
- b. Minimum Park Area – The minimum size of an RV park shall be six (6) acres. **Mobile Home court District is 2 ½ acres minimum.**
 - c. Rental Space Size – Minimum rental space size for those spaces having utility hookups shall be fifteen hundred (1500) square feet. Minimum rental space size for those spaces not having hookups shall be nine hundred (900) square feet. Minimum rental space size shall not include any area required for access roads, off-street parking, service buildings, recreation areas, office and similar RV park needs.
 - d. Rental Space Layout – Rental spaces shall be located so that there are no more than twelve (12) consecutive rental spaces located within a row. Rows that total more than twelve (12) rental spaces shall be designed to meet this requirement by incorporating open space or interior roadways within the row in a way that achieves the appropriate division of rental spaces.
 - e. Rental Pads – Each site shall be marked and numbered for identification and shall meet all requirements of this code. A minimum of eighty percent (80%) of all spaces shall be equipped with a surfaced area of not less than ten feet by forty feet, containing hookups for water, sewer and electricity. Surfacing shall consist of compacted crushed limestone, asphalt or concrete. Where crushed limestone is used, the design of the crushed limestone pad shall be approved by the City Engineer to maintain proper drainage and minimize dust. Where provided, each RV unit shall be parked entirely on the surfaced area so that no part thereof

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obstructs any roadway or walkway within the RV Park. Those spaces not equipped with such a surfaced area, intended for occupancy by recreational vehicles not having self-contained toilet, lavatory or bathing facilities, shall be equipped with a gravel pad, the design of which shall be approved by the City Engineer, of not less than ten feet by twenty-five feet for RV unit parking and a hookup for water. Spaces equipped with such a gravel pad shall not exceed twenty percent (20%) of the total number of spaces in the RV Park.

- f. Setback Requirements – Each rental space shall meet the following setback requirements:
1. Fifty (50) feet when abutting a state or federal highway or designated major arterial.
 2. Twenty-five (25) feet when abutting a public right-of-way other than ‘1’ above.
 3. Fifteen (15) feet when abutting any property line other than ‘1’ or ‘2’ above.
 4. There shall be a minimum distance of ten (10) feet between RV units parked side by side.
 5. There shall be a minimum distance of ten (10) feet between RV units parked end to end.
 6. There shall be a minimum distance of twenty (20) feet between any RV space and any building.
- g. Streets – Streets or roadways and parking areas within the RV Park shall be designed to provide safe and convenient access to all spaces and to facilities for common use by park occupants, and shall be constructed and maintained to allow free movement of emergency and service vehicles at all times, and shall be graded to drain and surfaced with asphalt or concrete, the design of which shall be approved by the City Engineer, to maintain proper drainage and minimize dust. All interior roadways shall be at least thirty-two (32) feet in width for two-way traffic, and at least eighteen (18) feet in width for one-way traffic. Parking shall not be allowed on park streets. A forty-five (45) foot turning radius shall be required on all curves, to allow access by emergency vehicles. Any bridges within the development shall have a capacity of at least sixteen (16) tons, to allow access by emergency vehicles. Road grades shall not exceed six percent (6%). Access into the park from a public street shall meet the same design standards as those of the

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public street, for a distance of forty (40) feet from the property line into the development. All roadways and walkways within the park shall be adequately lighted at night, to provide safe access.

- h. Frontage – All spaces shall have a minimum frontage of twenty-five (25) feet along an interior roadway.
- i. Sanitary facilities – Every RV Park shall be provided with one or more service buildings equipped with flush toilets, lavatories, showers and laundry facilities meeting minimum Kansas State Health Department standards. Such facilities shall be conveniently located at a distance of not more than five hundred (500) feet from any RV served. Such facilities shall be kept in a clean and sanitary condition, and plumbing fixtures shall be maintained in good working order. All such facilities shall be adequately lighted at all times and shall be well ventilated. Portable fire extinguishers of a type approved by the Coffeyville Fire Department shall be kept in the service buildings and at all locations designated by the fire department and shall be maintained in operating condition.
- j. Sanitary disposal stations – Every RV Park shall contain at least one sanitary disposal station for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner.
 - 1. Each sanitary station shall consist of a drainage basin constructed of impervious material, containing a disposal hatch and self-closing cover, and related washing facilities.
 - 2. The disposal hatch of sanitary station units shall be connected to the sewage disposal system. Related facilities required to wash holding tanks and the general area of the sanitary station shall be connected to the RV Park water supply system.
 - 3. Each sanitary station shall have a sign posted stating “Danger – Not to be used for drinking or domestic purposes.”
 - 4. Sanitary stations shall be approved by the Kansas State Department of Health.
- k. Utilities – All utilities shall be placed underground.
 - 1. Water Supply – An accessible, adequate, safe and potable supply of water under pressure shall be provided in every RV Park. The water supply shall be connected to the Coffeyville water system and installed to all applicable city

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standards. All plans and specifications shall be submitted with the zoning or rezoning request. Each rental space equipped with sewer and electrical hookups shall be equipped with two water outlets, to provide connection for the RV and a garden hose. All other rental spaces shall be equipped with one water outlet.

2. Sanitary Sewer – A minimum of eighty percent (80%) of all rental spaces shall be equipped with a hookup to a public sewage system by way of a branch line and riser pipe at least four (4) inches inside diameter. The riser pipe shall be capped with a watertight cap or plug when not in use. Sanitary sewage systems shall be installed in compliance with the Kansas State Health Department standards and the rules and regulations of Coffeyville. All plumbing in the RV Park shall comply with state and local regulations.
3. Electricity – A minimum of eighty percent (80%) of all rental spaces shall be equipped with an electrical outlet supplying at least 50 amps at 110 volts, or 110/220 volts, installed in accordance with applicable state electrical codes.
 - l. Lighting – Any light used to illuminate signs, parking areas, or for any other purpose shall be non-glaring, energy efficient and so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.
 - m. Refuse Disposal – The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air pollution, odors, insects, rodents or other nuisance conditions. Any refuse facility shall be in a centralized enclosed storage facility. Adequate refuse collection and removal shall be the responsibility of the park owner.
 - n. Fire Protection – Fire hydrants shall be installed throughout all RV Parks in accordance with the specification of the Coffeyville Fire Department. There shall be one (1) hydrant at the entrance to the development, and additional hydrants at a distance not to exceed five hundred (500) feet between hydrants. All buildings within the RV Park shall be equipped with fire extinguishing equipment in good working order of such type, size and number as prescribed by the fire district.
 - o. Structural Additions – Temporary structures such as canvas awnings, screened enclosures, or platforms, which are normal camping equipment, may be erected but must be removed when the rental space is vacated. No other structural additions shall be built onto or become a part of any RV.
 - p. Storage Sheds – No storage sheds shall be allowed within an RV rental space.

