



SUSTAINABLE LAND DEVELOPMENT CODE CITY OF GREENSBURG, KANSAS

SUSTAINABLE ZONING ORDINANCE

GREENSBURG PLANNING COMMISSION

MARCH 2011



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GREENSBURG, KANSAS
SUSTAINABLE ZONING ORDINANCE
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1.1 *Title and Purpose*

Zoning Regulations of the City of Greensburg, Kansas. An Ordinance to establish zoning districts and regulations governing the sustainable development and use of land within the City of Greensburg, Kansas and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Kansas Statutes, Annotated and the Greensburg Sustainable Comprehensive Plan. This Ordinance is part of the Greensburg Sustainable Land Development Code.

1.2 *Short Title*

This Ordinance may be commonly known as and referred to as the Greensburg Sustainable Zoning Ordinance, and hereafter is often referred to as "this Ordinance".

1.3 *Statutory Authority*

This Ordinance is established under authority granted by Kansas Statutes, Annotated, Chapter 12 and the Home Rule authority of the City as granted by the Kansas Constitution. Any subsequent amendments to this state authority or decisions from courts of



competent jurisdiction shall take precedence over the provisions of this Ordinance.

1.4 Relationship to Other Laws

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, adjudication, rule, or regulation, those rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Cross-references to other codes and ordinances are for the convenience of the reader; lack of a cross-reference should not be construed to indicate that other codes and ordinances do not apply.

1.5 Administrative Standards

In the administration of this Ordinance, when it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made in harmony with the spirit and purpose of this Ordinance, and not injurious to the surrounding neighborhood or the City as a whole.

1.6 Application of this Ordinance

The regulations and standards set by this Ordinance within each district shall be held to be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly the following:

- A. No building, structure, or land shall be used or occupied; and no building or structure or part thereof shall hereafter be erected, altered, or moved; and no land shall be developed or improved; and no land shall have a change in use except in conformity with applicable regulations herein specified for the district in which they are located.
- B. Off-street parking spaces required in connection with any structure and/or use for the purpose of complying with this Ordinance shall not be part of off-street parking space similarly required for any other building/use unless specifically permitted by Article 8.
- C. No required setback or zoning lot existing on the effective date of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein, unless such



- yard or zoning lot is reduced by governmental acquisition for a public purpose. Setbacks or zoning lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Every principal single family residential building hereafter erected, altered, or moved shall have provided and continuously maintained for it a zoning lot as herein defined. In no case shall there be more than one single family building and its permissible accessory structures on a single zoning lot, except as specifically authorized by other provisions of this Ordinance.
- E. No principal building, structure, or land use may occupy a zoning lot unless the zoning lot fronts on an improved and accepted public street, except as specifically authorized by other provisions of this Ordinance such as under Special Exception Conditional Use provisions of Article 11.
- F. No accessory structure or use may be constructed or occupied before construction or occupancy of a principal structure or use on the same zoning lot.
- G. Public utility and transportation systems for transmission of services are exempt from lot and dimensional requirements of this Ordinance.

1.7 Establishment of Zoning Districts

The City of Greensburg is hereby divided into the following zoning districts with the designations and purposes listed below.

The districts included in this Ordinance are established for the promotion and protection of the public health, safety, morals, order, convenience, prosperity and general welfare. The purpose of each district is to provide specific regulations for use of land and control of other land development features such as lot size, lot width and yards, maximum lot coverage, and height of structures. The purposes of each district are further defined as follows. Each district is further established to help attain the goals and objectives of the adopted Sustainable Comprehensive Plan.

A. R-1A SINGLE FAMILY RESIDENTIAL

The R-1A district is composed primarily of areas occupied by or suitable for one-family dwellings at a low density. The district regulations are designed to protect the residential character of the districts by limiting higher density residential and commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the



land by requiring certain minimum yards and other open spaces, and to avoid excessive population density by requiring certain minimum building site areas for each dwelling unit. Non-residential uses allowed as of right or as a special exception are limited to public and semi-public uses which support primarily single family neighborhoods, and only when proper safeguards are in place to assure compatibility with the general intent of the district. Higher density housing may be permitted as a special exception to encourage investment and growth in these areas, with standards to assure neighborhood compatibility.

Wide latitude is given to make these neighborhoods sustainable. Alternative energy systems are encouraged. Water saving and stormwater runoff reduction features are promoted. Efforts to make the neighborhoods pedestrian and bicycle friendly are featured. This district reflects the *Traditional Residential* section of the Greensburg Sustainable Comprehensive Plan's Future Land Use chapter.

B. R-1B SINGLE FAMILY RESIDENTIAL

The R-1B district is composed primarily of areas occupied by or suitable for single and two family dwellings at a slightly higher density than the R-1A districts. The district regulations are principally designed to protect and preserve existing medium density, primarily single family, neighborhoods by limiting commercial activities, to encourage a suitable environment for household life, to prevent overcrowding of the land by requiring certain minimum yards and other open spaces, and to avoid excessive population density by requiring certain minimum building site areas for each dwelling unit. Non-residential uses may be permitted which support the primarily single family neighborhood with proper safeguards to assure compatibility with the general intent of the district. Higher density housing may be permitted as a special exception to encourage investment and growth in these areas, with standards to assure compatibility. Supplementary uses are more flexible than in the more restrictive R-1A districts. Single section manufactured housing is permitted as a special exception with standards to assure their compatibility with the neighborhood character.

Wide latitude is given to make these neighborhoods sustainable. Alternative energy systems are encouraged. Water saving and stormwater runoff reduction features are promoted. Efforts to make the neighborhoods pedestrian and bicycle friendly are featured. This district reflects the *Traditional Residential* section of the Greensburg Sustainable Comprehensive Plan's Future Land Use chapter.

**C. RV-P PLANNED VILLAGE RESIDENTIAL**

The RV-P district is composed of land and structures with a mix of uses to create vibrant pedestrian oriented neighborhoods. Allowed uses include higher density residential, recreational, commercial, and services. The automobile is secondary to this pedestrian orientation, there are few off street parking requirements. The RV-P district is located adjacent to the CP-3 Planned Central Business district to provide walkability around and through the urban core; and along a corridor from Highway 54/400 to the Kiowa County Lake.

Buildings are close to the sidewalk. Higher density housing is permitted, and live-work, accessory apartment, and loft dwelling units are promoted. Private use of sidewalks is permitted as long as accessibility is maintained. The district provides transitions between adjacent neighborhoods and commercial areas. There should be a residential component to each and every development. This district reflects the *Village Residential* section of the Greensburg Sustainable Comprehensive Plan's Future Land Use chapter.

D. CP-1 PLANNED GENERAL COMMERCIAL

The CP-1 district is composed of land and structures occupied by or suitable for uses supplying a wide range of retail goods and services. Located on an arterial street or near the intersection of arterial streets, these districts are relatively large and within convenient distance of the area they serve for several neighborhoods and/or the traveling public and with convenient vehicular access. The district regulations are designed to allow commercial development while protecting the abutting and surrounding residential areas. Development within the CP-1 district should be highway and vehicular oriented, and at a scale that serves the market area. Outdoor storage that is compatible with this district is permitted. Some processing of materials may be permitted when the environmental effect is minimal. Housing accessory to non-residential uses is encouraged. Efforts are made to have the commercial areas develop in a most sustainable manner. This district reflects the *Kansas Avenue/54* section of the Greensburg Sustainable Comprehensive Plan's Future Land Use chapter.

E. CP-2 U.S. 54 PLANNED BUSINESS OVERLAY

This section is reserved for future use.

F. CP-3 PLANNED COMMERCIAL DOWNTOWN

The CP-3 district is composed of land and structures occupied by or suitable for uses furnishing the wide range of retail goods and services for residents of the regional trade area. The downtown business district is the focus of commerce,



professional service, and administrative business of the trade area. The downtown is pedestrian oriented; facilities for automobile convenience and uses generating direct vehicular traffic are discouraged. Residential development is encouraged at a high density to stimulate downtown activity. Residential units are also encouraged accessory to non-residential uses. Outdoor storage of items is not compatible with the downtown district except for occasional events such as organized sidewalk sales. Design guidelines are imposed as the appearance and sustainability of the downtown is critical to the future of the community. The district regulations are designed to permit further development of the district for its purpose in a compact and convenient arrangement of uses and structures that are urban in character. This district reflects the *Downtown Core* section of the Greensburg Sustainable Comprehensive Plan's Future Land Use chapter.

G. IP-1 PLANNED INDUSTRIAL

The IP-1 district is composed of land and structures occupied by or suitable for sustainable manufacturing, wholesaling, warehousing, and similar activities. Uses located in these districts should have little negative environmental impact on adjoining properties. Located for convenient access to present and future arterial streets and railway lines, these districts are usually separated from residential areas by commercial districts or natural barriers; if adjacent to residential areas, an artificial or natural separation is required. The district regulations are designed to allow a range of sustainable industrial activities subject to limitations designed to protect nearby residential and business districts. Commercial and service activities that benefit the primary heavy industrial uses may be allowed. This district reflects the *Industrial* section of the Greensburg Sustainable Comprehensive Plan's Future Land Use chapter.

1.8 Establishment of Districts in Annexed Areas

- A. When property is annexed into the City of Greensburg, that new part of the City shall be classified as R-1A Single Family Residential on the effective date of the annexation. From the effective date of such annexation, the Planning Commission shall have 45 days to conduct a zoning study of such area and recommend a zoning map amendment to the City Council. After the City Council has acted upon such recommendation, or absent a Planning Commission recommendation within said 45 day period, any property owner may request a zoning map amendment in an annexed area. No other zoning map amendment requests shall be processed during this 45-day period in an annexed area.



- B. The Planning Commission may make studies and conduct public hearings on proposed zoning of potential annexation areas prior to official annexation action by the City Council. After such studies and duly conducted public hearing, the Planning Commission may forward to the City Council a recommendation for proposed zoning of such potential annexation area. The City Council may then consider such proposed zoning concurrent with the annexation.

1.9 Zoning District Boundaries

- A. The locations and boundaries of the zoning districts shall be as shown on a map accompanying this Ordinance and made a part hereof, entitled "Zoning Map of the City of Greensburg." The Zoning Map and the authorized notations, references, and amendments thereto, and other information shown thereon, are hereby made a part of this Ordinance. The Official Zoning Map, entitled "*official copy of zoning district map incorporated into zoning regulations by adoption of an ordinance by the governing body of the city on the (fill in) day of (fill in), _____,*" properly attested by the signatures of the Mayor and City Clerk with the seal of the municipality affixed, shall be kept on file in the office of the City Clerk and Zoning Administrator and shall be available for inspection by the public.
- B. The provisions of this Ordinance governing each type of district the use of land and buildings, dimensional requirements, and other matters as are hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district as shown upon said map, including water areas, easements, and rights-of-ways.
- C. In the creation of the respective districts, consideration was given to the existing character of each district, its suitability for particular future uses, with a view to enhance the value of property interests, and encouraging the most appropriate and beneficial use of land throughout the City.

1.10 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following lot lines shall be construed to be such lot lines.



- B. Boundaries indicated as approximately following streets, alleys, or other transportation rights-of-way shall be construed to be midway between the rights-of-way lines.
- C. Boundaries indicated as approximately following the city limits shall be construed as following such city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the centerline of the railroad rights-of-way.
- E. Boundaries indicated as following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- F. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1.10 (A-E) above, shall be so construed.
- G. On unplatted property or where a district boundary divides a lot, the location of such boundary, unless indicated by dimensions, shall be determined by use of the scale appearing on the map.
- H. Where any street, road, alley, or easement is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the portion of such street, road, alley, or easement added to the property by virtue of such vacation or abandonment.
- I. If an area is not shown on the Official Zoning Map as being included in any district, and cannot be otherwise verified, it shall be deemed to be in the R-1A Single Family Residential.
- J. In case any further uncertainty exists, the Board of Zoning Appeals shall interpret the intent of the map as to location of district boundaries, as an appeal from the terms of the above provisions.

1.11 Amendment of District Boundaries

When changes are made in district boundaries or other matters portrayed on the Zoning Map, the following rules shall apply:

- A. Such changes shall be entered on the Official Zoning Map promptly after the City Council has approved the amendment, with a reference to a more complete descriptive permanent record in the Office of the City Clerk.



- B. No changes of any nature shall be made on the Official Zoning Map, or matter shown thereon, except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.
- C. Zoning Map amendments shall comply with the provisions of AMENDMENT PROCEDURES (Article 16) of this Ordinance.

1.12 Emergency Suspension of Regulations

The City Administration shall have authority to suspend certain provisions of this Ordinance during a disaster emergency declared by federal, state, or local officials. Such suspension shall be the minimum necessary to accommodate the emergency situation.

1.13 Severability

Each Article, Section, Sub-section, and provision of this Ordinance is independent of every other Article, Section, Sub-section, and provision so far as inducement for the passage of this Ordinance is concerned. If any Article, Section, Sub-section, or provision of this Ordinance were ruled invalid or unconstitutional, such ruling shall not effect the validity of this Ordinance as a whole or any other part or provision thereof.

1.14 Repeal

This Ordinance repeals the previously existing zoning regulations for the City of Greensburg, Kansas, in their entirety. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

1.15 Accrued Rights and Liabilities Saved

The repeal of previously existing ordinances and provisions of ordinances provided by Section 1.14 shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances repealed are hereby continued in force and effect, for the purpose of such rights, fines, penalties, forfeitures, liabilities, or actions thereof.

**ARTICLE 2 DIMENSIONAL REGULATIONS**[\(back to contents\)](#)**SECTIONS:**

- 2.1 *Table of Dimensional Requirements***
- 2.2 *Supplementary Residential Yard Requirements***
- 2.3 *Downtown / Village Residential Use Of Rights-Of-Way***
- 2.4 *Height Regulations***
- 2.5 *Corner Sight Visibility***

2.1 *Table of Dimensional Requirements*

The following table details the dimensional requirements for the Greensburg zoning districts. These are modified by following sections of this Article.

TABLE OF DIMENSIONAL REQUIREMENTS

(MINIMUM REQUIREMENTS UNLESS OTHERWISE NOTED)

R-1A SINGLE FAMILY RESIDENTIAL (LOW DENSITY)

Lot area	7,000 square feet
Lot width	60 feet
Building height:	35 feet
Front yard:	25 feet
Side yards	6 feet
Rear yard	20 feet
Lot coverage	25% max.

R-1B SINGLE FAMILY RESIDENTIAL (MEDIUM DENSITY)

Lot area	6,000 square feet
	3,000 square feet per dwelling unit
Lot width	50 feet
Building height	35 feet
Front yard	25 feet
Side yards	6 feet
Rear yard	20 feet
Lot Coverage	40% max.

**RV-P PLANNED RESIDENTIAL VILLAGE**

Lot area	not regulated
Lot width	not regulated
Building height	35 feet
Front yard	5 feet maximum (at least 50% of the structure width)
Side yards	not regulated
Rear yard	not regulated
Lot Coverage 80% max.	

CP-1 PLANNED GENERAL COMMERCIAL

Lot area	25,000 square feet
Lot width	100 feet
Building height	35 feet
Front yard	15 feet
Side yards	10 feet
Rear yard	20 feet
Lot coverage 75% max.	

CP-3 PLANNED CENTRAL BUSINESS

Lot area	not regulated
Lot width	not regulated
Building height	35 feet
Front yard	10 feet maximum (at least 50% of the structure width)
Side yards	not regulated
Rear yard	not regulated
Lot Coverage 80% max.	

IP-1 INDUSTRIAL

Lot area	25,000 square feet
Lot width	100 feet
Building height	35 feet
Front yard	25 feet
Side yards	20 feet
Rear yard	30 feet
Lot coverage 75% max.	



2.2 *Supplementary Residential Yard Requirements*

- A. The following qualify and supplement the residential yard requirements established by the Table of Dimensional Requirements found in Section 2.1. The below are maximum dimensions unless otherwise noted.
- | | | |
|----|---|--|
| 1. | Chimneys, ornamental features, eaves, gutters | 3.0 feet projection |
| 2. | Outside stairs, handicap ramps, balconies
basement egress, bay windows, | 4.0 feet projection |
| 3. | Open unenclosed porches, platforms, open
decks, paved terraces: not covered by roofs | 10' front/rear; 6' side projection |
| 4. | Attached unenclosed carport | 3' projection into side |
| 5. | Passive solar energy systems | 10' front, 6' side projection |
| 6. | Accessory structures | 5' rear yard, 3' side yard
setbacks |
| 7. | Rear alleys | One/half of rear alley may count
as part of residential rear yard |
- B. Where lots comprising 40% or more of the frontage in any block face are already developed as legal nonconforming situations with buildings whose front yards are less than the minimum required front yard as specified in this Ordinance, the required setback may be reduced so that a structure may be erected, reconstructed, altered or moved so as to project to the average front building line established by adjacent existing buildings. This provision likewise applies to side yards on corner lots, except that corner sight visibility shall be maintained.
- C. The front yard requirements specified in the Table of Dimensional Requirements shall apply to each street frontage of a through lot, and each shall be considered a front yard. Exception: When a residential development is designed so that no residence faces the rear frontage within a block face with no curb cut or access to the rear street, such area may be considered a residential rear yard.
- D. The front yard requirements as specified in the Table of Dimensional Requirements shall apply to each street frontage of a corner lot, and each shall be considered a front yard. Exception: when a residential development is designed so that no residence faces a side street within a block face with no curb cut or



access to the side street, the side street setback may be considered a side yard, and shall be one-half of the otherwise required front yard setback.

- E. Accessory structures except fences, storm shelters and the like shall be at least 10 feet from a principal structure.
- F. No accessory structure shall be within or over a platted or deeded easement. Exception: a fence may cross an easement only if it is easily removed.

2.3 DOWNTOWN / RESIDENTIAL VILLAGE USE OF RIGHTS-OF-WAY

Certain structural elements may encroach into the public rights-of-way to encourage dense pedestrian oriented development as promoted in the Sustainable Comprehensive Plan goals and objectives for the downtown core and residential village areas (CP-3 and RV-P zones).

Owners and occupants shall hold the city harmless for any liability associated with such encroachments. An unobstructed sidewalk clearance at least 5 feet wide shall be maintained for pedestrian traffic. The below are maximum dimensions unless otherwise noted.

- | | | |
|----|--|--------------------|
| A. | Porches, stoops, entrances on east-west side streets | 5 feet projection |
| B. | Upper floor balconies, projecting windows, canopies, awnings | 5 feet projection |
| C. | Ground floor projecting windows | 1 foot projection |
| D. | Ground floor canopies, awnings | 3 feet projection |
| E. | Alley setback (except trash/recycling) | 10 feet |
| F. | Outdoor displays, seating | sidewalk clearance |

2.4 HEIGHT REGULATIONS

- A. The following may be erected to a height 15 feet above the maximum building height stated in the Table of Dimensional Requirements (Section 2.1):

Chimneys	Water tanks
Penthouses	Towers
Scenery lofts	Elevator shafts



Smokestacks	Ornamental spires
Communication towers	Cupolas
Domes	Similar structures
Necessary structural or mechanical appurtenances	

- B. Grain elevators are exempt from height regulations except when within Airport Hazard Areas.
- C. In areas where adopted Airport Hazard Zoning regulations apply, the height of structures shall in addition comply with those requirements.
- D. Wind energy systems shall be set back one foot for each foot of total height. See Article 4.
- E. No other structure or appurtenance shall exceed the maximum building height stated in the Table of Dimensional Requirements unless the required depth/width of the setbacks in all directions shall be increased one foot for each one foot of height in excess of the maximum permitted. The Building Official and Fire Chief shall approve such height extensions where such involve routine human use.

2.5 CORNER SIGHT VISIBILITY

To ensure that structures, signs, and landscaping do not constitute a driving and pedestrian hazard, a "sight triangle" shall be observed at all street intersections. Within the sight triangle, nothing that obstructs clear vision shall be permitted between a height of three feet and eight feet above the mean elevation of the street. The RV-P Residential Village and CP-3 Commercial Downtown districts shall be exempt from these requirements because of large-scale development, low traffic speeds, and adequate traffic controls.

The sight triangle shall consist of the following, or other dimensions having a similar effect when intersections are not ninety degrees. The sight triangle includes its adjacent right-of-way.

- A. Intersecting streets, from the intersecting property lines, 30 feet in both directions, the third side connecting the ends of the other two. Where streets do not intersect at ninety degrees dimensions having equal effect shall be used.
- B. The base measurement will be from the crown of the adjoining streets.



- C. Adjacent streets rights-of-way shall have equal visibility clearance.

**ARTICLE 3 SUPPLEMENTARY REGULATIONS***(back to contents)***SECTIONS:**

- 3.1 *Accessory Structures and Uses (Residential)***
- 3.2 *Home Occupations***
- 3.3 *Accessory Structures and Uses (Non-Residential)***
- 3.4 *Keeping of Animals, Agricultural Uses***
- 3.5 *Manufactured Units***
- 3.6 *Outdoor Storage***
- 3.7 *Outdoor Illumination of Uses***
- 3.8 *Flood Plain Development***
- 3.9 *Rights-of-Way Development***
- 3.10 *Mixed Use Development***
- 3.11 *Seasonal and Temporary Uses***
- 3.12 *Fences***
- 3.13 *Trash Receptacles***
- 3.14 *Accessory Dwelling Units (Attached)***
- 3.15 *Storage Container Units***
- 3.16 *Curb Cut Locations (CP-3 & RV-P)***

3.1 *Accessory Structures and Uses (Residential)*

A. Accessory structures and uses are permitted on private property in any residential district in connection with any permitted use. Accessory structures and uses, as defined in Article 17 of this Ordinance, shall include, but not necessarily be limited to, the following:

- 1. A private garage or carport when not attached to the principal structure.
- 2. A structure for enclosed storage incidental to a permitted use.
- 3. Satellite antenna and alternate energy devices.
- 4. A private swimming pool/bath house.
- 5. Basement egress window wells, statuary, arbors, trellises, awnings, canopies, barbecue equipment, gazebos, flag poles, laundry lines, terraces, recreational equipment, fences, walls and hedges.
- 6. Storm shelters.
- 7. Outdoor parking of trailers, recreational vehicles, buses, boats, and campers.



8. Operable and not abandoned personal passenger vehicles and their storage are exempt from residential accessory use regulations.
- B. In all residential districts, detached accessory structures and uses are prohibited in rights-of-way and required front yard setbacks, but may be located in a required rear and side yard as modified by the following provisions:
 1. Outdoor storage of interior household furnishings, appliances, and/or non-household items is not allowed in residential areas unless specifically permitted by the Table of Permitted Land Uses or by the Board of Zoning Appeals.
 2. Signs, a special type of accessory use, shall be permitted as specified in Article 9.
 3. Overnight parking of trucks and/or trailers larger than one ton capacity is prohibited in residential zoning districts.
 4. Outdoor storage of trailers, recreational vehicles, busses, boats, and campers may be parked and stored within the required residential front setback.
 5. Accessory structures in residence districts shall not be constructed or installed before a principal residence is under construction.
 6. Accessory structures in residence districts shall be designed similarly to the principal structure.
 7. Vehicle, and/or machinery repair is limited to one dwelling unit occupant occasionally working on one personally owned vehicle, outside an enclosed structure, without causing neighborhood disruption. Minor repair work within enclosed structures is not regulated, provided that major body work and painting are prohibited in residential areas.
 8. Horticultural activity is a permitted residential accessory use, and may be located in any yard area. Accessory structures associated with horticulture shall meet other requirements of this Ordinance.
 9. The letting of space for up to one boarder, provided an additional dwelling unit is not created, is a permitted residential accessory use.



10. For structures other than fences and the like, a three foot side and five foot rear yard shall be maintained.

3.2 Home Occupations

Home occupations as accessory uses are permitted in all residential zoning districts, subject to the following conditions.

- A. The occupation or profession shall be conducted entirely within the principal residential structure. Exception: home occupation activity may be extended to accessory structures in the R1-B district.
- B. No more than one person outside the resident family shall be employed in the home occupation.
- C. There shall be no outside or accessory building storage; nor any exterior display or other indication of the home occupation, except a four square foot unlighted flat mounted wall sign as permitted by Article 9. Exception: there may be outside or accessory building storage within the R1-B district.
- D. No more than twenty-five percent of the area of one floor of the principal residence shall be devoted to the home occupation. Exception: the floor area may be extended to accessory buildings in the R1-B district.
- E. The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to and from the premises.
- F. The home occupation shall be designed and operated so that customers (if any) shall be limited to one at a time on the premises.

3.3 Accessory Structures and Uses (Non-Residential)

- A. Accessory structures and uses are permitted for any non-residential permitted principal use (as of right or special exception). Accessory structures and uses, as defined in Article 17 of this Ordinance, shall include, but not necessarily be limited to, the following, unless specifically prohibited in the Schedule of District Regulations or the Board of Zoning Appeals in the case of Special Exceptions:
 1. Outdoor storage, when specifically permitted as-of-right or as a special exception. (See Section 3.6 below)



2. Canopies, free standing or attached, for weather protection.
 3. Service station islands.
 4. Outdoor parking of trucks, buses, and other large vehicles.
 5. One dwelling unit for each non-residential zoning lot, constructed as an integral part of the principal non-residential structure.
- B. Land uses which under other circumstances may be considered principal uses, but are considered accessory uses because for all practical purposes they are designed and operated to not stand on their own. (i.e., a cafeteria for an office building is not a restaurant)
- C. For all non-residential uses, accessory structures shall be prohibited in rights-of-way and required front yard setbacks, but may be located in the required rear or side yard provided the landscaping and buffer provisions of Article 7 are met. For structures other than fences and the like a three foot side and five foot rear yard shall be maintained.
- D. Off-street parking and paved service areas may be located in any required setback of a non-residential district lot, provided that the landscaping and buffer requirements of Article 7 are met.
- E. Manufactured housing units, mobile homes, trailers removed from tractor-trailer trucks, any structure that is or has been a wheeled vehicle or a portion thereof, former metal container units, and similar structures shall not be used as accessory structures. EXCEPTION: Non-residential temporary construction site office/storage, placement on CP-1 and IP-1 zoned property when screened from the public view.
- F. Signs, a special type of accessory use, shall be permitted as specified in Article 9.

3.4 Keeping of Animals, Agricultural Uses

- A. Animals other than household pets may be permitted on a limited basis. A personal or commercial kennel (the keeping of more than four dogs) is an agricultural land use as a Conditional Use (see Subsection 11.3.D). Limited personal animal husbandry may be allowed as a Special Exception (see Section 15.8). Nothing in this Ordinance shall contradict provisions of the Greensburg Animal Control Ordinance.



- B. No provision of this Ordinance limits non-commercial horticulture with occasional seasonal sales on private property.
- C. Bona fide commercial agricultural use of land, involving at least 3 acres of land is not regulated by this Ordinance.

3.5 *Manufactured Units*

- A. Residential Design Manufactured Housing. A manufactured housing unit with running gear, tongue, axles, and wheels removed, at least 22 feet wide installed on a permanent foundation or permanent curtain wall, with pitched roof and siding and roof materials customarily found on site-built housing, shall be considered a single family dwelling for all zoning purposes. Residential design manufactured housing units shall comply with and shall bear a label of compliance with the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. In addition, any Residential Design Manufactured Housing unit brought into the City shall be no more than 10 years old.
- B. Modular Housing. A modular housing unit is prefabricated and hauled to a site in one or more modules which are not designed to be transported on its own chassis. When installed on a site with a permanent foundation, with a pitched roof and siding and roof materials customarily found on site-built housing, a modular housing unit shall be considered a single family dwelling for all zoning purposes.
- C. Manufactured Housing. A housing unit prefabricated and constructed to be transported on its own chassis and designed without a permanent foundation, or two such units subsequently connected, is permitted in Greensburg as a dwelling unit when installed in the R1-B zone or a manufactured housing park (all of which require a Conditional Use Permit from the Board of Zoning Appeals—see Section 11.3.0&P). Manufactured housing units may replace other such units and nonconforming mobile homes as permitted under Article 12, Nonconforming Situations. Manufactured housing units shall comply with and shall bear a label of compliance with the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. In addition, any manufactured housing unit brought into the city shall be no more than 10 years old.
- D. Mobile Homes. A mobile home is a transportable factory-built structure designed to be used as a permanent residential dwelling, constructed prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which



became effective June 15, 1976. Mobile homes are allowed in Greensburg only as nonconforming uses—see Article 12.

- E. **Manufactured Housing Units as Temporary Construction Offices.** Manufactured housing units may be used as temporary construction offices or storage when located on the same property as the construction project. Such offices shall as closely as possible comply with the yard requirements of the zoning district in which they are located. The unit shall be removed immediately after completion of the construction.
- F. **Manufactured Housing Unit as Sales Office/Model.** Manufactured housing units may be used as sales offices and models for sale when located in a zoning district permitting such sales and where such sales are conducted.
- G. **Manufactured Housing Units as Storage Structures.** No manufactured housing unit or mobile home shall be used as a storage structure in any zoning district except the CP-1 Planned General Commercial and IP-1 Planned Industrial Zone, and then only when screened from public view.
- H. **Joining Manufactured Units.** Manufactured housing units and mobile homes shall not be joined or combined with other units unless they are specifically designed and constructed to be joined.