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- q. Fires – Fires shall be made only in stoves and other equipment intended for such purposes and placed in safe and convenient locations, where they will not constitute fire hazards to vegetation, undergrowth, trees and RVs. No open fires are allowed.
- r. Tents – Tents shall be permitted, and their number shall be limited to one tent per rental space. Areas for group tent camping may be established, with the following provisions:
 - 1. The area set aside for such group use is not a part of any designated open space.
 - 2. An adequate number of parking spaces is provided.
 - 3. The area is served by one or more water outlets, and
 - 4. The area is located no further than five hundred (500) feet from a service building.
- s. Registration of occupants – It shall be the responsibility of the owner or manager of the RV Park to keep a current record of the names and addresses of the owners and/or occupants of each RV space, the make, model, year and license number of each RV and motor vehicle by which it is towed, the state, territory or country issuing such licenses, and the arrival and departure dates of each occupant. This record must be made available for inspection to all appropriate agencies whose duties necessitate acquisition.
- t. Guest Parking – There shall be provided guest parking in each RV Park at the ratio of one (1) parking space for each five (5) RV or camping sites within the park.
- u. Swimming Pools – If provided, swimming pools shall be operated, maintained and used in compliance with recommendations and requirements of the Kansas Department of Health’s regulations and standards.
- v. Landscaping and Open Space – A landscape and open space plan shall be required for RV parks. Landscaping and open space shall be designed to meet the following standards:
 - 1. Street frontage of a public right-of way

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- a. One (1) tree shall be planted for each forty (40) feet of street frontage of a public right-of-way within the landscaped setback abutting said street frontage. Such trees may be clustered or arranged within the setback if approved as part of the landscape plan. A minimum twenty-foot-wide (20') landscape strip shall be provided along the full length of any street frontage.
 - b. One (1) shrub shall be provided for each twenty (20) feet of street frontage of a public right-of-way, or portion thereof, within the landscaped setback abutting said street frontage.
2. Open Space Requirements
- a. Open space for common areas, playgrounds and other recreational uses shall be provided at the rate of at least fifteen percent (15%) of the gross area of the RV Park, and shall be of sufficient size and distribution as to be a functional part of the entire development plan. Open space shall not include any area designated as a roadway, RV rental space, storage area, yard area surrounding the caretaker's or manager's residence, or any area required for setbacks as set forth in this section.
 - b. In addition to the trees required based upon street frontage, additional trees shall be required at a **minimum** ratio of one (1) tree for every twenty thousand (20,000) square feet of lot area not covered by buildings/structures.
3. **These are the minimum landscaping materials required and any plants found to have died shall be replaced to maintain the minimum quantities as called for, within the next six month period.**
4. Water supply – adequate water outlets shall be provided to maintain all landscaping.

CHAPTER 29.010 ZONING DISTRICT

29.010.010. Establishment of districts.

The jurisdictional area is hereby divided into fourteen (14) zoning districts, in accordance with the zoning map and pursuant to K.S.A. 12-741 et seq., and amendments

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thereto in conjunction with the master plan, and designated as follows:

1. Agricultural:
 - a. Agriculture District A-1.
2. Residential:
 - a. Single-Family District R.
 - b. Single-Family District R-1.
 - c. Two-Family District R-2.
 - d. Reserved.
 - e. Multiple-Family District R-4.
3. Mobile Home Court:
 - a. Mobile Home Court District M.
4. Recreational Vehicle Park:
 - a. Recreational Vehicle Park District RV.
5. Office and Professional District, O & P.
5. Commercial:
 - a. Local Business District C-1.
 - b. Neighborhood Shopping District C-2.
 - c. Business District C-3.
 - d. Service Commercial District C-4.
6. Industrial:
 - a. Light Industrial District I-1.

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- b. Heavy Industrial District I-2.

29.010.030. Zoning District Map.

Said districts are bounded and defined as shown on a map entitled and marked "Official Copy as Incorporated by a Model Ordinance No. G-74-05" which is filed in the office of the city clerk. This official zoning map is incorporated by reference herein and shall be available and open to inspection by the public at all reasonable business hours.

29.010.050. Rules for interpretation of district boundaries:

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, the following rules shall apply:

1. Where district boundaries on the zoning map are indicated as approximately following the center lines of streets, highways, or railroads, such boundaries shall be deemed to be located at such midpoints.

2. Where district boundaries are so indicated that they approximately follow lot lines or section lines, such lines shall be construed to be said boundaries.

3. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City of Coffeyville, unless otherwise indicated.

- a. Except as provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located. The lawful use of land or buildings existing at the time of the passage of the original ordinance [August 28, 1974], although such does not conform to the regulations, may be continued. A nonconforming building, structure, or portion thereof, which is or hereafter becomes vacant and remains unused.

29.010.070. Agricultural District

1. General purpose: This district is intended to provide a location for the land situated on the fringe of the urban area that is used for agricultural purposes. It is not intended that this district provide a location for a lower standard of residential, commercial, or industrial development than is authorized in other districts. The type of uses, area and intensity of use of

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land which is authorized in this district is designed to encourage and protect any agricultural uses until urbanization is warranted and the appropriate changes in district classifications are made.

2. The following uses shall apply in all Agricultural A-1 Districts.
3. Uses permitted:
 - a. Accessory buildings and uses customarily incident to the following uses.
 - b. Agricultural uses and their accessory structures, as defined in definition section.
 - c. Home occupations -- allowed with a home occupation permit.
 - d. Municipal parks and playgrounds.
 - e. Municipal water towers and fire stations.
 - f. One- and two-family dwellings.
 - g. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
 - h. Student roomer--not to exceed four (4) per dwelling.
 - i. Other uses which are of the same general character as those listed in this section which have been approved by action of the Planning Commission and which will not be detrimental to the district in which located.
 - j. Group homes as defined in Section 29.09.050 of this ordinance.
4. Conditional uses (see Section 29.09.010):
 - a. Commercial or dog kennels.
 - b. Raising of fur-bearing animals.
 - c. Public utility uses as follows:
 1. Electric and telephone substations and distribution centers.
 2. Gas regulator stations.

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3. Police and fire stations.
 4. Pumping stations.
 5. Water towers and standpipes.
 - d. Aircraft - retail, maintenance.
 - e. Country club.
 - f. **Primary Structure Communication Tower.**
5. District height, area, setback and density requirements: See Table One at Section 29.010.460.

29.010.100. R Single Family Residential District:

1. General purpose: This district is intended to provide for single-family residential development of low population density together with such public schools and playgrounds as well as accessory uses as may be necessary or are normally compatible with residential surroundings.

2. Uses permitted:
 - a. Accessory buildings and uses customarily incident to the following uses.
 - b. Single-family detached dwellings.
 - c. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
 - d. Municipal parks and playgrounds.
 - e. Home occupations -- allowed with a home occupation permit.
 - f. Group homes as defined in Section 29.09.050 of this ordinance.
3. Conditional uses (see Section 29.09.010):
 - a. Swimming pools, tennis courts.
 - b. Public utility uses as follows:

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1. Electric and telephone substations and distribution centers.
 2. Gas regulator stations.
 3. Police and fire stations.
 4. Pumping stations.
 5. Water towers and standpipes.
4. District height, area, setback and density requirements: See Table One at Section 29.010.460.
 5. Reserved: (Ord. No. G-80-11, Sub-Section 1, 7-23-80)

29.010.130. R-1 Single Family Residential District:

1. General purpose: This district is intended to provide for single-family residential development together with such public schools and playgrounds as well as accessory uses as may be necessary or are normally compatible with residential surroundings.

2. Uses permitted:
 - a. Accessory buildings and uses customarily incident to the following uses.
 - b. Single-family detached dwellings.
 - c. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
 - d. Municipal parks and playgrounds.
 - e. Home occupations -- allowed with a home occupation permit.
 - f. Municipal water towers and fire stations.
 - g. Student roomer--not to exceed four (4) per dwelling.
 - h. Group homes as defined in Section 29.09.050 of this ordinance.

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3. Conditional uses (see Section 29.09.010:
 - a. Swimming pools, tennis courts.
 - b. Public utility uses as follows:
 1. Electric and telephone substations and distribution centers.
 2. Gas regulator stations.
 3. Police and fire stations.
 4. Pumping stations.
 5. Water towers and standpipes.
4. District height, area, setback and density requirements: See Table One at Section 29.010.460.
5. Reserved: (Ord. No. G-80-11, Sub-Section 1, 7-23-80)

29.010.150. R-2 Two-Family Residential District:

1. General purpose: This district is intended to provide for two-family residential development together with such public schools and playgrounds as well as accessory uses as may be necessary or are normally compatible with residential surroundings.
2. Uses permitted:
 - a. Accessory buildings and uses customarily incident to the following uses.
 - b. One- and two-family dwellings.
 - c. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
 - d. Municipal parks and playgrounds.