3.6 Outdoor Storage

Where outdoor storage is permitted as a principal or accessory use, the following provisions shall apply.

- A. **Storage of vehicles and household items in residential districts** shall comply with Accessory Structures and Uses (Residential), Section 3.1, above.
- B. **Storage of items in non-residential districts** (and for allowed non-residential uses in residential districts) shall be completely enclosed by a security fence at least six feet in height. Where such storage area abuts or is within one hundred feet of a residential district, it shall be screened from view from residential property.
- C. **Manufactured housing, mobile homes, former metal container units, tractor-trailer trucks, and structures that are or have been a wheeled vehicle or a portion thereof, may not be used for outdoor storage structures.** EXCEPTION: Temporary construction site office/storage, storage on non-residential zoned property when screened from the public view.



3.7 Outdoor Illumination of Uses

Outdoor lighting facilities and fixtures used to illuminate signs, the exterior of structures, parking areas, or for other purposes shall be so arranged that the source of light does not shine or glare directly into adjacent residential properties to constitute a nuisance, and does not interfere with traffic. See Article 5, Dark Sky/Lighting.

3.8 Flood Plain Development

Any construction and or land disturbing activity proposed to take place in a designated Flood Hazard Area requires a separate development permit, and is controlled by the Greensburg Flood Plain Management Ordinance. This Flood Plain Management Ordinance is incorporated by reference into this Zoning Ordinance, and is found in another section of this Sustainable Land Development Code.

3.9 Rights-of-Way Development

- A. Any construction or other development or private land usage (other than approved approaches and sidewalks) within the public rights-of-way is prohibited unless specifically allowed by other provisions of this Zoning Ordinance.
- B. See Section 2.3 for right-of-way use in the CP-3 downtown and RV-P residential village districts.
- C. Organized Framers' Markets and similar activities may be set on public property with permission from the City.

3.10 Mixed Use Development

In the RV-P and all non-residential Zoning Districts, residential dwelling units developed above, below, or attached to the ground floor of commercial uses are permitted, and are exempt from the dimensional requirements of this Ordinance. Such dwellings shall be an integral part of the principal structure by design and appearance. Such dwelling units shall comply with all other applicable housing and development codes, except that off street parking standards are waived.

3.11 Seasonal and Temporary Uses

Seasonal and temporary uses are permitted as detailed and regulated below.



- A. Christmas tree sales and storage may be conducted on open land in any non-residential zoning district. The time period shall not exceed sixty days. All business shall be conducted on private property, and corner sight vision triangles shall be maintained.
- B. Seasonal greenhouse and horticultural supplies may be sold and displayed outside of enclosed buildings in districts permitting such sales. All business shall be conducted on private property, required parking shall be maintained, and corner sight vision triangles shall be observed. Storage of loose material such as mulch, topsoil, sand, etc. is prohibited under this provision.
- C. Promotional activities of retail merchants outside of enclosed buildings may be conducted. Such activity shall not encroach upon required off street parking spaces, and shall keep sidewalks accessible. The City Council may grant use of public rights-of-way for such activities with events sponsored by not for profit organizations or the City. Such activities shall be restricted to commercial and industrial properties.
- D. Seasonal sales of farm produce locally grown are permitted. The conduct of all business shall be on private property. Any structure or sign utilized with this activity shall be removed from any required front yard area when the sales season ends.
- E. Non-profit fund raising and other activities related to the principal use may be conducted upon the non-profit property as an accessory use. Parking areas for the principal use shall not be compromised.
- F. The City Council may grant use of public lands and rights-of-way for temporary uses sponsored by neighborhood associations and non-profit organizations.

3.12 Fences

Fences or walls, where provided or required, shall meet the following provisions.

- A. In residence districts, fences and walls may be constructed to a maximum height of 6 feet above the average grade subject to restrictions of this Article. In commercial and industrial districts, fences and walls may be up to 8 feet high. A permit shall be obtained for: 1) any new fence; and 2) any replacement or reconstruction of 50% or more of the linear feet of the entire existing fence or wall.



Any replacement or reconstruction of a fence or wall shall comply with all the provisions of this Article except setbacks (corner sight visibility triangles will be enforced). In determining the height of a fence, the material used in the fence posts shall not be considered, and an additional six inch base will be allowed.

- B. Fences or walls (including retaining walls) in any "planned" district shall be approved by the Planning Commission as part of the site development plan prior to the issuance of any fence permit.
- C. Retaining walls may be permitted where they are reasonably necessary due to the topography of the lot.
- D. All fences or walls constructed prior to the adoption of this Ordinance which do not meet these may be replaced and maintained resulting in a fence the same size, type and material; provided, however, that no fence shall be replaced or reconstructed in a manner which obstructs the corner sight visibility triangles as defined in Section 2-5.
- E. In all districts, the following restrictions and standards shall apply to all fences and walls:
 - 1. Location.
 - a) Front yard. A fence or wall not more than four feet in height may project into or enclose any required front yard or side yard to a depth from the street line equal to the required depth of the front or side yard.
 - b) Rear yard. A fence or wall may be constructed on the rear property line on all lots. For double frontage lots the rear is considered to be a front yard. Exception: where no lots in the block face front on the rear street.
 - c) Side yard. A fence or wall may be constructed on the side property line.
 - d) Corner lot. A fence or wall not more than four feet in height may project into or enclose any required front or side yard along the street frontage of the lot. Exception: where no lots in the block face front on the side street: corner sight visibility shall be maintained.
 - e) Easements. A fence or wall should not encroach into any established easement. EXCEPTION: A fence or



wall may cross through or encroach upon an established easement with permission of the easement holder when it can be readily removed and when the property owner fully understands that he/she cannot hold the easement holder responsible when access to such easement is required.

2. Design Standards.

- a) All fences and walls shall be constructed of durable and traditional materials. When facing a street, the finished side of a fence or wall shall face outward.
- b) All fence segments abutting a designated thoroughfare, except on corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the edge of the street for maintenance and mowing.
- c) Spikes and Barbed Wire Fences. No person shall place or permit to be placed or remain on any fence or wall, within 5 feet of any public street or sidewalk or less than 6 feet above grade, any spikes or sharp pointed cresting, or any barbed wire, or other thing dangerous and liable to snag, tear, cut or otherwise injure anyone coming in contact therewith.
- d) Electric Fences. No person shall erect a fence containing uninsulated electric conductors that may be exposed to human contact anywhere within the City.
- e) Swimming Pools. Private swimming and other pools having a water depth of 2 feet or more shall be enclosed by a protective fence or other permanent structure at least 4 feet in height. The protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person.

3.13 *Trash Receptacles*

- A. In residence districts, where trash receptacles are provided other than individual cans or carts, and in locations other than alleys, they shall be effectively screened from public view.



- B. In the RV-P and non-residential districts, trash receptacles shall be effectively screened from public view.

3-14 Accessory Dwelling Units (Attached)

One attached accessory residential unit constructed within or attached to a primary single family dwelling in all zoning districts may be permitted upon finding the below.

Detached accessory residential units may be permitted in certain districts as conditional uses: see Section 11.3.A.

- A. The owner of one unit shall be the owner of the property.
- B. Neither dwelling shall be individually sold; the accessory may only be rented.
- C. Lot coverage requirements shall be maintained.
- D. The accessory unit shall be an integral part of the principal dwelling by design and appearance.
- E. The Certificate of Occupancy for an accessory dwelling shall expire if the unit does not comply with this zoning ordinance. If a complaint is made to the zoning administrator by an adjoining property owner the zoning administrator will make a determination to terminate or not terminate the Certificate of Occupancy. Such determination may be appealed to the Board of Zoning Appeals.

3.15 Storage Container Units

A storage container unit is any type of container, including but not limited to: those manufactured and used as shipping containers; former railroad box cars; tractor trailers or other type truck box, whether or not wheels and axles are removed; and/or units specifically construction as storage unit, all that are placed on private property as a storage or other facility.

Storage container units are permitted on any property within the city subject to the following.

- A. No more than 30 days in any calendar year.
- B. When associated with nonresidential land uses storage container units are permitted with an unlimited time frame when obscured from public view.



- C. When associated with new construction storage container units may be on or adjacent to the construction site during the time of constructed. They shall be removed within 14 days of construction completion.

3.16 Curb Cut Locations (CP-3 & RV-P)

Locations of curb cuts are regulated in the CP-3 Planned Downtown Commercial and RV-P Planned Residential zoning districts. An intent of these districts is to encourage pedestrian activity. This Ordinance declares that streets within with north-south orientations are primary pedestrian streets in the City of Greensburg. Commercial curb cuts for vehicles within these districts are limited to streets with an east-west orientation. The uses regulated herein are listed in the Table of Permitted and Conditional Uses, Article 13. EXCEPTION: RV-P districts on the Official Zoning Map that are not adjoining the CP-3 district on at least one side.

**ARTICLE 4 ALTERNATIVE ENERGY SYSTEMS**[\(back to contents\)](#)**SECTIONS:****4.1 Solar Energy Systems****4.2 Wind Energy Systems****4.1 Solar Energy Systems**

- A. Purpose: It is the purpose of these regulations to promote the safe, effective, and efficient use of solar energy systems installed to reduce the on-site consumption of natural gas and/or utility power.
- B. Findings: The City of Greensburg finds that solar energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. The City finds it is necessary to standardize and streamline the proper issuance of building permits for solar energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.
- C. Definitions:
 - 1. Good Practice: Good practice is defined as adhering to established procedures and guidelines for the design, installation and maintenance of solar systems to ensure safe and effective operation.
 - 2. Solar Access: The availability of (or access to) unobstructed, direct sunlight.
 - 3. Solar Energy System: An active or passive solar conversion system which is intended to reduce the on-site consumption of natural gas and/or utility power by residential, commercial or government buildings.
 - a) Passive Solar Thermal System: A structure, such as a residence or commercial building, which utilizes glazing, overhangs, ventilation and other techniques, along with natural features such as trees and plantings to heat, cool or otherwise control a building's environment.
 - b) Active Solar Thermal System: A system consisting of solar collectors and associated equipment which



utilizes air or a suitable fluid to harvest the sun's energy for on-site heating purposes.

- c) Active Solar Electric System: A system consisting of solar collectors and associated power-processing and safety equipment which generates electricity and which may be capable of either grid-connected or independent operation.
- D. Permitted Use: Solar energy systems shall be a permitted use in all zoning districts where structures of any sort are allowed; subject to certain requirements as set forth below.
- 1. Solar Access: Within the CP-3 and RV-P zoning districts solar energy systems shall be protected. Adjacent and nearby structures shall be designed to not adversely affect existing and possible future solar energy systems. Due diligence shall be used in other zoning districts to protect solar energy systems.
 - 2. Setbacks:
 - a) A solar thermal or solar electric system may be located in a required rear yard as an accessory structure; and as such shall be at least five feet from the rear lot line and three feet from the side lot line (including guy wires and anchors).
 - b) A solar thermal or solar electric system may be located in a required front yard as an accessory structure; and have at least a ten foot setback from the front and side lot lines. Corner lots shall maintain the visibility triangle as established in Section 2.5 of this Ordinance.
 - c) Structural passive solar system apparatus (such as roof overhangs) may extend into a required front yard ten feet and into a required side yard six feet. A three foot yard shall be maintained beyond such extension. Corner lots shall maintain the visibility triangle as established in Section 2.5 of this Ordinance. This provision is not to evade yard setback regulations: solar energy calculations shall be provided.
 - d) Systems installed by the local government or public utilities are exempt from these setback regulations.
 - 3. Noise: Ancillary equipment, such as the inverter, for solar energy systems shall not exceed 55 dBA, as measured at the closest neighboring inhabited dwelling.



4. Approved Active Solar System Components: All components in an active solar system must be UL-listed. The City of Greensburg must approve an active solar system design before it is installed.
5. Good Practice: Permit applications must demonstrate that good practice is being followed in the design and installation of a solar system.
6. Compliance with International Building Code: Permit applications for all solar systems will demonstrate compliance with the International Building Code where applicable.
7. Compliance with Local Codes and Standards: Solar energy systems must comply with all local codes and standards.
8. Compliance with National Electric Code: Permit applications for active solar systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer or system installer.
9. Utility Notification: No active solar-electric energy system shall be installed until evidence has been given that the electric utility has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
10. Abandonment: Any active solar energy system that is not operated for a continuous period of 12 months shall be considered abandoned, and the owners of such system shall remove all structures within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such facility is not removed within said 90 days, the City may remove all such structures in accordance with Article 2A, Environmental Code of the City.

4.2 Wind Energy Systems

- A. Purpose: It is the purpose of these regulations to promote the safe, effective and efficient use of small wind energy systems installed to promote and increase the use of



renewable energy and reduce the on-site consumption of utility supplied electricity.

- B. Findings: The City of Greensburg finds that wind energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. The City finds that it is necessary to standardize and streamline the proper issuance of building permits for small wind energy systems so that this clean, renewable energy resource can be utilized in a cost-effective and timely manner.
- C. Definitions:
1. Small Wind Energy System: A not publicly owned and/or operated wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power by the owner, the electricity generated by it to be used by the owner or sold to the City pursuant to the City's Interconnection Tariff.
 2. Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.
 3. Total Height: The height above grade of the tower and the tip of the blade when it is at its highest point.
- D. Permitted Use: Small wind energy systems shall be a permitted use in all zoning districts where structures of any sort are allowed; subject to certain requirements as set forth below:
1. Tower Height: There is no limitation on tower height, except as imposed by FAA regulations.
 2. Set-back: A wind tower for a small wind system shall be set back a distance equal to its total height from:
 - a) Any public road right of way;
 - b) Any overhead utility lines;
 - c) All property lines.
 3. The wind system structure, including guy wire anchors, shall meet all zoning district setbacks. In addition,



no part may extend closer than 10 feet to the property boundaries of the installation site.

4. Noise: Small wind energy systems shall not exceed 55 dBA, as measured at the property line. This level, however, may be exceeded during short-term events such as severe wind storms.
5. Approved Wind Turbines: Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association. The City of Greensburg must approve the specific model of wind turbine before it is installed.
6. Compliance with International Building Code: Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. Applications for wind energy systems larger than 50 kW shall have installation drawings prepared and stamped by a professional engineer licensed by the State of Kansas.
7. Compliance with FAA Regulations: Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
8. Compliance with National Electric Code: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
9. Utility Notification: No small wind energy system shall be installed until evidence has been given that the electric utility has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.
10. Abandonment: Any wind energy system that is not operated for a continuous period of 12 months shall be considered abandoned, and the owners of such system shall remove all structures within 90 days of receipt of notice from the City notifying the owner of such



abandonment. If such facility is not removed within said 90 days, the City may remove all structures in accordance with Article 2A, Environmental Code of the City.