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- e. Municipal water towers and fire stations.
 - f. Student roomer--not to exceed four (4) per dwelling.
 - g. Home occupations -- allowed with a home occupation permit.
 - h. Group homes as defined in Section 29.09.050 of this ordinance.
3. Conditional uses (see Section 29.09.010:
- a. Mobile homes permitted under the following guidelines:
 - 1. Mobile home must be completely skirted with material equal to the home siding.
 - 2. Mobile home must be on permanent foundation.
 - 3. Mobile home must be connected to water, sewer, electricity and natural gas, if mobile home requires gas.
 - 4. Permanently attached by over the top type tie-downs so that the mobile home becomes realty.
 - 5. Mobile home shall contain a minimum of two hundred eighty-eight (288) s.f. living space.
 - 6. Mobile home must be so placed on the lot to comply with all requirements contained in the density requirements, as set forth in Table 1 following Section 29.010.
 - b. Public utility uses as follows:
 - 1. Electric and telephone substations and distribution centers.
 - 2. Gas regulator stations.
 - 3. Police and fire stations.
 - 4. Pumping stations.
 - 5. Water towers and standpipes.

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4. District height, area, setback and density requirements: See Table One at Section 29.010.460.
5. Reserved: (Ord. No. G-80-11, Sub-Section 1, 7-23-80)

29.010.180. R-4 Multiple-Family Residential District:

1. General purpose: This district is intended to provide for multi-family residential development together with such public schools and playgrounds as well as accessory uses as may be necessary or are normally compatible with residential surroundings.

2. Uses permitted:
 - a. Accessory buildings and uses customarily incident to the following uses:
Any accessory building that is not a part of the primary use structure must be located in the rear yard.
 - b. Board and lodging houses.
 - c. Dormitories.
 - d. Home occupations -- allowed with a home occupation permit.
 - e. Multi-family dwellings and apartments, not including hotels and motels.
 - f. Municipal parks and playgrounds.
 - g. Municipal water towers and fire stations.
 - h. One- and two-family dwellings.
 - i. Private nurseries, day schools, kindergartens and childrens' homes.
 - j. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
 - k. Social clubs, fraternities, sororities, and lodges, not including those whose activities are the providing of services customarily carried on as a business.

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- l. Student roomer--not to exceed four (4) per dwelling.
- m. Group homes as defined in Section 29.09.050 of this ordinance.
3. Conditional uses (see Section 29.09.010):
 - a. Professional buildings.
 - b. Medical clinics.
 - c. Public utility uses as follows:
 1. Electric and telephone substations and distribution centers.
 2. Gas regulator stations.
 3. Police and fire stations.
 4. Pumping stations.
 5. Water towers and standpipes.
4. District height, area, setback and density requirements: See Table One at Section 29.010.460.
5. Reserved: (Ord. No. G-80-11, Sub-Section 1, 7-23-80)
- 29.010.200. "M" Mobile Home Court District:
 1. General description: This district is intended for mobile home courts and comprises a plot of ground with a minimum area of two and one-half (2 1/2) acres.

Each mobile home court shall have a travel way through it.
 2. Permits and application requirements: Any person, firm, corporation, or association desiring to establish or maintain a "mobile home court" shall file with the Engineering Dept. of the City the following. The application shall be filed by the owner, manager, or proprietor of said court. This written application shall further show the location of the streets, toilets, showers, slop sinks, water,

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electrical, and sewer outlets. Said plat or map shall be taken and considered as a part of said application.

- a. A written application, stating the name and address of the applicant;
 - b. The location of the court;
 - c. The name of the owner, proprietor and manager of said court;
 - d. The size of the plot or parcel of ground for said court;
 - e. The arrangements and locations with the proper numbering of the area units;
 - f. The maximum number of mobile homes the court will accommodate.
3. It shall be unlawful for any person to establish, maintain or operate within the corporate limits of Coffeyville, Kansas, any mobile home court unless such person shall first obtain a license therefore, as hereinafter provided. The building inspector shall issue, after ascertaining that the proposed court is in the proper "M" district, and meet all requirements of said district, a permit to erect or construct such required facilities, if they are not already in existence.

After completion of construction, the site shall be inspected by the authorized inspectors, who after finding all requirements of this ordinance complied with, shall so certify to the city clerk. Upon such certification, together with written application by the owner or lessee of such court, stating the name and address of such owner or lessee; the location of the court; maximum number of mobile homes the park will accommodate; the name of the manager who will be directly responsible for the maintenance and operation of said court; and upon payment of the proper fee hereinafter provided, the city clerk shall issue a license for the operation of such mobile home court.

4. Fee: The original license fee shall be fifty dollars (\$50.00) and two dollars (\$2.00) for each area unit per year. Each such license shall expire on December 31 next following date of issue. The license may be renewed annually by the payment of \$50 and \$2 for each are unit provided, however, before any license shall be renewed, the premises shall be subject to the above inspection, as provided for in the original application. Such license shall be conspicuously posted on the premises of the court at all times. Such license shall be issued in the name of the applicant for the specific court and shall not be transferable.

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5. Additions: Any addition to the original plat which involves a tract of land not included in the original permit must be applied for in the same manner which was used in obtaining the original permit.
6. Inspections: The Building Inspector, Fire Inspector and the Health Officer are hereby authorized and directed to make inspections, not less than semi-annually, to determine the condition of the court located within the city in order that the health and safety of occupants of said court and of the general public may be safeguarded. The inspectors shall have the power to enter, at reasonable times, any court with the purpose of inspection and investigating conditions relating to the enforcement thereof.

Upon application, in writing, by a licensee for a renewal of a license, and after re-inspection by the city inspectors and the health officer for conformance with the regulations of this ordinance, and upon payment of the annual license fee, the City Clerk shall issue a certificate renewing such license for another year.

7. Revocation of license: Whenever the City inspectors or the health officer determine that any court is not operating in compliance herewith, written notice of the violation shall be given to the operator of the court.

If said violations are not corrected within a reasonable period of time, to be specified in the notice, the license of the court will be revoked. Upon receipt of the revocation notice, the operator will cease to operate the court.

8. Location requirements:
 - a. All mobile home courts must be located in the "M" district.
 - b. No mobile home court shall be located within three hundred feet (300') of any public park, public buildings, hospital or school.
9. District height, area, setback and density requirements: See Table One at Section 29.010.460.
10. A mobile home or travel trailer may be parked or stored in the City outside the fire zone thereof, regardless of the other provisions, provided that it shall not be used for living or sleeping purposes during such time it is stored or parked, and provided that it shall not be a nuisance and does not constitute a fire hazard, and

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that no utilities shall be connected to such unit.

11. Travel Way:

- a. Minimum width: twenty feet (20')
- b. Individual off-street parking shall abut the travel way and no Off-street parking shall abut a public street.
- c. The travel way shall be free of parked or standing vehicles.

12. General requirements:

- a. The mobile home must be solidly supported, preferably with concrete blocks spaced a maximum distance of ten feet (10') apart.
- b. Mobile homes must be securely anchored by over-the-top tie-downs.
- c. Each mobile home court shall provide fire-extinguishing equipment located within the court to meet requirements of the City Fire Department.
- d. Each mobile home space shall be properly and adequately numbered and marked.
- e. The mobile home court must be graded so as to provide adequate and proper drainage.
- f. Lot must be clearly defined by appropriate markers. (Ord. No. G-80-11, Subsection 1, 7-23-80; Ord. No. G-82-05, Subsection 17, 5-12-82)

13. Conditional Uses (see Section 29.09.010);

- a. Primary Structure Communication Tower.

29.010.240. O & P Office and Professional District:

- 1. General purpose: This district is intended to provide areas for public, semi-public, institutional, professional and office types of uses. Land space and aesthetic

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requirements of these uses make desirable either a central location or a suburban location near residential neighborhoods. Residential development is permitted in this district.

2. Uses permitted:
 - a. Accessory buildings and uses customarily incident to the following uses.
 - b. Business and professional offices.
 - c. Home occupations -- allowed with a home occupation permit.
 - d. Municipal parks and playgrounds.
 - e. Municipal water towers and fire stations.
 - f. One- and two-family dwellings.
 - g. Other uses which are of the same general character as those listed in this section which have the prior approval of the Planning Commission and which will not be detrimental to the district in which located.
 - h. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
 - i. Student roomer--not to exceed four (4) per dwelling.
 - j. Group homes as defined in Section 29.09.050 of this ordinance.