11. Climbing apparatus: Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet. Alternatively, access to the tower must be restricted to authorized personnel so as to prevent unauthorized persons from climbing the tower.
12. Lighting: Tower structure lighting is prohibited unless required by another code or regulation.



ARTICLE 5 DARK SKY / LIGHTING REGULATIONS[\(back to contents\)](#)**SECTIONS;**

- 5.1 Intent**
- 5.2 Lighting Definitions**
- 5.3 Exterior Lighting Standards**
- 5.4 Approved Materials**
- 5.5 Exemptions**
- 5.6 Relief from Exterior Lighting Regulations**

5.1 Intent

As noted in the adopted Sustainable Comprehensive Plan, the City of Greensburg finds and declares the naturally lit night sky is an important aspect of our environment and a resource that contributes significantly to our quality of life by contributing to the public peace and to the health, safety, and welfare of residents and visitors to the City. The essential public purposes that warrant regulation of outdoor light fixtures include, but are not necessarily limited to:

- Safety of individuals using outdoor areas for legitimate and necessary purposes after dark;
- Minimization of light pollution that has a detrimental effect on the environment and general enjoyment of the night sky;
- Elimination of unnecessary and/or unwanted illumination of adjacent and distant properties;
- Conservation of electrical energy generating resources; and
- Protection of vehicular and pedestrian traffic from dangerous glare.

5.2 Lighting Definitions

- A. Automatic Timing Device: A device that automatically turns outdoor light fixtures and/or circuits on and off. Photo-electric controls and motion detectors are not considered automatic timing devices for the purposes of this Article.
- B. Cut-off Shielding: A technique or method of construction that causes light emitted from an outdoor light fixture to be projected only below an imaginary horizontal plane passing through the fixture below the light source.



- C. Light Pollution: Artificial light that causes a detrimental effect on the environment, astronomical observation, enjoyment of the naturally illuminated night sky, or causes undesirable glare or unnecessary and/or unwanted illumination of adjacent or even distant properties.
- D. Light Source: The bulb or other element in an outdoor light fixture that emits light.
- E. Motion Detector: A device triggered by motion and used to energize light sources.
- F. Outdoor/Exterior Light Fixture: An illuminating device that is permanently installed outdoors, including but not limited to devices used to illuminate signs.
- G. Security Lighting: Such outdoor light fixtures and/or practices intended to discourage intrusion on the premises by unwanted persons.
- H. Shielding: In general, a permanently installed non-translucent shade, cowl, hood, baffle, or other construction that limits, restricts, or directs light or the visibility of a light source to meet the standards of this Article.

5.3 Exterior Lighting Standards

- A. Non-Residential Zones and Land Uses.
In the RV-P, CP-1, CP-3, and IP-1 zoning districts and non-residential land uses elsewhere, all outdoor light fixtures and lighting practices shall meet the below provisions.
 - 1. All outdoor light fixtures EXCEPT gas filled glass tubes and/or small decorative fixtures such as porch lights shall have full cut-off shielding that:
 - a. Prevents light sources from being visible beyond the boundaries of the property on which they are installed.
 - b. Prevent light rays from being directed above an imaginary horizontal plane passing through the fixture below the light source.



- c. Protects vehicular, bicycling, and pedestrian traffic from unnecessary and/or dangerous glare from the intense light of directly visible light sources.
 - d. Using LED or similar energy-saving light sources where feasible.
 - e. Energizing light fixtures only when necessary in relation to the land use where the lighting is installed by means of automatic timing devices and/or through the use of motion detection devices security lighting.
 - f. Requiring that unnecessary light fixtures be turned off when the business is not open.
- 2. LED or similar energy-saving light sources shall be used for street lighting, parking lot lighting and for security lighting when security lighting is not energized by motion detection devices. Sodium light sources may be used where LED lighting is not feasible.
- 3. Floodlights shall be directed downward and shielded so that the light source is not visible from roadways or adjacent properties, and shall be located and directed so that light is not unnecessarily reflected onto adjacent residential properties or into the night sky.
- 4. In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan when meeting the intent and requirements of this Article.
- 5. Prohibited lighting includes the below as being contrary to the intent of this Article:
 - a. Searchlights, laser lights, and other high intensity lights designed or used primarily to light the sky.
 - b. Broad spectrum lighting, such as quartz and mercury vapor lighting, due to the broad spectrum of visible light these light sources emit and because of the diffusing and reflective characteristics of such light.



6. The following LIMITATIONS apply to outdoor lighting:

a. Advertising Signs.

- 1) Illuminated commercial and industrial signs must be turned off no more than one hour after the close of business and may be turned on no earlier than one hour before the opening of business except as granted as a condition of the site plan approval.
- 2) All fixtures or circuits illuminating commercial and industrial signs shall be equipped with automatic timing devices.
- 3) External illumination on all signs, billboards, advertising kiosks, and information boards shall employ full cut off shielding as required to direct light onto the sign/sign structure face only and to shield the light source from the view of vehicular, bicycling, and pedestrian traffic; and adjacent residential properties.
- 4) All signs shall in addition comply with the provisions of Article 9, Sign Regulations.

b. Parking Lots and Other Vehicular Use Areas.

- 1) Parking lots and other vehicular use areas shall be illuminated only when in use during regular business hours, and for a brief time before opening and after closing for employee and customer safety and convenience.
- 2) Entrance and traffic marker lights shall be of an LED or sodium type and equipped with full cut off shielding that prevents the light source from being visible to vehicular, bicycling, and pedestrian traffic.
- 3) Security lighting may be approved as part of a site plan, and if approved shall be directed away and/or shielded from view by vehicular, bicycling, and pedestrian traffic; and adjacent residential properties.



B. Residential Zones and Land Uses

In the R-1A and R-1B zoning districts and residential land uses elsewhere, all outdoor light fixtures and lighting practices shall meet the below provisions.

1. All outdoor light fixtures shall have full cut off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPTIONS:

- Gas filled glass tubing.
- Small decorative fixtures such as residential porch lights.
- Holiday decorations in season.

2. The following limitations apply to residential outdoor lighting in order to uphold the intent and standards of this Article.

- a) Residential security lighting shall be energized by motion detectors unless otherwise approved by the site plan or zoning permit approval. Security lighting shall be shielded from view by vehicular, bicycling, and pedestrian traffic and adjacent properties.
- b) Residential yard light fixtures shall employ LED or a sodium light source with full cut off shielding.

5.4 *Approved Materials*

The provisions of this Article are not intended to prevent the use of any design, material, or method of installation, even if not specifically perscribed by this Article, provided that such alternative is approved by the Planning Commission and meets or exceeds Illuminating Engineers Society of North America (IESNA) standards.



5.5 Exemptions

The following uses and activities are exempt from the exterior lighting requirements of this Article. Voluntary compliance with the intent of this Article by any use or facility exempt from these requirements is strongly encouraged.

- A. Emergency facilities and equipment.
- B. Lighting required for air traffic safety.
- C. Lighting for the American flag.
- D. Holiday decorations in season, provided same shall not include searchlights, floodlights, strobe lights, or lights that create glare or distractions that pose a potential danger to vehicular, bicycling, or pedestrian traffic; or unwanted and unwanted glare in the night sky.
- E. Recreation facilities.
- F. Lighting as required by the adopted building code.
- G. Temporary lighting for theatrical and performance areas.

5.6 Relief from Exterior Lighting Regulations

- A. Exterior lighting systems are reviewed by the Planning Commission concurrent with a site development plan review for new construction activity. Appeals from decisions of the Planning Commission site plan reviews may be taken to the City Council according to the guidelines found in Article 10.
- B. Relief from these regulations when not part of a site development plan review may be sought from the Greensburg Board of Zoning Appeals as part of their zoning appeals process pursuant to Article 15.

**ARTICLE 6 LOW IMPACT DEVELOPMENT:**[\(back to contents\)](#)**STORM WATER MANAGEMENT AND EROSION CONTROL****SECTIONS:**

- 6.1 Intent**
- 6.2 Scope and Applicability**
- 6.3 Application Materials**
- 6.4 Pre-Development and Construction Standards**
- 6.5 Low Impact Development Design**
- 6.6 Post Construction Standards and Guidelines**
- 6.7 City Consulting Engineer**
- 6.8 Approval Process**
- 6.9 Maintenance**

6.1 Intent

- A. To promote stormwater management practices that maintain pre-development hydrology through site design, site development, building design and landscape design techniques that infiltrate, filter, store, evaporate, and detain stormwater close to its source.
- B. To protect natural resources, particularly streams, lakes, wetlands, floodplains, and other natural aquatic systems on the development site and elsewhere from degradation that could be caused by construction activities and post-construction conditions.
- C. To protect other properties from damage that could be caused by stormwater and sediment during construction activities and post-construction conditions on the development site.
- D. To reduce the negative impacts from impervious surfaces such as streets, parking lots, rooftops, and other paved surfaces.
- E. To protect public safety from flooding and erosion, reduce ice buildup, reduce public expenditures in removing sediment from stormwater drainage systems and natural resource areas, and to prevent damage to municipal infrastructure caused by inadequate stormwater controls.
- F. To implement those portions of the adopted Sustainable Comprehensive Plan addressing stormwater management and water quality.



6.2 Scope and Applicability

- A. This Article shall apply to all development within the City of Greensburg requiring a building or other development permit.
- B. Exemptions:
 - 1. Any activity in zoning districts other than the CP-3 Downtown zone that will disturb an area less than 20,000 square feet.
 - 2. Any activity that will increase an impervious area or contiguous impervious area less than 10,000 square feet.
 - 3. Bona Fide agricultural practices.
 - 4. Exempt areas are encouraged to use these low impact development standards to the maximum feasible extent.

6.3 Low Impact Development Application Materials

For all non-exempt activity requiring a development permit, the following information shall be presented on a plan or plans drawn to scale with supporting documents and technical details as necessary:

- A. An existing condition site assessment providing baseline information on features including slope profiles showing existing gradients, soil types, and site features that aid in stormwater management including natural drainage ways and forested and vegetated lands located on stream and wetland buffers.
- B. An erosion and sediment control plan that incorporates accepted best management practices.
- C. A stormwater runoff plan identifying the construction disturbance area and demonstrating that stormwater runoff is minimized through the use of natural drainage systems and on-site infiltration and treatment techniques. The plan shall demonstrate that soils best suited for infiltration are retained and that natural areas consisting of trees and other vegetation are preserved, preferably in contiguous blocks or linear corridors where feasible, for protection of the best stormwater management features identified in the site assessment. The Planning Commission may consider and impose appropriate safeguards, modifications and conditions relative to the general standards and guidelines listed in Section 6 of this Article.



6.4 Pre-Development and Construction Standards

All non-exempt development in the City of Greensburg is subject to the following pre-development and construction site standards to ensure that sources of soil erosion and sediment on the construction site are adequately controlled, and that existing site features that naturally aid in stormwater management are protected to the maximum extent practical.

A. Minimize Land Disturbance.

Development of a lot or site shall require the least amount of vegetation clearing, soil disturbance, duration of exposure, soil compaction and topography changes as possible.

1. To the extent feasible, soils best suited for infiltration shall be retained and natural areas consisting of tree canopy and other vegetation shall be preserved.
2. The time the soil is left disturbed shall be minimized. The Planning Commission may require project phasing to minimize the extent of soil disturbance and erosion during each phase of site development.
3. There shall be no soil compaction except in the construction disturbance area, which shall be identified and delineated in the field with appropriate safety or landscape fencing. In areas outside the disturbance area there shall also be minimal storage of construction vehicles, construction materials, or fill, nor shall these areas be used for circulation.

B. Preserve Natural Areas.

Development shall not result in an undue adverse impact on fragile environments, including wetlands, wildlife habitats, streams, lakes, steep slopes, floodplains, and vegetated riparian buffers.

1. Open space or natural resource protection areas shall be retained where feasible, for the protection of the best stormwater management features identified in the site assessment as required in Section 6.3.A of this Article, above.
2. Forested lands located on stream and wetland buffers and steep slopes are priority areas; clearing them shall be avoided in order to protect wildlife habitats and prevent erosion and sedimentation resulting from stormwater runoff.



- C. Stormwater, Erosion and Sediment Control During Construction. Applicants shall maintain compliance with the accepted erosion prevention and sediment control plan as required by Section 6.3.B of this Article, above.
1. Runoff from above the construction site must be intercepted and directed around the disturbed area.
 2. On the site itself, water must be controlled, and kept at low velocities, to reduce erosion.
 3. The amount of sediment produced from areas of disturbed soils shall be minimized by utilizing control measures such as vegetated strips, diversion dikes and swales, sediment traps and basins, check dams, stabilized construction entrances, dust control, and silt fences.
 4. Immediate seeding and mulching or the application of sod shall be completed at the conclusion of each phase of construction, or at the conclusion of construction if not phased.
 5. Periodic watering of the disturbed area may be necessary to reduce wind erosion.

6.5 Low Impact Development Design

The use of Low Impact Design approaches is preferred and shall be implemented to the maximum extent practical given the site's soil characteristics, slope, and other relevant factors. To the extent that Low Impact Design approaches are not proposed in the stormwater management plan, as required in Section 6.3.C of this Article, the applicant shall provide a full justification and demonstrate why the use of such approaches is not possible before proposing to use conventional structural stormwater management measures which channel stormwater away from the development site.

6.6 Post Construction Standards and Guidelines

All non-exempt development applications are subject to the following post construction stormwater management standards and guidelines to utilize stormwater management approaches to maintain natural drainage patterns and use infiltrate precipitation to the maximum practical extent.

Standards are statements that express the development and design intentions of this Article. The guidelines suggest a variety of means by which the applicant might comply with the standards. The guidelines



are intended to aid the applicant in the design process and the Planning Commission/City Administration when reviewing applications. The Guidelines are for illustrative purposes: options for compliance with the standards are not limited to the listed guidelines.

Primary Objective: Design and construct a stormwater system that maintains pre-development hydrology through development, construction, and landscaping techniques that infiltrate, filter, store, evaporate and detain/retain stormwater close to its source.

Design Storm Intensity: Stormwater management programs shall be designed to accommodate storm intensities used by the Kansas Department of Transportation for local streets.

Standard 1: Vegetation and Landscaping

Vegetative and landscaping controls that intercept the path of surface runoff shall be considered as a component of the stormwater management plan.

Guideline 1.1. Utilize two-track surfaces with grass in-between to provide water infiltration for roads, driveways, parking lots and other types of drivable or walkable surfaces.