3. Use limitations:
 - a. Any new residential structures which shall be constructed in the O & P District or existing residential structures being altered, remodeled, or improved will be subject to the restrictions and regulations which would be applicable to residences located in the Residential R-4 District.
 - b. No business establishment shall occupy more than two thousand five hundred (2,500) s.f. of floor space.
 - c. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible in any traffic on any public street.

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- d. Screening shall be provided along all lot lines that abut in a residential district, if requested, by the adjoining property owner. Screening shall be of a type agreed to between property owners involved and may include trees or shrubs.

4. Conditional Uses (see Section 29.09.010);

a. Primary Structure Communication Tower.

- 5. District height, area, setback and density requirements: See Table One at Section 29.010.460.

29.010.280. C-1 Local Business District:

1. General purpose: This district is designed to permit small areas of convenience shopping facilities in and near residential neighborhoods. Such facilities will often occupy a small area, frequently at an intersection or on a major street, in an area that is otherwise wholly residential. Usually the level of business permitted in this district declines after 8:00 p.m.

2. Uses permitted:

- a. Accessory buildings and uses customarily incident to the following uses.
- b. Bicycle Sales, rental or repair
- c. Book store, new or used
- d. Business and professional offices
- e. Dry cleaning and laundry receiving stations when no processing or cleaning of clothes is done on the premises.
- f. Florist shop, provided that there shall not be any greenhouse or growing of products on the premises except those products on display for retail use.
- g. Food stores, including grocery stores, meat markets, bakeries and delicatessens, and not including 24 hr. convenience store.
- h. Gift shops
- i. Hair care establishments

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- j. Home occupation -- allowed with a home occupation permit.
- k. Municipal parks and playgrounds
- l. Municipal water towers and fire stations
- m. One- and two-family dwellings
- n. Other uses which are of the same general character as those listed in this section which have the prior approval of the Planning Commission and which will not be detrimental to the district in which located.
- o. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
- p. Restaurant, not including one with drive-up facilities or service to automobiles.
- q. Self-service laundries having not more than two (2) employees in the performance of service upon the premises.
- r. Shoe repair service.
- s. Student roomer--not to exceed four (4) per dwelling.
- t. Group homes as defined in Section 29.09.050 of this ordinance.

3. Temporary uses as defined in Section 29.09.010: Uses which are of the same general character as those listed below which have the prior approval of the zoning administrator and which will not be detrimental to the district in which located.

- a. Christmas tree sales lot
- b. Farmer's market
- c. Flea market
- d. Revival or tent meeting
- e. Transient merchant with or without temporary structure

4. District height, area, setback and density requirements: See Table One at Section 29.010.460.

- a. Minimum front yard shall be the same as the nearest residential district

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and in the case of two (2) different residential districts, the more restrictive requirement shall apply.

5. Use limitations:

- a. Any new residential structures which shall be constructed in the C-1 District or existing residential structures being altered, remodeled, or improved will be subject to the restrictions and regulations which would be applicable to residences located in the Residential R-4 District.
- b. No business establishment shall occupy more than two thousand five hundred (2,500) square feet of floor space.
- c. All business, Off-street parking and loading) shall be conducted within completely enclosed structures.
- d. No business establishments shall offer goods or services directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parked vehicles.
- e. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible in any traffic on any public street.
- f. Screening shall be provided along all lot lines that abut in a residential district, if requested, by the adjoining property owner. Screening shall be of a type agreed to between property owners involved and may include trees or shrubs.

6. Conditional Uses (see Section 29.09.010);

- a. Primary Structure Communication Tower

7. Reserved.

8. Off-street space for loading, unloading and servicing of the use shall be provided on the lot. (Ord. No. G-80-11, Subsection 1, 7-23-80; Ord. No. G-82-05, Subsection 17, 5-12-82)

29.010.300. C-2 Neighborhood Shopping District:

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1. General purpose: This district is designed to permit areas of convenience shopping facilities so located to serve one or more residential neighborhoods.

2. Uses permitted:

- a. Accessory buildings and uses customarily incident to the following uses.
- b. Apparel stores
- c. Bicycle Sales, rental or repair
- d. Book store, new or used
- e. Business and professional offices
- f. Drugstores
- g. Dry cleaning and laundry receiving stations when no processing or cleaning of clothes is done on the premises.
- h. Florist shop, provided that there shall not be any greenhouse or growing of products on the premises except those products on display for retail use.
- i. Food stores, including grocery stores, meat markets, bakeries and delicatessens, and not including 24 hr. convenience store
- j. Gift shops
- k. Hair care establishments
- l. Hardware stores
- m. Hobby supply sales
- n. Home occupation -- allowed with a home occupation permit.
- o. Interior decorating shop
- p. Jewelry stores
- q. Locksmith, key shop
- r. Municipal parks and playgrounds
- s. Municipal water towers and fire stations
- t. Music, musical instrument and record sales

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- u. One- and two-family dwellings
 - v. Other uses which are of the same general character as those listed in this section which have the prior approval of the Planning Commission and which will not be detrimental to the district in which located.
 - w. Paint and wall paper stores
 - x. Photographic studio
 - y. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
 - z. Restaurant, not including one with drive-up facilities or service to automobiles
 - aa. Self-service laundries having not more than two (2) employees in the performance of service upon the premises.
 - ab. Sewing machine sales and repair
 - ac. Shoe repair shop
 - ad. Student roomer--not to exceed four (4) per dwelling.
 - ae. Variety stores.
 - af. Group homes as defined in Section 29.09.050 of this ordinance.
3. Conditional uses (see Section 29.09.010:
- a. Bus stations.
 - b. Telephone exchanges and transmission equipment structures.
 - c. Automobile service stations and tire, battery, and automobile accessory stores, only if the design of the entrance and exit drives to such stations do not cause hazards for vehicular or pedestrian traffic or congestion in adjacent streets.
 - d. Primary Structure Communication Tower**
4. Temporary uses as defined in Section 29.09.300: Uses which are of the same

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general character as those listed below which have the prior approval of the zoning administrator and which will not be detrimental to the district in which located.

- a. Christmas tree sales lot
 - b. Farmer's market
 - c. Flea market
 - d. Revival or tent meeting
 - e. Transient merchant with or without temporary structure
5. District height, area, setback and density requirements: See Table One at Section 29.010.460.
6. Use limitations:
- a. Any new residential structures which shall be constructed in the C-2 District or existing residential structures being altered, remodeled, or improved will be subject to the restrictions and regulations which would be applicable to residences located in the Residential R-4 District.
 - b. All business, servicing, storage and display of goods (except for Off-street parking and loading) shall be conducted within completely enclosed structures.
 - c. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible in any traffic on any public street.
 - d. Screening shall be provided along all lot lines that abut in a residential district, if requested, by the adjoining property owner. Screening shall be of a type agreed to between property owners involved and may include trees or shrubs.
 - e. No business establishments shall offer goods or services directly to customers waiting in parked motor vehicles or sell beverages or food for consumption on the premises in parked vehicles.
7. Off-street space for loading, unloading and servicing of the use shall be provided on the lot. (Ord. No. G-79-12, Subsection 1, 11-28-79; Ord. No. G-80-11, Subsection 1, 7-23-80; Ord. No. G-83-07, Subsection 1, 4-27-83)

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29.010.350. C-3 Business District:

1. General purpose: This district is designed to provide an area for a broad range of retail shopping facilities.

2. Uses permitted:

- a. Accessory buildings and uses customarily incident to the following uses.
- b. Antique shops
- c. Apparel stores
- d. Appliance stores, electrical
- e. Automobile accessory stores
- f. Automobile wheel alignment, when secondary to automobile accessory stores.
- g. Banks and financial institutions
- h. Bicycle sales, rental and repair
- i. Book stores
- j. Blueprinting and photostating establishments
- k. Business and professional offices
- l. Camera and photographic supply stores
- m. Candy manufacturer, employing fewer than five (5) persons.
- n. Carpet and rug stores
- o. China and glassware stores
- p. Commercial Off-street parking as a principal use
- q. Computer store; sales, service and equipment
- r. Dental laboratory
- s. Department stores
- t. Drugstores

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- u. Dry cleaning and laundry receiving stations when no processing or cleaning of clothes is done on the premises.
- v. Electrical appliance repair, when secondary to a retail outlet.
- w. Florist shop, provided that there shall not be any greenhouse or growing of products on the premises except those products on display for retail use.
- x. Food stores, including grocery stores, meat markets, bakeries and delicatessens.
- y. Funeral home, mortuary, or undertaking establishment
- z. Furniture stores
- aa. Furrier shops, including the incidental storage and conditioning of furs.
- ab. Garden stores
- ac. Gift shops
- ad. Governmental buildings
- ae. Hair care establishments
- af. Hardware stores
- ag. Hobby supply sales
- ah. Home occupations -- allowed with a home occupation permit.
- ai. Hotels and motels
- aj. Interior decorating shops, including upholstery, making of draperies, slipcovers, and other similar articles which are conducted as a part of, and secondary to, a retail operation.
- ak. Jewelry stores
- al. Leather goods and luggage stores
- am. Locksmith, key shop
- an. Lodges and fraternal clubs
- ao. Municipal parks and playgrounds
- ap. Municipal water towers and fire stations

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- aq. Music stores and musical instrument sales and repair
- ar. One- and two-family dwellings
- as. Optical goods manufacture and sales
- at. Other uses which are of the same general character as those listed in this section which have the prior approval of the Planning Commission and which will not be detrimental to the district in which located.
- au. Package liquor stores
- av. Paint and wallpaper stores
- aw. Pet grooming shops
- ax. Pet stores
- ay. Photographic studio
- az. Physical, cultural and health parlors, such as private gymnasiums and reducing salons
- ba. Post office
- bb. Private clubs
- bc. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.
- bd. Radio and television broadcasting stations
- be. Recording studio
- bf. Restaurants - including drive-in establishments, serving food or beverage to customers for consumption on the premises or in parked motor vehicles.
- bg. Retail bakery, limited to nine (9) employees
- bh. Schools of music, dance or business
- bi. Self-service laundries having not more than two (2) employees in the performance of service upon the premises.
- bj. Sewing machine sales and repair

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- bk. Shoe repair shop
- bl. Sign painting
- bm. Sporting goods store
- bn. Student roomer--not to exceed four (4) per dwelling
- bo. Tailor shop
- bp. Theater, indoor
- bq. Travel bureaus and transportation ticket offices
- br. Variety stores
- bs. Video stores
- bt. Group homes as defined in Section 29.09.050 of this ordinance.

3. Conditional uses (see Section 29.09.010):

- a. Bus stations
- b. Telephone exchanges and transmission equipment structures
- c. Automobile service stations and tire, battery, and automobile accessory stores, only if the design of the entrance and exit drives to such stations do not cause hazards for vehicular or pedestrian traffic or congestion in adjacent streets.
- d. Multi-family, subject to the requirement of the R-4 district; except, in the mixed commercial and residential occupancy, residential may not be on the ground level.
- e. **Primary Structure Communication Tower**

4. Temporary uses as defined in Section 29.09.300: Uses which are of the same general character as those listed below which have the prior approval of the zoning administrator and which will not be detrimental to the district in which located.

- a. Christmas tree sales lot
- b. Farmer's market
- c. Flea market

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- d. Revival or tent meeting
 - e. Transient merchant with or without temporary structure
5. District height, area, setback and density requirements: See Table One at Section 29.010.460.
6. Yard requirements:
- a. Minimum front yard: twelve feet (12') except in an area bounded by 12th St. on the south, 6th St. on the north, Willow St. on the west and Spring St. on the east.
7. Motels and hotels shall have a minimum side yard on each side of the zoning lot of not less than ten feet (10') and a minimum rear yard of not less than twenty feet (20').
8. Motor vehicles, trailers, equipment and boats stored or displayed in the open shall be located not less than twelve feet (12') from the front lot line.
9. Use limitations:
- a. Any new residential structures which shall be constructed in the C-3 District or existing residential structures being altered, remodeled, or improved will be subject to the restrictions and regulations which would be applicable to residences located in the Residential R-4 District.
 - b. All storage and display of goods (except for Off-street parking and loading) shall be conducted within completely enclosed structures.
 - c. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible in any traffic on any public street.
 - d. Screening shall be provided along all lot lines that abut in a residential district, if requested, by the adjoining property owner. Screening shall be of a type agreed to between property owners involved and may include trees or shrubs.
10. Off-street space for loading, unloading and servicing of the use shall be provided on the lot. (Ord. No. G-79-10, Subsection 1, 10-24-79; Ord. No. G-83-07, Subsection 1, 4-27-83)

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29.010.400. C-4 Service Commercial District:

1. General purpose: This district is designed for those businesses and commercial uses which draw their customers from motorists on the highway or for whom a location on a highway or arterial street is especially useful or necessary. Although some of the typical retail uses are permitted in other commercial districts, most of these permitted in this district would not blend well into a prime retail area.

2. Uses permitted:

- a. Accessory buildings and uses customarily incident to the following uses.
- b. Ambulance services
- c. Antique shops
- d. Apparel stores
- e. Appliance stores, electrical
- f. Auction room
- g. Automobile accessory stores
- h. Automobile and truck
- i. Automobile repair and painting operations
- j. Automobile service stations
- k. Automobile wheel alignment, when secondary to automobile accessory stores.
- l. Bait stores
- m. Banks and financial institutions
- n. Bicycle sales and repair
- o. Blueprinting and photostating establishments
- p. Boat sales and rentals
- q. Book stores
- r. Bowling alley

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- s. Business and professional offices
- t. Business machine rental, repair and sales
- u. Camera and photographic supply stores
- v. Candy manufacturer, employing fewer than five (5) persons.
- w. Car or truck wash
- x. Carpet and rug stores
- y. China and glassware stores
- z. Commercial off-street parking as a principal use
- aa. Commercial Storage and “Mini” Storage as a principal use
- ab. Computer store; sales, service and equipment
- ac. Construction equipment sales and rental
- ad. Convenience store, including gasoline sales and single-bay auto wash
- ae. Dental laboratory
- af. Department stores
- ag. Drugstores
- ah. Dry cleaning and laundry receiving stations when no processing or cleaning of clothes is done on the premises.
- ai. Electrical appliance repair, when secondary to a retail outlet.
- aj. Electric sign manufacturing/repair, limited to five (5) employees or less.
- ak. Express storage and delivery station
- al. Exterminator, pest
- am. Florist shop, provided that there shall not be any greenhouse or growing of products on the premises except those products on display for retail use.
- an. Feed wholesale
- ao. Food stores, including grocery stores, meat markets, bakeries and delicatessens.
- ap. Free standing automated banking or dispensing facility

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- aq. Funeral home, mortuary, or undertaking establishment
- ar. Furniture stores
- as. Furrier shops, including the incidental storage and conditioning of furs.
- at. Garden stores
- au. Gift shops
- av. Glass sales and cutting shop
- aw. Golf driving range, commercial
- ax. Governmental buildings
- ay. Hair care establishments
- az. Hardware stores
- ba. Hobby shops
- bb. Home occupations -- allowed with a home occupation permit.
- bc. Hotels and motels
- bd. Interior decorating shops, including upholstery, making of draperies, slipcovers, and other similar articles which are conducted as a part of, and secondary to, a retail operation.
- be. Jewelry stores
- bf. Leather goods and luggage stores
- bg. Linen supply, diaper service, uniform supply
- bh. Lodges and fraternal clubs
- bi. Lumber yard
- bj. Mobile home and tractor sales and rental, but not including the use of any mobile home as a residence.
- bk. Motorcycle sales, service and rental
- bl. Municipal parks and playgrounds
- bm. Municipal water towers and fire stations
- bn. Music stores and musical instrument sales and repair
- bo. Newspapers, office and printing

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- bp. Office equipment and supplies, sales and service, rental and repair
- bq. One- and two-family dwellings
- br. Optical goods manufacture and sales
- bs. Other uses which are of the same general character as those listed in this section which have the prior approval of the Planning Commission and which will not be detrimental to the district in which located.