Guideline 1.2. Design parking lot landscaping to function as part of the development's stormwater management system utilizing vegetated islands with bioretention functions.

Guideline 1.3. Incorporate existing natural drainage ways and vegetated channels, rather than the standard concrete curb and gutter configuration to decrease flow velocity and allow for stormwater infiltration.

Guideline 1.4. Divert water from downspouts away from driveway and sidewalk surfaces and into bioretention areas or rain gardens to capture, store, and infiltrate stormwater on-site (also to reduce ice buildup).

Guideline 1.5. Encourage construction of vegetative Low Impact Design stormwater controls (bioretention, swales, filter strips, buffers) on land held in common.

Standard 2: Reduce Impervious Surfaces

Stormwater shall be managed through land development strategies that emphasize the reduction of impervious surface areas such as streets, sidewalks, driveway and parking areas and roofs.

Guideline 2.1. Evaluate the minimum widths of all streets and driveways to demonstrate that the proposed width is the narrowest possible necessary to conform with safety and traffic concerns and requirements.



Guideline 2.2. Reduce driveway lengths by minimizing setback distances. Encourage common driveways.

Guideline 2.3. Use permeable pavement for parking stalls and spillover parking, sidewalks, driveways and bike trails.

Guideline 2.4. Establish parking maximums and utilize shared parking for uses with different peak demand periods.

Guideline 2.5. Reduce building footprints by using more than one floor level.

Standard 3: Low Impact Management Practices

Stormwater shall be managed through the use of small-scale controls to capture, store, and infiltrate stormwater close to its source.

Guideline 3.1. Create vegetated depressions, commonly known as bioretention areas or rain gardens that collect runoff and allow for short-term ponding and slow infiltration. Rain gardens consist of a relatively small depressed or bowl shaped planting bed that treats runoff from storms of one inch or less.

Guideline 3.2. Install dry wells consisting of gravel or stone-filled pits to catch water from roof downspouts or paved areas.

Guideline 3.3. Use filter strips or bands of dense vegetation planted immediately downstream of a runoff source to filter runoff before it enters a receiving structure or water body. Natural or man-made vegetated riparian buffers adjacent to water bodies provide erosion control, sediment filtering and habitat.

Guideline 3.4. Utilize shallow grass-lined channels to convey, detain, and store runoff.

Guideline 3.5. Incorporate rooftop gardens which partially or completely cover a roof with vegetation and soil or a growing medium, planted over a waterproofing membrane.

Guideline 3.6. Use permeable paving and sidewalk construction materials that allow stormwater to seep through into the ground.

Guideline 3.7. Use rain barrels and cisterns of various sizes that store runoff conveyed through building downspouts. Rain barrels are generally smaller structures, located above ground. Cisterns are larger, often buried underground, and may be connected to the building's plumbing or irrigation system.



Guideline 3.8. Add minerals and organic materials to soils to increase its capacity for absorbing moisture and sustaining vegetation.

Guideline 3.9. Utilize tree box filters placed below grade, covered with a grate, filled with filter media and planted with a tree, to act both as a water retention tank and a natural filter.

6.7 City Consulting Engineer

The City of Greensburg may retain its consulting engineer to facilitate the review of applications for development subject this Article and whose services shall be paid for by the applicant.

6.8 Approval Process

The Greensburg Planning Commission shall review stormwater management and erosion control plans concurrent with their site development plan review for new development projects and major modifications as outlined in Article 10. Minor changes to a plan shall be reviewed by the Greensburg administration. Appeals from administration reviews may be made to the Planning Commission. An applicant may appeal a Planning Commission decision to the Greensburg City Council.

6.9 Maintenance

Stormwater systems shall be maintained by the property owner to assure continued compliance with this Article. The City of Greensburg may require documentation of such assurances.

**ARTICLE 7 LANDSCAPING AND BUFFER REQUIREMENTS**[\(back to contents\)](#)**SECTIONS:**

- 7.1 Purpose**
- 7.2 General Requirements**
- 7.3 Screening and Buffer Requirements**
- 7.4 Sustainable Landscaping**
- 7.5 Landscaping Requirements: Vehicular Use Areas**
- 7.6 Plan Review and Approval**
- 7.7 Installation and Maintenance**
- 7.8 Existing Trees**

7.1 Purpose

Landscaping and buffer requirements are established to improve the appearance of vehicular use areas and property abutting public rights-of-way; to require buffering between incompatible land uses; to protect, preserve, and promote the visual appeal, character, and value of surrounding neighborhoods; to promote public health and safety through the reduction of pollution; and to create a more sustainable environment.

7.2 General Requirements

- A. No new site development, building, structure, or vehicular use area shall hereafter be erected, constructed, or used unless landscaping is provided as required by the provisions of this Article.
- B. No property lines shall be altered, nor shall any building, structure, or vehicular use area be expanded, unless the minimum landscaping required by this Article is provided to the extent of its alteration or expansion, but not necessarily for the entire property.
- C. No building or other development permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by the Zoning Administrator, unless a performance bond or other acceptable guarantee of improvements has been posted.
- D. Where site approval by the Zoning Administrator or Planning Commission is required, no building permit or certificate of occupancy shall be issued until such approval has been granted. In the event that the requirements of this Article



- conflict with those of other provisions of this Ordinance, the more restrictive shall apply.
- E. The City Administration may vary specific planting standards of this Article when it is determined that the purpose statement and other provisions have been otherwise exceeded. In such instances, advice of the Greensburg Tree Board may be obtained.
 - F. The Board of Zoning Appeals may through the Special Exception procedure outlined in Section 15.7 of this Ordinance reduce certain standards of this Article; however, the Board shall not have the power to waive any specific provision. The Greensburg Tree Board shall review such a modification petition prior to a public hearing.
 - G. The Corner Sight Visibility shall be maintained. See Section 2.5.

7.3 Screening and Buffer Requirements

Screening and buffering shall be provided in the locations and in accordance with the following provisions:

- A. Residential:
 - 1. In all residential major subdivision developments approved pursuant to the Subdivision Regulations of the City of Greensburg (a part of this Sustainable Land Development Code), buffer strips at least twenty feet in depth or width shall be provided adjacent to all limited access highways, all railroad rights-of-way, and commercial and industrial zoning districts (along side and rear property lines). The buffer strip shall be in addition to the lot depth or width required, and shall be designated on the plat. No structures are allowed within this buffer strip.
 - 2. The buffer strip shall be planted with deciduous and/or evergreen trees and shrubs. There shall be the equivalent of one tree and 5 shrubs for every 50 linear feet of buffer area. The remaining area shall be planted with suitable ground cover.
- B. Non-Residential:
 - 1. In all commercial and industrial zoning districts, a 20 foot wide (deep) screening/buffer strip shall be provided along the side and/or rear property lines adjoining residentially zoned lots. Within the buffer strip, ground



cover, trees, shrubs, berms, and/or fencing shall be placed together which form a dense year-round barrier designed to effectively screen the uses within the subject property from the view of adjacent residential uses (existing or future). Such buffer strips may be included in part of a required yard.

2. Fencing may be a solid wall or a barrier of wood, brick, or masonry material. All walls and fences shall be at least six feet in height, and vegetation shall attain that height within two normal growing seasons.

7.4 Sustainable Landscaping

- A. Sustainable landscaping is encouraged. Raingardens, landscaped detention facilities, bio-swales, xeriscaping, and other such features (installed with Best Management Practices) may replace the detailed requirements.
- B. In all instances, stormwater runoff shall be directed from parking areas to landscaped areas (see Article 6, Low Impact Development).
- C. Suitable ground cover in landscape areas includes pervious materials such as larger rock, mulch, and the like.

7.5 Landscaping Requirements: Vehicular Use Areas

- A. Areas Regulated:

Vehicular use areas covered by the requirements of this Section include required or provided off-street parking for a total of five or more vehicles (existing and proposed), including the internal vehicular circulation system for five or more vehicles. Also covered are the loading areas (and access thereto) for two or more loading bays. Lesser areas are exempt from the provisions of this Section.

- B. Street Frontage Landscaping Requirements:

On the site of a building or structure or open lot use providing off-street parking, loading, or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure, landscaping shall be required along any side that abuts the rights-of-way of a street or highway (not an alley). Such landscaping shall be provided as follows:



1. A landscaping strip of at least five feet in depth shall be located between the abutting right-of-way and any off-street parking, loading or other vehicular use area, except where driveway openings are to be provided.
2. The landscaping strip shall be planted in accordance with the following standards as a minimum:
 - a. One tree shall be planted for each fifty linear feet of the landscaping strip, or portion thereof.
 - b. A hedge, wall, berm, or other landscape barrier shall be planted or erected between the street right-of-way line and the parking surface. A hedge is considered a minimum of 5 shrubs for each 50 linear feet of landscape area.
 - c. All portions of the landscaping strip not planted with shrubs and trees, or covered by a wall or other barrier, shall be planted in grass or other ground cover, including unimproved adjacent rights-of-way.

C. Peripheral Coverage Requirements:

In addition to other requirements, peripheral landscaping shall be provided along the sides of regulated off-street parking, loading, or other vehicular use areas that abut adjoining property not a right-of-way. Such landscaping shall be, as a minimum, provided as follows:

1. A landscaping strip at least five feet in width shall be located between the parking, loading, or other vehicular use area and the abutting property lines, except where driveway openings are to be provided. Landscaping is not required along an alley except as regulated by Section 7.3, Screening and Buffer Requirements, above.
2. The landscaping strip shall be planted in accordance with the following standards as a minimum:
 - a. One tree shall be planted for each fifty linear feet of landscaping strip, or portion thereof.
 - b. A hedge, wall, or other durable landscape barrier shall be planted or erected adjacent to the common lot line.
 - c. All portions of the landscaping strip not planted with shrubs or trees, or covered by a wall or other



barrier, shall be planted in grass or other ground cover.

3. The provisions of this subsection shall not be applicable in following situations:
 - a. Where any off-street parking, loading, or other vehicular use area will be entirely screened visually by an intervening building or structure from abutting property.
 - b. Where any vehicular use area is immediately adjacent to a structure built on the side property line.
 - c. Where the vehicular use area abuts a public alley.
 - d. Where planting and/or fencing is required for screening between incompatible land uses, pursuant to Section 7.3, Screening and Buffer Requirements, above.
 - e. Sustainable landscaping is encouraged and may be substituted for the above detailed requirements.

D. Interior Coverage Requirements

When ten or more parking spaces are provided, not less than five percent of the interior of any regulated vehicular use area shall be landscaped. The location of such landscaping is at the option of the owner or developer, except in the case of large scale development. In such instances, at least every eighth row of parking shall be separated by a median strip, for landscaping and pedestrian purposes, of not less than ten feet in width. Additionally, and in all other cases, landscaping shall be reasonably dispersed throughout the parking lot in end planters and median strips. Such interior landscaping shall include trees, shrubs and ground cover. This provision is in addition to all other landscaping requirements.

7.6 Plan Review and Approval

Whenever any property is affected by these landscape and buffer requirements, the property owner or developer shall prepare a plan for submittal to, and approval by, the Zoning Administrator. Property in a "Planned" zoning district or subject to a Conditional Use Permit is further subject to review by the Planning Commission as part of its site plan review process. The Zoning Administrator



and Planning Commission shall follow the requirements of this Section in approving any plan required herein. Any decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals; any decision of the Planning Commission may be appealed to the City Council.

The contents of the landscaping plan shall include the following:

- A. The dimensions and acreage (for buffers) of the lot or plot or portion thereof to be built upon or otherwise used;
- B. The layout of the entire project, including the proposed uses of all structures, and its relation to adjoining properties;
- C. The layout of all off-street parking and loading areas, including the location of entry and exit points, the internal vehicular circulation pattern, and the location and dimensions of required parking and loading spaces;
- D. The location and dimensions of present and proposed streets and highways (and private drives as applicable);
- E. The location of all existing and proposed plantings and screenings, including name, installation size, and quantities;
- F. Identification of trees to be removed (over 2 inch caliper breast high).
- G. Details of sustainable landscaping features.
- H. The location of walls, berms, fences, and railings, and an indication of their height and construction materials;
- I. Title, north arrow, scale, name of owner, developer, person responsible for plan preparation, and the date of plan preparation.

7.7 Installation and Maintenance

- A. Existing landscaping material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material achieves the objectives of this Article. Otherwise, all landscaping shall be of good quality and installed in a sound, professional manner.
- B. Parking vehicles may overhang a landscaped area no more than one and one-half feet, provided curbing or other wheel stops are installed to ensure no greater overhang or penetration of the landscaped area. Landscaping, walls, fences, and any other material shall be so located to prevent damage and/or destruction by over-hanging vehicles.



- C. The type of landscape material used in meeting the requirements of this Article is at the option of the owner or developer in accordance with established standards of the Greensburg Tree Board. A recommended plant list shall be maintained by the City to provide detailed information on appropriate plant materials. Use of native plant materials is encouraged; and invasive species are prohibited.
- D. All trees to be used shall be a minimum of six feet in overall height upon planting. Shrubs shall be a minimum of two feet in height when measured immediately after planting. In any event, plant material required for the purpose of screening shall be of such initial size to reach the required height and density within two normal growing seasons.
- E. The owner or tenant who assumes responsibility for the property shall be responsible for the continued, proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All landscaped areas shall be provided with a readily available water supply. All unhealthy or dead plant material shall be replaced within one year, or by the next planting season, whichever comes first.
- F. Due consideration shall be given for underground and overhead utility facilities, structures, and other plant materials regarding the ultimate growth size of plant materials.

7.8 Existing Trees

Existing trees on a project site shall be preserved and protected to the maximum feasible extent. If removal is absolutely necessary, existing trees shall be replaced caliper inch for inch. For instance, a six caliper inch tree would be replaced by three 2 inch trees (measured breast high).



ARTICLE 8 OFF STREET PARKING REQUIREMENTS*(back to contents)***SECTIONS:**

- 8.1 Purpose**
- 8.2 General Requirements**
- 8.3 Parking Requirements**
- 8.4 Interpretation of the Chart**
- 8.5 Maximum Impervious Pavement Parking**
- 8.6 Shared Parking and Off-Site Facilities**
- 8.7 Design Standards**
- 8.8 Bicycle Parking**
- 8.9 Fuel Efficient Vehicle Parking**
- 8.10 Handicapped Accessible Parking**

8.1 Purpose

Off-street parking requirements are established in order to assure the proper and uniform development of parking areas throughout the City of Greensburg, to relieve traffic congestion in the streets, and to minimize detrimental effects of off-street parking areas on adjacent properties and public rights-of-way. The provisions of this Article foster sustainability by minimizing stormwater runoff, reducing impervious surfaces, encouraging shared and on street parking, emphasizing use of fuel efficient vehicles, and accommodating bicycle and pedestrian traffic.