- bt. Package liquor stores
- bu. Paint and wallpaper stores
- bv. Pet stores, including grooming shops

- bw. Physical, cultural and health parlors, such as private gymnasiums and reducing salons.

- bx. Plumbing fixture sales
- by. Private clubs
- bz. Public schools and private schools having a curriculum equivalent to and substantially the same as public schools or kindergartens accommodating ten (10) or more children.

- ca. Radio and television broadcasting stations
- cb. Recording studio
- cc. Restaurants - including drive-in establishments, serving food or beverage to customers for consumption on the premises or in parked motor vehicles.

- cd. Retail bakery, limited to nine (9) employees
- ce. Schools of music, dance or business
- cf. Self-service laundries having not more than two (2) employees in the performance of service upon the premises.

- cg. Sheet metal shop
- ch. Shoe repair shop
- ci. Sign painting

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- cj. Skating rink, commercial
- ck. Sporting goods store
- cl. Student roomer--not to exceed four (4) per dwelling
- cm. Tailor shop
- cn. Taverns--beer parlors
- co. Telephone exchanges
- cp. Telephone substations
- cq. Theater, indoor
- cr. Travel bureaus and transportation ticket offices
- cs. Truck rental and sales
- ct. Variety stores
- cu. Video stores
- cv. Group homes as defined in Section 29.09.050 of this ordinance.

3. Conditional uses (see Section 29.09.010:

- a. Outdoor theater
- b. Telephone transmission equipment structure
- c. Animal hospital, provided that all pens shall be screened when located within three hundred feet (300') of a residential district.
- d. Warehouse, provided all material is stored inside, and the stored material is compatible with this district.
- e. Retail building materials yard
- f. Residential Goods Recycling Center
- g. Primary Structure Communication Tower**

4. Temporary uses as defined in Section 29.09.300: Uses which are of the same general character as those listed below which have the prior approval of the zoning administrator and which will not be detrimental to the district in which located.

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- a. Christmas tree sales lot
 - b. Farmer's market
 - c. Flea market
 - d. Revival or tent meeting
 - e. Transient merchant with or without temporary structure
5. District height, area, setback and density requirements: See Table One at Section 29.010.460.
6. Yard requirements:
- a. Minimum front yard: twelve feet (12') except in an area bounded by 12th St. on the south, 6th St. on the north, Willow St. on the west and Spring St. on the east.
7. Motels and hotels shall have a minimum side yard on each side of the zoning lot of not less than ten feet (10') and a minimum rear yard of not less than twenty feet (20').
8. Motor vehicles, trailers, equipment and boats stored or displayed in the open shall be located not less than twelve feet (12') from the front lot line.
9. Gasoline pumps, air and water service, and other fixtures used in connection with automobile service stations shall be located not less than twelve feet (12') from the front lot line, subject to regulations of the State Fire Marshal's office.
10. Use limitations:
- a. Any new residential structures which shall be constructed in the C-4 District or existing residential structures being altered, remodeled, or improved will be subject to the restrictions and regulations which would be applicable to residences located in the Residential R-4 District.
 - b. All servicing and storage of goods (except for Off-street parking and loading) shall be conducted within completely enclosed structures. Display of retail goods shall be allowed within the limits defined elsewhere in this Ordinance. Off-street parking and loading spaces and the storage of automobiles and other motor vehicles in operable condition shall be so enclosed when such use abuts on a residential

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district at a side or rear lot line or is separated by the district only by an alley.

- c. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential district and so that no glare is visible in any traffic on any public street.
- d. Screening shall be provided along all lot lines that abut in a residential district, or if requested, by the adjoining property owner of a residence in the existing C-4 district. Screening shall be of a type agreed to between the Planning Commission and property owners involved, and may include trees or shrubs.

11. Off-street space for loading, unloading and servicing of the use shall be provided on the lot. (Ord. No. G-79-10, Subsection 1, 10-24-79; Ord. No. G-80-11, Subsection 1, 7-23-80; Ord. No. G-81-07, Subsection 1, 5-13-81; Ord. No. G-83-07, Subsection 1, 4-27-83)

29.010.420. I-1 Light Industrial District:

1. General purpose: This district is designed to permit industrial activities of a limited nature. This includes uses which in many cases are compatible with adjacent use districts.

2. Uses permitted:

- a. Adding machine manufacture.
- b. Artificial flower manufacture.
- c. Automobile assembly.
- d. Baggage transfer, storage and warehouse.
- e. Bakery wholesale, employing ten (10) or more persons.
- f. Beverage, bottling works.
- g. Blacksmith (no salvage yard).
- h. Book publishing.
- i. Broom manufacture.

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- j. Building materials yard.
- k. Canning and preserving factory.
- l. Carpet cleaning (more than five (5) employees).
- m. Coal yard.
- n. Cold storage warehouse.
- o. Condensed milk manufacture.
- p. Contractors storage yard
- q. Construction equipment sales, service, rental or repair
- r. Dairy, wholesale.
- s. Drug manufacturer.
- t. Dry-cleaning establishment, if more than five (5) employees.
- u. Dry goods, wholesale.
- v. Electrical power plant.
- w. Electrical sign manufacture/repair, if more than (5) employees.
- x. Feed manufacture.
- y. Flour and grain storage and elevators
- z. Fuel, gas, oil storage and distribution
- aa. Garment manufacture
- ab. Grocery store, wholesale
- ac. Hangars (aircraft) with repair facilities
- ad. Ice manufacture
- ae. Lime and cement warehouse
- af. Metal fabrication and assembly
- ag. Moving company with storage facilities
- ah. Paper products manufacturing and warehousing
- ai. Petroleum storage, wholesale
- aj. Public utility plants

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- ak. Pump station
 - al. Recycling uses, reverse vending machines and small collection facilities
 - am. Relay station (radio, television, etc.)
 - an. Seed company processing
 - ao. Storage or warehouse
 - ap. Substation, electrical power and light company
 - aq. Truck terminal or depot
 - ar. Welding shop (no salvage yard)
 - as. Wood products manufacture
 - at. Chemical plating
 - au. Other uses which are of the same general character as those listed in this section which have the prior approval of the Planning Commission and which will not be detrimental to the district in which located.
3. Conditional uses (see Section 29.09.010):
- a. Any use permitted in the C-4 Service Commercial District.
 - b. Single-Family, subject to the R-1 District and density requirements.
 - c. Two-Family, subject to the R-2 District and density requirements.
 - d. Multi-Family, subject to the R-4 District and density requirements.
 - e. Office & Professional, subject to the O&P District and density requirements.
 - f. Primary Structure Communication Tower**
4. District height, area, setback and density requirements: See Table One at Section 29.010.460.
5. Use limitations:

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- a. All operations, activities and storage (except for loading) shall be conducted wholly inside of a building or buildings unless the nearest point of such operation or activities is more than two hundred feet (200') from the boundary of any other zoning district, other than the I-2 Heavy Industrial District.

Storage may be maintained outside the building and side yards or rear yards if such storage area is separated from public streets and other property (except property located in the I-2 Heavy Industrial District) by screening.

- b. Screening shall be provided along all lot lines that abut in a residential district, if requested, by the adjoining property owner. Screening shall be of a type agreed to between property owners involved and may include trees or shrubs. Screening shall be sufficient to protect on a year-round basis the privacy of adjoining residential uses.

6. Off-street space for loading, unloading and servicing of the use shall be provided on the lot. (Ord. No. G-80-11, Subsection 1, 7-23-80)

29.010.450. I-2 Heavy Industrial District:

1. General purpose: This district is designed for those industries which are apt to have an impact on the surrounding area.

If possible, I-2 Districts should be separated from residential districts and the more restricted business districts by intervening or restrictive industrial or commercial zones.

2. Uses permitted: Any manufacturing or industrial plant that is not acceptable in the I-1 Light Industrial District should be located in the I-2 Heavy Industrial District.

3. Provisional uses permitted: Provided that the location of such has been approved by the Planning Commission:

- a. Arsenal
- b. Dehydration plant
- c. Distillation of bones
- d. Fat rendering
- e. Fertilizer manufacture

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- f. Manufacturing of alcohol, bleaching powder, gas, gypsum, plaster
- g. Mixing plant for cement, mortar, plaster, concrete mix, asphalt or paving material
- h. Petroleum refinery and distillation
- i. Smelting of any ore or metal
- j. Soybean processing plant
- k. [Salvage Yard](#)

4. Uses prohibited:

- a. Residential use
- b. Manufacturing of acid, ammonia, celluloid, cement lime ingredient, chlorine, explosives, glue, lime, pyroxylin, nitro-cellulose
- c. Sanitary landfill, reduction or incineration of trash, garbage, offal or dead animals
- d. Any use inconsistent with or expressly prohibited by ordinances of the City of Coffeyville
- e. [Junk Yard](#)

5. [Conditional Uses \(see Section 29.09.010\);](#)

- a. [Primary Structure Communication Tower](#)

6. District height, area, setback and density requirements: See Table One at Section 29.010.460.

7. Use limitations:

- a. All operations, activities and storage (except for loading) shall be conducted wholly inside of a building or buildings unless the nearest point of such operation or activities is more than two hundred feet (200') from the boundary of any other zoning district, other than the

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I-2 Heavy Industrial District.

- b. Screening shall be provided along all lot lines that abut in a residential district, if requested, by the adjoining property owner. Screening shall be of a type agreed to between property owners involved and may include trees or shrubs. Screening shall be sufficient to protect on a year-round basis the privacy of adjoining residential uses.

8. Off-street space for loading, unloading and servicing of the use shall be provided on the lot. (Ord. No. G-80-11, Subsection 1, 7-23-80).

29.10.500 District Height, Area, Setback and Density Requirements

See. Table One, page following.

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TABLE ONE								
DISTRICT HEIGHT, AREA, SETBACK AND DENSITY								
Zoning District	Minimum Lot Area (square feet)	Minimum Lot Size (feet)		Maximum Height (feet)		Maximum Lot Coverage (%)		
		width	depth	pb	ab			
A-1	Agricultural	None	None	None	None	None		
R	Single Family Residential	10,000	75	100	35	20	30%	
R-1	Single Family Residential	7,000	50	100	35	20	30%	
R-2	Two Family Residential	sf	5,500	50	100	35	15	35%
		2f	2,750	50	100	35	15	35%
R-3	Reserved							
R-4	Multiple Family Residential	sf	5,500	50	100	45	15	40%
		2f	2,750	50	100	45	15	40%
		mf	1,000	50	100	45	15	40%
M	Mobile Home Court	2,000	30	40	n/a	n/a	n/a	
O & P	Office and Professional	5,000	50	100	35	35	40%	
C-1	Local Business	5,000	50	100	35	35	40%	
C-2	Neighborhood Shopping	5,000	50	100	45	45	80%	
C-3	Business	5,000	50	100	45	45	100%	
C-4	Service Commercial	5,000	50	100	45	45	100%	
I-1	Light Industrial	5,000	50	100	None	None	75%	
I-2	Heavy Industrial	5,000	50	100	None	None	75%	

sf = Single Family
2f = Two Family
mf = Multiple Family

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TABLE ONE, Continued										
DISTRICT HEIGHT, AREA, SETBACK AND DENSITY										
Zoning District	Setbacks (feet)								Minimum Building Floor Area (sq. ft.)	
	Front Yard		Internal Side Yard		External Side Yard		Rear Yard			
	pb	ab	pb	ab	pb	ab	pb	ab		
A-1 Agricultural	None	None	None	None	None	None	None	None	None	
R Single Family Residential	30	30	8	5	15	15	20	10	1,200	
R-1 Single Family Residential	25	25	5	3	15	15	20	0	1,100	
R-2 Two Family Residential	sf	25	25	5	3	15	15	20	0	800
	2f	25	25	5	3	15	15	20	0	600
R-3 Reserved										
R-4 Multiple Family Resident	sf	25	25	5	3	15	15	20	0	800
	2f	25	25	5	3	15	15	20	0	450
	mf	25	25	5	3	15	15	20	0	350
M Mobile Home Court	n/a		3	3	15	15	8	8	n/a	
O & P Office and Professional	25	25	3	3	15	15	8	8	None	
C-1 Local Business	25	25	3	3	15	15	8	8	None	
C-2 Neighborhood Shopping	25	25	3	3	15	15	8	8	None	
C-3 Business	12	12	3	3	15	15	8	8	None	
C-4 Service Commercial	12	12	3	3	15	15	8	8	None	
I-1 Light Industrial	25	25	3	3	25	25	10	10	None	
I-2 Heavy Industrial	25	25	3	3	25	25	10	10	None	

sf = Single Family pb = Principal Building
 2f = Two Family ab = Accessory Building
 mf = Multiple Family

If 40% of the existing structures along the continuing front lot line of adjoining lots have observed a minimum front yard space, then the minimum open front yard space may be reduced to 40% observance; but in no event shall such front yard space be less than 15 feet.

\s\12-034\Zoning Ordinance Working Draft\Table One, Continued

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29.011 FLOODPLAIN MANAGEMENT

29.011.010. Statutory Authorization, Findings of Fact and Purposes

1. Statutory authorization: The legislature of the State of Kansas has in K.S.A. 12-707 delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City Commission of Coffeyville, Kansas, ordains as follows:

2. Flood losses resulting from periodic inundation: The flood hazard areas of Coffeyville, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. General causes of these flood losses: These flood losses are caused by (a) the cumulative effect of obstructions in floodways causing increases in flood heights and velocities; and (b) the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

4. Methods used to analyze flood hazards: This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- a. Selection of regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials dated January 1975 as amended, and any future revisions thereto.
- b. Calculation of water surface profiles based on a hydraulic engineering analysis of the capacity of the stream channel and over bank areas to convey the regulatory flood.
- c. Computation of the floodway required to convey this flood without increasing flood heights more than one foot (1') at any point.

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- d. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- e. Delineation of floodway fringe, i.e. that area outside the floodway encroachment lines but which is still subject to inundation by the regulatory flood.

5. Statement of purpose: It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those losses described in Section 29.011.010(2) by applying the provisions of this ordinance to:

- a. Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.
- b. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- c. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

29.011.030. Definitions

Unless specifically defined below, the following words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Actuarial or risk premium rates. Those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the Act and the accepted actuarial principles. "Risk premium rates" include provisions for operating costs and allowances.

2. Appeal. A request for a review of the City Engineer's interpretation of any provision of this ordinance or a request for a variance.

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3. Area of shallow flooding. A designated AO or AH Zone on a community's FIRM with a one (1) percent or greater annual chance of flooding to an average depth of one to three (1-3) feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

4. Area of special flood hazard. The land in the flood plain within a community subject to one (1) percent or greater chance of flooding in any given year.

5. Base flood. The flood having one (1) percent chance of being equaled or exceeded in any given year.

6. Development. Any manmade 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, or storage of equipment or materials.

7. Existing construction. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. Existing construction may also be referred to as existing structures.

8. Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters and (b) the unusual and rapid accumulation of runoff of surface waters from any source.