8.2 General Requirements

- A. The requirements of this Article shall apply to all off-street parking lots.
- B. No change requiring additional parking and areas shall be permitted until and unless they are provided according to the provisions of this Article to the extent of such expansion or change, but not necessarily for the entire property.
- C. Off-street parking is not required in the CP-3 Planned Commercial Downtown and RV-P Planned Residential Village districts.
- D. Off-street parking lots provided in the CP-3 Planned Commercial Downtown and RV-P Planned Residential Village districts, and the other lots provided elsewhere though not required by the required parking table at Section 8.3 below, shall conform with the General Requirements and Design Standards (Sections 8.2, 8.7) of this Article.



- E. Each application for a building permit, development permit, or certificate of occupancy shall include plans and other information of sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article have been met. Parking plans shall include information as to (not required for off-street lots provided for four or fewer vehicles):
1. The location and dimensions of driveway entrances, access aisles, and parking spaces.
 2. The provisions of vehicular and pedestrian circulation.
 3. The location of sidewalks and curbs.
 4. The location of signs.
 5. Typical cross-section of pavement.
 6. Storm drainage facilities, utilities, and such other information or plans as circumstances may warrant.
 7. Landscaping plans showing compliance with Article 7.
- F. The building permit, development permit, or certificate of occupancy for the construction, alteration, moving, or use of any building, structure, or land where off-street parking space is required shall be withheld by the Zoning Administrator until the provisions of this Article have been met. If at any time such compliance ceases, any certificate of occupancy issued for the use of property shall become void.
- G. No business shall be conducted on any parking lot except when conducted in compliance with this Ordinance

8.3 Parking Requirements

When any building or structure or land use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of 10 percent or more in the number of existing parking spaces, accessory off-street parking spaces shall be provided as required by the table below or as required in other sections of this Article or this Ordinance.



GREENSBURG, KS OFF STREET PARKING STANDARDS

USE OR USE CATEGORY	MINIMUM PAVED SPACES REQUIRED	SUPPLEMENTAL REQUIREMENTS
Residential: One-family and two- family dwellings	2 per dwelling unit	
Residential: Apartments	2 per dwelling unit or 1.5 per efficiency unit	
Residential: Accessory apartment or room	None	
All Non-Residential		1 per company owned, used, inventoried vehicle in addition to below
Amusement place, auditorium, or exhibition hall without fixed seats	1 per 350 sq. ft. of floor area	Does not apply when accessory to a principal use
Art gallery, museum, or community center	4 per building	1 additional for each 400 sq. ft. of floor area over 1,000 square feet
Auditorium, theater, gymnasium, stadium, arena, or convention hall	1 per 8 seats or max. occupancy seating spaces	
Automotive Service	3 per bay	
Church, temple or similar place of assembly	1 per 10 seats (main auditorium only)	
Drive Up/Thru Facility	3 stacking spaces per window	In addition to other requirements
Hospital	1 per 3 patient beds	Plus 1 per 2 staff at largest shift
Nursing or convalescent home	1 per 5 patient beds	
Medical, Dental, Veterinary Care	2 spaces per examination room	
Motel	6 spaces per 5 rooms	
Private clubs- fraternities (no lounge)	1 per 6 persons maximum occupancy	
Restaurant, tavern, drinking establishment	1 per 4 seats/ maximum occupancy	
Retail store or personal / professional / financial service establishment	1 per 300 square feet of floor area	3 spaces minimum per business
Retailing of bulk items (vehicles, furniture, etc.)	1 per 500 square feet of floor area	3 spaces minimum per business
Rooming, boarding, group home, bed & breakfast	1 per 2 beds	
Schools: All	1 per 10 seats-main assembly room/gym (largest one)	College/High: Additionally 8 per classroom
Manufacturing or industrial establishment, research or testing lab, warehouse	5 per 10 employees	1 visitor space for each 10 employees (up to 5)

**8.4 Interpretation of the Chart:**

- A. The use regulations for each zoning district are not affected by arrangement of uses in the chart.
- B. The parking requirements in this Article do not limit other requirements in this Ordinance for parking contained in the district regulations.
- C. The parking requirements in this Article do not limit special requirements which may be imposed in connection with Conditional Uses, Article 11.
- D. Floor area, as used in the chart, shall be as defined in Article 17, Definitions.
- E. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- F. The parking spaces required for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics with similar demands for parking as determined by the Zoning Administrator.
- G. In the case of mixed uses (uses with different parking requirements occupying the same building or premises) or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal 70 percent of the sum of the requirements of the various uses computed separately.
- H. If a person finds that the off-street parking or loading requirements are in excess of the need, the Board of Zoning Appeals may reduce the number of spaces required and the extent of parking area to be improved. The Board shall find that any proposed modification shall be sufficient to serve the traffic generated, and that no hazard or traffic congestion shall result. This reduction may be done as a special exception to this zoning code (see Section 15.7). If the building or premises for which the modification is requested is thereafter occupied by a use which requires a greater number of off-street parking spaces, the use and/or building shall not be continued or occupied until the requirements of this Article have been met.

8.5 Maximum Impervious Pavement Parking

In order to foster a more sustainable community by reducing stormwater runoff and reducing the need for artificial detention/retention this Ordinance sets maximum areas for impervious vehicular parking. If more



than one hundred percent of minimum spaces are additionally provided, that excess area must be covered with approved impervious surfaces. Impervious surfaces are encouraged everywhere except at driveway aprons/approaches.

8.6 Shared Parking and Off-Site Facilities

- A. Parking facilities shared among businesses are strongly encouraged. Where parking is:
 - 1. Shared by similar uses the required number of spaces may be reduced to 70 percent of the sum individual businesses would need.
 - 2. Shared by uses not normally open at the same time (church or theater vs. retail or professional office) may share off-street parking at only 100 percent of the business with the greater requirement.
- B. Shared parking will be within 500 feet of each business served. The sharing businesses will execute an agreement satisfactory to the Zoning Administrator concerning maintenance of the facility. If a sharing business changes to a use requiring more parking spaces or expands so that additional parking is required, those additional spaces must be supplied before such change or expansion.
- C. Where sufficient parking cannot be provided on site by an individual business an off-site facility may be provided within 500 feet of the business. The off-site property must be in a zoning district permitting such parking. If the off-site property is not owned by the owner of the business, an agreement satisfactory to the Zoning Administrator between the owners is necessary to assure the continued use of the off-site property.

8.7 Design Standards:

- A. All parking spaces shall have minimum dimensions of nine feet in width and eighteen feet in length. All access or backup aisles shall conform to the following minimum dimensions:

<u>Parking Angle</u>	<u>Aisle Dimension</u>
90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet
30 degrees	12 feet
Parallel	12 feet



- B. The use of streets, sidewalks, or other public rights-of-way for parking or maneuvering to and from off-street parking spaces is prohibited. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle. Where the total of all spaces (existing and proposed) are for four or fewer vehicles, they are exempt from this provision. Access from improved alleys is likewise exempt from this provision.
- C. Parking areas, including all drives and access ways, shall be paved with an all-weather hard surface material. Company owned/inventoried earth moving equipment and farm implements may be displayed on unpaved areas that are well maintained, dust and erosion free. Sustainable impervious surfaces may be used with approval of the Planning Commission. By this provision impervious surface does not include millings or pea-sized or smaller crushed.
- D. Parking area edges shall be protected to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.
- E. Driveway approaches and curb cuts shall be designed and constructed in conformance with local design standards. No more than 40 percent of a lot frontage may used for curb cuts.
- F. Businesses integrated into a unified shopping center or cluster of commercial facilities shall use common access with other business establishments in that center.
- G. No driveway shall be located closer than twenty-five feet to any street intersection at the curb line.
- H. Non-residential facilities for 15 or more spaces shall be lighted, and any lighting of parking areas shall be shielded so as to cast no glare upon adjacent residential properties and streets. (See Article 5, Dark Sky/Lighting)
- I. Landscaping shall comply with Article 7 of this Ordinance.
- J. Screening shall be erected along any property line adjacent to or adjoining any single-family residence, two-family residence or multi-family residence to eliminate the passage of light from vehicles. Screening along side yards shall not extend nearer to the street than the front yard setback line. (See Section 7.3, Screening and Buffer Requirements)



8.8 Bicycle Parking

For each 5 off-street vehicle parking spaces provided, 2 bicycle stands shall also be installed (up to a required maximum of 6). These shall be close to main entrance to the development, and not impede sidewalk accessibility (5 foot wide clearance).

8.9 Fuel Efficient Vehicle Parking

For every 10 off-street vehicle parking spaces provided, one shall be designated for alternative fuel and/or hybrid motor vehicles. They shall be conveniently located to the main entrance to the development, but not necessarily the closest.

8.10 Handicapped Accessible Parking

The Federal Americans with Disabilities Act and this Ordinance require handicapped accessible parking. Specific standards with published in the Federal Register, Volume 56, Number 144. Excerpts from these are listed below, with some modification for Greensburg.

A. Schedule of Required Total Accessible Parking:

Total Spaces Provided	Required Accessible Spaces
1 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5

B. Schedule of Van Accessible Parking:

One van accessible space shall be provided for each 8 total accessible parking spaces, or fraction thereof, with a minimum of one.

C. Design Standards.

1. Handicapped accessible parking spaces shall be 9 feet wide and 19 feet long.
2. Aisles shall be part of an accessible route to the main entrance, and shall be 5 feet wide. Two handicapped spaces may share one aisle.
3. Accessible van spaces shall have an 8 foot aisle.



4. Accessible parking spaces shall be located on the shortest accessible route of travel to an accessible entrance, and no more than 200 feet.
5. Accessible parking spaces shall be located to avoid a handicapped individual from crossing behind other parked vehicles.
6. Wherever possible, accessible parking spaces shall be located to avoid a handicapped individual from crossing lanes of traffic.
7. Accessible parking spaces and adjacent aisles shall have a slope no greater than 2 percent.

**ARTICLE 9 SIGN REGULATIONS**[\(back to contents\)](#)**SECTIONS:**

- 9.1 Purpose**
- 9.2 General Requirements**
- 9.3 Special Sign Regulations**
- 9.4 Permitted Signs**
- 9.5 Illumination**
- 9.6 Prohibited Signs**
- 9.7 Nonconforming Signs**
- 9.8 Portable Signs, Mobile Signs, Temporary Banners**
- 9.9 Murals, Wall Paintings**
- 9.10 Sign Maintenance**
- 9.11 Sign Definitions**

9.1 Purpose

The purpose of this Article is to permit such signs that will not, by their reason of size, location, construction, or manner of display endanger the public safety of individuals; confuse, mislead, or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land use objectives as set forth in this Sustainable Zoning Ordinance; to engender a harmonious and aesthetically pleasing environment; and that is fair to the business community.

9.2 General Requirements

- A. No sign of any type or any part thereof shall be erected, painted, posted, placed, replaced or hung in any zoning district except in compliance with these regulations. A sign permit is required unless expressly covered by Section 9.3 of this Article, Special Sign Regulations.
- B. Each application for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator and shall contain or have attached the following information:
 - 1. A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination, and showing the relationship to any building or structure or ground to which it is or is proposed to be installed or affixed.



2. A plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks, structures, utilities and other signs.
- C. Sign plans shall be submitted to and approved by the Zoning Administrator prior to a permit being issued. A record of such applications, plans and the action taken thereon shall be kept in the office of the Zoning Administrator.
- D. Each applicant before being granted a sign permit shall pay to the City a fee for each sign permit. The fee shall be set by the City Council.
- E. All signs hereafter erected, altered, relocated, or installed shall comply with all applicable provisions of the City Building and Electrical Codes. A separate building and/or electrical permit may be required.
- F. In addition to the detailed regulations set forth in other provisions of this Article, all signs displayed within the jurisdiction of this Ordinance (including those listed in Section 9.3 of this Article, Special Sign Regulations) shall comply with the following standards:
 1. Obstruction to Exits. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
 2. Obstruction to Ventilation or Light. No sign shall be erected which interferes with any opening required for ventilation and/or light to a structure.
 3. Clearance from Surface and Underground Utilities. Signs and their supporting structures shall maintain clearance and non-interference with all surface, above ground, and underground utilities. Furthermore, sign placement shall not interfere with natural or improved drainage or surface or underground water.
 4. Obstruction to Corner Visibility. No sign or sign structure shall impair the visibility of intersecting streets and drives as defined by Section 2.5 (Corner Sight Visibility) of this Ordinance.
 5. Setbacks. Unless otherwise specifically regulated herein, signs may be permitted in required yards, but not on or over the public rights-of-way. Awnings, canopies and marquees where permitted, may be constructed over sidewalks with up to a three foot encroachment. When over a public right-of-way, such applicant shall hold the



City of Greensburg harmless from liability in case of an accident with such overhang, and the City may require the posting of surety for financial liability. Signage permitted on public sidewalks shall maintain a five foot unobstructed pedestrian way. (See Section 2.3, Downtown/Residential Village Use of Rights-of-way)

9.3 Special Sign Regulations

The following types of signs are regulated as per the provisions of this Section 9.3. In addition to the requirements of these provisions, such signs shall also comply with all other applicable provisions of this Article. Because these signs may be permitted in several or all of the City zoning districts, because they are temporary in nature, and/or because they provide public service information, these signs need not comply with Section 9.4, Permitted Signs.

- A. Property identification. Two square feet maximum per occupant, up to eight square feet maximum per zoning lot, unlighted, displaying only the name/address of the occupant. (Permit not required)
- B. Flags and governmental insignia. Except in connection with commercial promotions. (Permit not required)
- C. Legal notices, informational, and directional signs erected by a public agency. (Permit not required)
- D. Integral structural features. When cut or set into the building surface, the name, date of erection, and/or address of a structure. (Permit not required)
- E. Private traffic signs. Directing traffic/parking on private property, limited to three signs no larger than four square feet each in area per zoning lot. (Permit not required)
- F. Sign repair and maintenance. For conforming signs, includes the replacement of copy. (Permit not required)
- G. Auto service stations. Up to six square feet of signage per service/pump island indicating services offered, and other relevant information. (Permit not required)
- H. Drive-up, drive-thru services. Menu boards, price lists, and other displayed information not visible/readable from a public street are not regulated as signs. (Permit not required)
- I. Real estate, construction, political campaign signs. One sign per street frontage, unlighted. No larger than eight square



- feet in residential zones (5 feet high), and two square feet per each five linear front feet with a maximum of sixty-four square feet in non-residence zones (15 feet high). Such signs shall be removed within one week following the property closing/construction completion/election. (Permit not required)
- J. Public, civic, religious. One on-premises sign per street frontage for public, civic, or religious institutions or events, not to exceed thirty-two square feet in area; up to three off premises directional signs, unlighted, per institution or event, with a maximum sign area of six square feet each. (Permit required)
- K. Historical and Sustainable Building Plaques. Non-commercial plaques recognizing unique structures. (Permit not required)
- L. Temporary interior signs. Signs painted or displayed on interior windows and interior spaces. (Permit not required)
- M. Open House Signs. Up to three unlighted directional signs may be displayed off premises on the days of any advertised open house for sale, each sign shall not exceed four square feet in area. (Permit not required)
- N. First Amendment Signs. One sign per zoning lot may be permitted which gives a non-commercial opinion of the property owner or occupant (not on vacant or unoccupied property). Such sign shall not be larger than twenty square feet, no more than six feet high, be unlighted in residential zoning districts, and be placed parallel to the lot frontage. (Permit required-no fee)
- O. Holiday Decorations. In season, not advertising commercial activity. (Permit not required).
- P. Directional signage. Signs on doors indicating "employees only", etc. are not regulated.
- Q. Construction Signs. Construction and development signs announcing a project underway are not regulated other than "General Sign Requirements" above at Section 9.2.
- R. "A" Frame Signs. Portable "A" frame or sandwich board signs with on-premises advertising that are displayed only during hours of the business operation are not regulated other than "General Sign Requirements" above at Section 9.2.
- S. Vehicle Signs. Signs on commercial vehicles or commercial trailers giving the name and address of a bona fide business which owns or leases said vehicles when these vehicles are



lawfully operated or parked (and not used expressly for the purpose of advertising a product, service, or activity) are not regulated.

- T. Kiosks, Vending Machines. Signage on appropriately located kiosks, vending machines, and the like are not regulated other than "General Sign Requirements" above at Section 9.2.

9.4 Permitted Signs

Only signs as described herein and as may be permitted otherwise in this Article will be allowed. No sign described by this Section shall be erected unless the Zoning Administrator has issued a permit for the same.

A. Residential Districts R-1A and R-1B

1. Permanent identification signs for subdivisions, manufactured home parks, and travel trailer campgrounds not exceeding thirty-two square feet in area are permitted. One sign may be erected at each major entrance to the subdivision, manufactured home park or travel campground; and shall be no closer than ten feet to any property line. No sign shall exceed six feet in height above ground level, and shall be parallel to the street frontage.
2. One permanent identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed thirty-two square feet in area and may be flat-mounted against the wall of an apartment building or may be freestanding. If freestanding, such signs shall be set back a minimum of ten feet from the property lines and shall not exceed six feet in height above ground level, and be parallel to the street frontage.
3. Signs for home occupations shall be limited to one sign not exceeding four square feet in area. Such signs shall be unlighted and mounted flat against the wall of the principal building.
4. One permanent, freestanding sign for non-residential uses permitted as a matter of right, conditionally, or as non-conformities (other than home occupations) may be erected on the premises, provided such signs do not exceed thirty-two square feet in area. No freestanding sign shall be located closer than ten feet to any property line nor exceed six feet in height above ground level. Such signs shall be parallel to the street frontage.



5. Non-residential uses permitted as-of-right, conditionally, or as non-conformities (other than home occupations) may additionally have a flat-mounted wall sign. No single sign shall exceed thirty-two square feet in area.

B. Commercial: Downtown and Residential Village

Within the CP-3 Planned Commercial Downtown and the RV-P Residential Village Planned Districts as shown on the official Zoning Map, only the following types of signs shall be permitted:

1. One permanent, freestanding on-premises sign is permitted for each zoning lot. The area of the sign shall not exceed one square foot for each one foot of lot width, provided no such sign shall exceed 48 square feet (24 Square feet in Residential Village). Any such sign shall not exceed 25 feet in height in the CP-3, and 15 feet in the RV-P district.
2. Flat-mounted wall on-premises signs are permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed the larger of 32 square feet or one and one-half square feet for each linear foot of building wall facing a non-residential public street or common drive (such as in a unified office center).
3. Blade signs, awnings or canopies may be installed over the public rights-of-way with up to a three foot encroachment. The structure shall maintain eight-foot vertical clearance from the sidewalk. Blade signs shall have a maximum area of six square feet. Unlighted signage no greater than one-half square foot per lineal foot of awning area may be permitted, identifying the name/logo of the business only.
4. One identification sign per business may be suspended from or attached to the underside of a canopy or marquee provided such sign does not exceed four square feet in area, and shall maintain a clear distance of at least eight feet between the sidewalk and the bottom of the sign.

C. Commercial/Highway

Within the CP-1 General Commercial district as shown on the official Zoning Map, only the following types of signs shall be permitted:



1. One permanent, freestanding on-premises sign is permitted for each zoning lot. The area of the sign shall not exceed two square feet for each one linear foot of non-residential street frontage, or a total of two hundred square feet in area, whichever is less. Any such freestanding sign shall not exceed thirty-five feet in height.
2. Unified shopping centers and other zoning lots with more than two hundred feet of non-residential street frontage may have one additional on-premises freestanding sign for each additional two hundred feet of street frontage. The ratio stated above shall apply to such additional signage, as if the additional frontage was a separate lot.
3. Permanent flat-mounted on-premises wall signs are permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed the larger of 48 square feet or two square feet for each linear foot of building wall facing a non-residential public street or common drive (such as a unified shopping center).
4. One on-premises sign projecting from a building facade per street frontage is permitted for each business establishment in the absence of permanent flat-mounted wall signs. Such sign shall not project more than ten feet from the building facade, and shall not exceed thirty-two square feet in area. Projecting signs shall not extend above the top of the building roof line; shall maintain a clear distance of at least ten feet above the sidewalk; and shall be totally on/over private property.
5. One identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee (not over a public right-of-way except where such canopy/marquee is permitted), provided such sign does not exceed six square feet in area and maintains a clear distance of at least eight feet between the sidewalk and the bottom of the sign.

D. Industrial Districts

Within the IP-1 Industrial district as shown on the official Zoning Map, only the following types of signs shall be permitted.

1. One permanent, freestanding on premises sign is permitted for each zoning lot. The area of the sign shall not exceed two square feet for each linear foot of lot width,



or a total of two hundred square feet whichever is less. Any such freestanding sign shall not exceed thirty-five feet in height.

2. Unified industrial or business parks and other zoning lots with more than two hundred feet of non-residential street frontage may have one additional on-premises freestanding sign for each additional two hundred feet of non-residential street frontage. The ratio stated in 9.4.D.1 above shall apply to such additional signage, as if the additional frontage was a separate lot.
3. One industrial or business park identification sign is permitted on each park frontage, not to exceed two hundred square feet in area or thirty-five feet in height.
4. Permanent flat-mounted on-premises wall signs are permitted for each separate business, provided the total allowable sign area for all such signs shall not exceed the larger of 48 square feet or three square feet for each linear foot of building wall facing a non-residential public street or common drive (such as in a unified industrial park).
5. One on-premises sign projecting from a building facade per street frontage is permitted for each business establishment in the absence of permanent flat-mounted wall signs. Such sign shall not project more than ten feet from the building, and shall not exceed thirty-two square feet in area. Projecting signs shall not extend above the top of the building facade; shall maintain a clear distance of at least ten feet above the sidewalk; and shall be totally on/over private property.
6. One identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee (not over public right-of-way except as otherwise permitted), provided such sign does not exceed six square feet in area and maintains a clear distance of at least eight feet between the sidewalk and the bottom of the sign.

E. Outdoor Advertising

Outdoor advertising signs are not permitted within the City of Greensburg.



9.5 Illumination

Where illuminated signs are permitted, they shall conform to the following requirements:

- A. All signs illuminated under the provisions of this section shall be constructed/installed to meet all applicable provisions of the City Building and Electrical Codes.
- B. Signs that contain, include or are lighted by any flashing, intermittent or moving lights are prohibited. Theater marquees and electronic message boards (with at least 15 second intervals) are permitted.
- C. Self-illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not creating glare distracting to motorists or nearby residential areas shall be permitted.
- D. Flood and display lighting shall also be shielded so as to prevent direct view of the light source to a residence or residential district and/or vehicles approaching on a public right-of-way from any direction. (See Article 5, Dark Sky)

9.6 Prohibited Signs

Unless otherwise permitted, the following signs are prohibited:

- A. Signs advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located.
- B. Signs which, because of their location, nature, color, shape, or message would tend to be confused with, or obstruct the view of, traffic and emergency signals or signs.
- C. Signs which display copy of an immoral or indecent nature. The Board of Zoning Appeals shall resolve any questions pertaining to this provision, applying local community standards.
- D. Roof signs, projecting above a roof or parapet.
- E. Signs attached to trees, utility poles, fences, and/or traffic signals.
- F. Signs installed within a public right-of-way except as otherwise permitted by this Article.



9.7 Nonconforming Signs

All nonconforming signs in all zoning districts shall comply with the following:

- A. No nonconforming sign shall have any changes made in the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- B. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated unless such move shall create a conforming situation.
- C. No nonconforming sign or sign structure shall be allowed to remain after the activity, business, or use to which it relates has been discontinued.

9.8 Portable Signs, Mobile Signs, Temporary Banners

Portable signs, mobile signs, temporary signs, and banners are all regulated under this section. For convenience they are all described herein as *portable* signage. Portable signage may be permitted for short periods of time in order to advertise special events. Such portable signage shall comply with the following:

- A. Mobile signs are not permitted within the City of Greensburg.
- B. Signage with fabric, plastic, or similar semi-durable materials (not paper or cardboard) installed within permanent *framed areas* on exterior building walls shall be considered wall signage and not portable signage.
- C. "A" frame, sandwich board, and similar signs for on-premises advertising that are displayed only during the hours of business operation are permitted without permits. Five feet of pedestrian sidewalk clearance shall be maintained.
- D. Portable signage shall comply with all other applicable provisions of this Article.
- E. With City Administration approval, recognized events such as festivals may place portable signage in or above the public rights-of-way and/or on other public property.
- F. Portable signage shall have no vested nonconforming rights.
- G. Portable signage shall be limited to no more than two per business.



9.9 Murals, Wall Paintings

Murals or wall paintings may be permitted in addition to regulated signs. They must be artistic in nature and not display any commercial or first amendment message. To be permitted they must be approved by an appropriate neighborhood, business or historical organization, or the planning commission if no other such organization has jurisdiction.

9.10 Sign Maintenance.

All signage within the City of Greensburg (including permitted and non-conforming signs) shall be maintained in good repair. Failure to adequately maintain signs shall be a violation of this Ordinance. In addition to other remedies available, the city shall have the right to repair or remove violating signs and sign structures.

9.11 Sign Definitions.

SIGN: Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, service, event, organization, business, product, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Included in this definition shall be any structure used for display and all structural or decorative supports.

SIGN, AREA: The gross area of a sign shall be the sum of all surface areas of the sign faces. With freestanding and projecting signs designed as double-faced signs, having both faces parallel and where the distance between the faces does not exceed two feet, then only one face of the sign shall be considered. Each surface shall include the total area within a single continuous perimeter enclosing the extreme limits of the sign elements. Such perimeters will not include any structural elements lying outside the limits of such signs when they do not form an integral part of the display, nor shall it include architectural embellishments when such do not contain any copy, and no not exceed ten percent of the permitted sign area.

SIGN, AWNING: A sign that is mounted, painted, or attached to an awning that is otherwise permitted by this Ordinance.

SIGN, BLADE: A projecting sign of thin construction (often from single sheet metal) designed and placed for pedestrian traffic.

SIGN, BANNER: A temporary sign composed of lightweight material, either enclosed or not enclosed in a rigid frame.



SIGN, FLAT MOUNTED: A sign attached to or painted on a wall of a building or structure in such a manner that the wall become the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.

SIGN, FRAMED AREA: A rigid frame attached to a building or structure wall for the purpose of placing banner signs within such area.

SIGN, FREESTANDING: Any sign that is standing on or erected onto the ground. Such signs are usually, but not necessarily, supported from the ground by one or more uprights, with or without braces. Any sign which is mounted into the ground, but has supports passing through any portion of the roof of a building or structure shall be considered a roof sign.

SIGN HEIGHT: A distance measured from the ground level at the foundation of the sign to the highest element of the sign.

SIGN, IDENTIFICATION: A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and a professional title where applicable.

SIGN, MOBILE: Signage attached, intended to be attached, or formally attached to a truck, chassis, detachable vehicle trailer, or other item capable of movement; but not including signage painted or inscribed on a self-propelled or towed vehicle which identifies the product, service, or activity for which the vehicle is used.

SIGN, ON PREMISES: A sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

SIGN, OUTDOOR ADVERTISING: A sign that directs attention to a business, profession, commodity, service, entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN PERMIT: A zoning permit issued showing compliance with the sign regulations and other provisions of this Ordinance.

SIGN, PORTABLE: A sign not permanently attached to the ground or other permanent structure, a sign designed to be transported (which may subsequently become attached to the ground, a structure, or other signs), menu and sandwich board signs, balloons used as signs, and signs with similar characteristics.

SIGN, PROJECTING: A sign that is wholly or partly dependent upon a building or structure for support and extends more than twelve inches from the building or structure wall.

SIGN, PROPERTY IDENTIFICATION: A sign giving the name and address of a building, business, development, or establishment.

SIGN, ROOF: A sign mounted and supported wholly upon or over the roof of any structure, or a sign whose supports pass through a roof.



SIGN, THEATER MARQUEE: A sign that is mounted, painted, or attached to a theater marquee.

**ARTICLE 10 SITE PLAN APPROVAL GUIDELINES**[\(back to contents\)](#)**SECTIONS:**

- 10.1 Purpose**
- 10.2 Applicability**
- 10.3 Site Development Plan**
- 10.4 Site Development Plan – Planning Commission Review**
- 10.5 Design Guidelines**
- 10.6 Historic Environs**
- 10.7 Site Development Plan - Phasing, Time Restrictions**
- 10.8 Appeals of Planning Commission Action**
- 10.9 Remedies for Noncompliance**

10.1 Purpose

Under the provisions of this Ordinance, the use of land and various other characteristics of property development are controlled. The purpose of this Article is to provide a means for the City to review and approve a site development plan that demonstrates how the regulations will be complied with for the subject lot(s) and how optional or discretionary choices are coordinated with requirements of this Ordinance.

10.2 Applicability

The provisions of this Article shall be met prior to issuance of a building, zoning, or other development permit, or Certificate of Occupancy (change in occupancy or use/new construction/addition) on every lot in the City that:

- A. Is situated within a "Planned" zoning district, designated with a "P" in its title.
- B. Are conditional use permit applications where non-residential development is proposed. This is to be submitted with a conditional use application.
- C. Require site development plans when applicants apply for a zoning map amendment to a "Planned" district or from one "Planned" district to another.