9. Flood insurance rate map (FIRM). 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.

10. Flood insurance study. The official report by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

11. Floodway or Regulatory flooding. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

12. Floodway fringe. That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every one hundred (100) years (i.e. that has a one (1) percent chance of flood occurrence in any one year.)

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13. Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

14. Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

15. Historic structure. Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Dept. of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

16. Manufactured home: A factory built structure manufactured or constructed under the authority generally known as the HUD Code established pursuant to 42 United States Code, Sect. 5401, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations.

For purposes of these regulations, the term "manufactured home," when used by itself,

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shall not include a "residential-design manufactured home" as defined in these regulations. For flood plain management purposes, the term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

For insurance purposes, the term does not include park trailers, travel trailers, and other similar vehicles.

17. Manufactured home park or subdivision. A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

18. New construction. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, the term means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvements to such structure.

19. Start of construction. For other than new construction of substantial improvements under the Coastal Barrier Resources Act (Pub. L97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within one hundred eighty (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 of streets and/or footings, piers or foundations or the erection of temporary forms; 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.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

20. Overlay district. A district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

21. Structure. A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

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22. Substantial damage. Damage of any origin sustained by structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

23. Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed.

The term does not, however, include either:

(a) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

24. Variance. A grant of relief by the Board of Zoning Appeals to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship. (See 29.06.300 above and 29.011.170 Variance Procedures below.)

29.011.050. General provisions

1. Lands to which ordinance applies: This ordinance shall apply to all lands within the jurisdiction of the Planning Commission of Coffeyville, Kansas, identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones (including AE, AO and AH zones) and within the Zoning Districts FW and FF established in Section 29.011.090 of this ordinance.

In all areas covered by this ordinance, no development shall be permitted except upon a permit to develop granted by the City Commission or its duly designated representative under such safeguard and restriction as the City Commission or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 29.011.070, 29.011.090, 29.011.100 and 29.011.130.

2. The enforcement officer: The City Engineer of the community is hereby

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designated as the community's duly designated enforcement officer under this ordinance.

3. Rules for interpretation of district boundaries: The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway map.

Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, 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. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land.

The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Zoning Appeals and to submit his own technical evidence, if he so desires.

4. Compliance: No development located within known flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

5. Abrogation and greater restrictions: It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

6. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

7. Warning and disclaimer of liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris.

This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or

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flood damage.

This ordinance shall not create liability on the part of the City of Coffeyville or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8. Severability: If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

9. Appeal: Where a request for a permit to develop is denied or a variance is denied by the City Engineer, the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

29.011.070. Development permit

1. Permit required: No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development from the Flood Plain Administrator.

2. Administration: The City Engineer is hereby appointed to administer and implement the provisions of this ordinance.

3. Duties: Duties of the City Engineer shall include, but not be limited to:

- a. Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
- b. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- c. Notify adjacent communities and the Kansas Division of Water Resources of the State Board of Agriculture prior to an alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency.
- d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that flood carrying capacity is not diminished.

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- e. Verify, record and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structure.
 - f. Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
 - g. When floodproofing is utilized for a particular structure, the City Engineer shall be presented certification from a registered professional engineer or architect.
4. Application for permit: To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
- a. Identify and describe the work to be covered by the permit.
 - b. Describe the land on which the proposed work is to be done by lot, block, tract and house, street address or similar description that will readily identify and definitely locate the proposed building or work.
 - c. Indicate the use or occupancy for which the proposed work is intended.
 - d. Be accompanied by plans and specifications for proposed construction.
 - e. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - f. Give such other information as reasonably may be required by the City Engineer.

29.011.090. Establishment of Zoning District

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts identified in the Flood Insurance Study and accompanying maps:

- 1. A floodway overlay district (FW).
- 2. A floodway fringe overlay district (FF).

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Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered "A" Zones (including AE, AO and AH Zones) as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency.

29.011.100. Standards for the Floodway Overlay District and the Floodway Fringe Overlay District

1. No permit for development shall be granted for new construction, substantial improvements and other improvements including the placement of manufactured homes within all numbered and unnumbered "A" Zones (including AE, AO and AH Zones) unless the conditions of this Section are satisfied.

2. All areas identified as unnumbered "A" Zones on the FIRM are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered "A" Zones shall be subject to all development provisions of this ordinance.

If flood insurance study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state or other sources.

3. Subdivision proposals and other proposed new development, including manufactured home parks, be required to assure that:

- a. All such proposals are consistent with the need to minimize flood damage.
- b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
- d. 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 the regulatory flood elevation.

29.011.130. Floodway Fringe Overlay District (including AO and AH Zones)

1. Permitted uses: Any use permitted in Section 29.011.150 shall be permitted in the Floodway Fringe Overlay District.

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No use shall be permitted in the district unless the standards of Section 29.011.100 are met.

2. Standards:

- a. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated one (1) foot above the base flood elevation.
- b. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below such a level, 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 the subsection are satisfied. Such certification shall be provided to the official as set forth in Section 29.011.070(3)(g).

- c. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor 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 floodwaters. 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 (2) 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. The bottom of all openings 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 floodwaters.

- d. Within AH Zones, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from

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proposed structures.

- e. Manufactured homes: All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Manufactures homes must be anchored in accordance with local building codes 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 two (2) additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side;
 - 2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 - 3. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - 4. Any additions to the manufactured home be similarly anchored.
- f. Require that all manufactured homes be placed within Zones A1-30, AH and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 29.011.130(2)(e).

3. Located within the areas of special flood hazards established in Section 29.011.130 area, there are areas designed as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones.

- a. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade as least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet

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if no depth number is specified.

- b. All new construction and substantial improvements of non-residential structures shall:
 - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (one) foot above the depth number specified in feet on the community's FIRM (at least two (2) feet if no depth number is specified), or
 - 2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level 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.

Such certification shall be provided to the official as set forth in Section 29.011.070(3)(g).

- c. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

29.011.150. Floodway 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 ordinance. 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 29.011.100. The following are recommended uses for the Floodway District:

- a. Agricultural uses such as general farming, pasture, nurseries and forestry.
- b. Residential uses such as lawns, gardens, parking and play areas.
- c. Non-residential areas such as loading areas, parking, and airport landing

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strips.

- d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
- e. In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through federal, state or other sources or Section 29.011.100 of this ordinance in meeting the standards of this section.

29.011.170. Variance Procedures

1. The Board of Zoning Appeals as established by the City of Coffeyville shall hear and decide appeals and requests for variances from the requirements of ~~this ordinance~~. **Chapter 29.011 Flood Plain Management provisions.**

2. The Board of Zoning Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the City Engineer in the enforcement or administration of ~~this ordinance~~. **these Chapter 29.011 provisions.**

3. Any person aggrieved by the decision of the Board of Zoning Appeals or any taxpayer may appeal such decision to the Montgomery County District Court as provided in K.S.A. 12-715.

4. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, and standards specified in other sections of ~~this ordinance~~ **29.011**, and:

- a. The danger that materials may be swept onto other lands to the injury of others.
- b. The danger to life and property due to flooding or erosion damage.
- c. The susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- d. The importance of the services provided by the proposed facility to the community.
- e. The necessity to the facility of a waterfront location, where applicable.
- f. The availability of alternative locations, not subject to flooding or

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erosion damage, for the proposed use.

- g. the compatibility of the proposed use with existing and anticipated development.
- h. The relationship of the proposed use to the Comprehensive Plan and flood plain management program for that area.
- i. The safety of access to the property in times of flooding for ordinance and emergency vehicles.
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

5. Conditions for variances:

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (b) and (f) above have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical jurisdiction required for issuing the variance increases.
- b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.

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- e. Variances shall only be issued upon (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

29.011.200. Non-Conforming Use

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:

- a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the City Engineer in writing of the instances of nonconforming uses where utility services have been discontinued for a period of six (6) months.
- b. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

29.011.220. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with

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grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

29.011.250. Amendments

The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Coffeyville. At least ten (10) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this ordinance are in compliance with the National Flood Insurance Program regulations.