10.3 Site Development Plan

An applicant seeking a permit for construction activities covered by this Article shall submit two copies of a site development plan



to the Zoning Administrator. The site development plan shall show the following information. The Zoning Administrator may waive certain information requirements from the following list that are not necessary to determine compliance with this Ordinance.

- A. The boundary lines of the area included in the site plan, including angles, lot dimensions, and references to an existing street intersection, north arrow, and the area of the land included in the site plan.
- B. Existing and proposed grades, drainage systems and structures; when erosion control or drainage plans are required, "before and after" topographic contours at two foot intervals, unless topography dictates greater detail.
- C. The shape, size, location, height, and floor area of all existing and proposed structures and use areas. Required setback lines shall be shown.
- D. Natural features such as large trees (over 10 feet high), streams, lakes or ponds, drainage ways, the identified Flood Hazard Area; and man-made features such as existing retaining walls, roads, and structures; with indication as to which are to be retained and which removed or altered.
- E. Proposed streets, curb cuts, driveways, parking spaces, curb ramps, and sidewalks, with indication of direction of travel for one-way streets and drives. The width of streets, driveways, and sidewalks and the total number of off-street parking spaces shall be shown.
- F. The size and location of all existing and proposed public and private utilities, and their easements. Location of individual service lines shall be shown.
- G. The location and type of landscaping treatment to be installed.
- H. The location and type of proposed lighting, signage, fences, and walls if known.
- I. A vicinity sketch showing the location of the site in relation to the surrounding street system.
- J. A legal description of the lot; the name, address and telephone number of the owner, developer, and designer.
- K. Proposed building elevations depicting how the structures will appear after construction and the type of building materials to be used.



- L. Any other information necessary to establish compliance with this and other ordinances.

10.4 Site Development Plan – Planning Commission Review

The Planning Commission shall approve or deny the site development plan, or may request modifications to the site development plan as deemed necessary to carry out the spirit and intent of this Ordinance.

In the process of reviewing a site development plan, the Planning Commission may approve the development plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest and surrounding properties, including, but not limited to, the following:

- A. Limitations on the type, illumination and appearance of any signs or advertising structures.
- B. Direction and location of outdoor lighting.
- C. Arrangement and location of off-street parking and off-street loading spaces.
- D. The type of paving, landscaping, fencing, screening and other such features.
- E. Limitations on structural alterations to existing buildings.
- F. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.
- G. Modification of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
- H. Such other conditions and/or limitations that are deemed necessary.

10.5 Design Guidelines

Development within the CP-3 Downtown Commercial zoning district shall adhere to certain design guidelines in addition to other provisions of this Article. Two documents govern this provision. *Greensburg Downtown Design Guidelines*, as prepared by BNIM Architects and dated May 18, 2008; and the *Greensburg, Kansas Downtown Design Guidelines–Check List*, as prepared by BNIM



Architects and dated March 3, 2010 are hereby incorporated by reference into this Article as if set forth in full herein. The *Greensburg, Kansas Downtown Guidelines-Check List* is included in another part of the Sustainable Land Development Code.

The Planning Commission will review development proposals within the CP-3 using these criteria as part of their site development plan review.

In order to create a more sustainable community the Planning Commission may also use these design criteria in areas outside the CP-3 district as conditions warrant.

10.6 Historic Environs

Per State statutes at K.S.A. 75-2724, any activity requiring a building permit within the Historic Environs areas shall be additionally reviewed by the Kansas Historic Preservation Office. *Historic Environs* are defined as land within 500 feet of a National or State registered historic site.

10.7 Site Development Plan - Phasing, Time Restrictions

The applicant may proceed with construction based on the entire development plan, or may elect to develop the property in phases. The applicant may submit the site development plan separately for the first and each successive phase of construction, or for all of the project with a depiction of the phasing sequence; however, all "Planned" districts and Conditional Uses approved with a development plan shall have construction begun with one year of said approval by the Planning Commission. The applicant may request a one year extension of this time restriction by submitting a request in writing to the Planning Commission stating the reasons construction has not begun and at what time construction is expected to begin. If the Planning Commission agrees, the one year extension may be granted one time only.

The Planning Commission shall review the site development plan as a regular or special meeting agenda item, and shall act on said plan in a reasonable time period. Upon approval by the Planning Commission, the development plan shall be filed in the office of the Zoning Administrator.

After the site development plan has been approved, and when in the course of carrying out the development plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved site development plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such



adjustments may be made by the Zoning Administrator. If the requested adjustments are deemed by the Zoning Administrator not to meet the minimum standards established by the approved development plan, the revised development plan must be submitted and approved by the Planning Commission before any further work can proceed.

10.8 Appeals of Planning Commission Action

Any decision of the Planning Commission regarding site development plans may be appealed to the City Council, whose decision shall be final. An appeal shall be filed in writing with the Zoning Administrator not later than 15 days following the date of the Planning Commission final action. If no appeal is taken within that time, the decision of the Planning Commission shall be final. Any appeal shall set forth the basis for the appeal and the relief sought by the applicant. The Zoning Administrator shall schedule the appeal before the City Council no later than 30 days following the filing of the appeal. The Zoning Administrator shall notify all interested persons in writing of the time and place of the City Council meeting at least ten days prior to said meeting.

10.9 Remedies for Noncompliance

If the applicant fails to comply with the time requirements herein established, the approved site development plan shall be declared null and void and no permit for construction shall be issued until a new development plan has been approved following the procedures previously cited. The "Planned" district or Conditional Use permit shall remain in effect but shall do so without an approved development plan. If the approved development plan is voided, the Planning Commission or the Governing Body may initiate an action to have the zoning changed to the previous zoning classification, to have the Conditional Use permit revoked, or may seek some other more restrictive zoning classification by following the procedures outlined in this Ordinance.



ARTICLE 11 CONDITIONAL USE SPECIAL EXCEPTIONS[\(back to contents\)](#)**SECTIONS:****11.1 Objective and Purpose****11.2 Procedure for Approval of Conditional Use Permits****11.3 Regulations for Conditional Use Permits**

- A. Accessory Dwelling Units, Detached**
- B. Adult Uses**
- C. Adult Residential, Nursing Care Homes**
- D. Animal/Pet Boarding, Kennel (Commercial)**
- E. Art Gallery, Museum, Visitor Information Center**
- F. Bed and Breakfast**
- G. Cemetery**
- H. Correctional Facility, Juvenile Detention, Secure Care Center**
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- J. Dwelling, Duplex**
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- M. Flammable or Hazardous Materials: Bulk Storage Above Ground**
- N. Manufacturing Operations (Not Specifically Listed in the Table of Permitted Uses)**
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- Q. Planned Unit Development, Residential**
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- U. Tattoo, Body Piercing Facility**
- V. Telecommunication Tower and Antenna, Commercial**
- W. Utility Stations/Substations/Exchanges**
- X. Veterinary Clinic, Outdoor Use**

11.1 Objective and Purpose

- A.** This Zoning Ordinance is based on the division of the City into districts which the use of land and buildings, and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that some land uses are basically in keeping with the intent and purpose of each district, but which may have an impact on the area around them that can only be determined by review of the specific proposals. Such uses may be established under certain conditions and with proper controls on site development in such a manner as to minimize any adverse affects. In order to ensure that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with



the purpose of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a Special Exception Conditional Use Permit application. For brevity and convenience, *Special Exception Conditional Use* is referred to in this Article as *Conditional Use*.

- B. Land uses for which Conditional Use Permits are required are listed in the Table of Permitted and Conditional Uses, Article 13. A description of the procedures and standards which must be followed in the issuance of a permit is detailed in the Regulations for Uses below, Section 11.3. Should any interpretation conflict arise between these two sections, the Table of Permitted and Conditional Uses (Article 13) shall prevail.
- C. Conditional Use Permits previously approved under then existing ordinances shall be treated as Conditional Uses under this Ordinance.

11.2 Procedure for Approval of Conditional Use Permits

- A. A Conditional Use Permit may be issued by the City Council for uses designated in the Table of Permitted and Conditional Uses, Article 13. Prior to rendering a City Council decision, the Planning Commission shall hold a public hearing and forward a recommendation to the Council. Each application for a permit shall be made upon forms provided by the City.
- B. Upon receipt of a completed application, the Zoning Administrator shall prepare a notice of public hearing. The procedure for advertising and conducting a Conditional Use Permit public hearing shall be the same as for a zoning map amendment, Section 16.3. The Zoning Administrator shall review all applications and present recommendations to the Planning Commission. Other applicable agencies may be asked to comment on the application prior to the public hearing.
- C. Either the applicant or a designed agent shall present the proposal and its merits at the public hearing.
- D. A Site Development Plan as detailed in Article 10 is required prior to Planning Commission and City Council action on a Conditional Use Permit application. Building plans (including elevation drawings) and descriptive narratives may be required to show conformance with the standards. The plans shall be approved by the City Council as to general design and standards listed in this Article. The Zoning Administrator shall conduct a technical review as to the provisions of Article 10 prior to the Planning Commission hearing.



- E. After the public hearing where the applicant, supporting, and opposing testimonies are heard, the Planning Commission may recommend approval or denial of the Conditional Use Permit requested. The City Council shall consider the recommendation as set out for zoning map amendments, Section 16.3 (including the citizen protest provisions, Section 16.6). If granted, the permit shall include approval of such plans as may be required. In granting the permit, the City Council shall find each and all of the following:
1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted.
 2. That the use meets all the required conditions and standards set forth herein or as determined by the City Council.
 3. That the layout of the site and the design of structures are compatible with the surrounding neighborhood.
 4. That the location and character of the use, if developed according to the plans as submitted and as approved, will be in conformity with the adopted Sustainable Comprehensive Plan.
 5. That the design of the site and structures are as sustainable as possible.
- F. The City Council may approve, modify, or deny any application for a Conditional Use Permit. If it approves such permit, the Council may attach necessary conditions to render the proposed use more compatible with the area in which it is to be located. Any such conditions shall be recorded in the Council minutes and on the permit. All conditions shall run with the land (except in the case of temporary permits, the duration of which shall be stated within the conditions). Such conditions may not relax the adopted standards in Section 11.3 below, but may be more restrictive and/or in addition thereto.
- G. The City Council shall have the power to revoke Conditional Use Permits for noncompliance. Furthermore, the Council shall have a right of action to compel offending structures or uses removed at the cost of the violator, in addition to penalties provided by Article 14 of this Ordinance.
1. The Zoning Administrator shall review all Conditional Use Permits, except those for which all conditions have been permanently satisfied, upon a complaint or at least every two years in order to ascertain compliance with all of the standards and conditions listed on the permit.



2. If not in compliance with all the standards and conditions, the Zoning Administrator shall report the facts to the Planning Commission and the responsible parties, specifying the noncompliance. The Planning Commission shall hold a public hearing on the report, with notice of the hearing furnished to the responsible parties at least one week in advance. If the Planning Commission finds noncompliance, it may recommend to the City Council revocation of the Conditional Use Permit and take necessary legal action to cause compliance or termination of the activity.
- H. A Conditional Use Permit applicant may present a proposal in phases. Upon request, the Planning Commission may make a determination on a concept proposal, and the applicant may request a second public hearing and determination when design details are finalized, as if it were a new application.

11.3 Regulations for Conditional Use Permits

The uses for which Conditional Use Permits are required, and their detailed regulations and standards are set forth in this Section. Except as modified for specific uses below or by the City Council for specific cases, all such uses shall comply with the following general standards:

- **Dimensional Requirements:** Conditional Uses shall comply with the dimensional requirements of the zoning district in which the use is to be located.
- **Parking:** Off-street parking requirements shall comply with Article 8.
- **Landscaping and Buffers:** Landscaping and buffers shall comply with provisions of Article 7.
- **Signs:** Signs shall be regulated to comply with Article 9 of this Ordinance.

A. Accessory Dwelling Units, Detached

1. **Permitted Districts:** Detached accessory dwelling units may be permitted as a conditional use in the R-1B zoning district (as-of-right no where).
2. **Other standards:**



- a. One detached accessory dwelling unit on a residential lot may be allowed in the R1-B district as a conditional use.
- b. The floor area of the accessory unit shall not exceed 60 percent of the total habitable area of the principal single family unit.
- c. The owner of principal unit shall be the owner of the property.
- d. One additional off-street parking space shall be provided on the same lot as the unit.
- e. Neither dwelling shall be individually sold; the accessory may only be rented.
- f. Lot coverage requirements shall be maintained.
- g. The lot shall have 150 percent of the minimum lot area for a single family dwelling.
- h. The accessory unit shall be situated to be secondary to the principal unit.
- i. The Certificate of Occupancy for an accessory dwelling shall expire if the unit does not comply with this zoning ordinance. If a written complaint is made to the zoning administrator the zoning administrator will make a determination to terminate or not terminate the Certificate of Occupancy. Such determination may be appealed to the Board of Zoning Appeals.
- j. A manufactured dwelling unit may be used as an accessory dwelling unit if the appearance of the accessory unit remains that of a site-built single family dwelling. Such manufactured unit shall meet the standards of Subsection 11.3.0 below.
- k. An accessory detached dwelling unit shall be constructed /installed as a permanent structure.

B. Adult Uses

1. Permitted Districts: Adult uses may be permitted as a conditional use in the CP-1 zoning district (as-of-right no where).
2. Other Standards:



- a. No adult use may operate within 1,000 feet of any existing residential zone. (property line to property line)
- b. No adult use may operate within 1,000 feet of any existing public, private, or parochial school, library, park, playground, church, or other places where minors tend to congregate, existing prior to the request. (property line to property line)
- c. No adult use may operate within 1,000 feet of any other such use. (property line to property line)
- d. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible or audible to the public from public rights-of-way other than permitted signs. Permitted signs shall be limited to those whose copy includes only the name of the business, place, organization, or building identified; size, location, and other requirements of such signs are controlled by Article 9.

C. Adult Residential, Nursing Care Homes

1. Permitted Districts: Nursing and adult day care homes may be permitted as conditional uses in the R-1A, R-1B, and the RV-P zoning districts (as-of-right no where).
2. Dimensional Requirements: Additional yard requirements may be set by the City Council to preserve the neighborhood character of the area, and to protect the home residents.
3. Landscaping and Buffers: The City Council may require additional landscaping buffers in order to protect home residents and to maintain the surrounding neighborhood character.
4. Nursing and adult day care centers shall meet all applicable state licensing requirements.

D. Animal/Pet Boarding, Kennel

1. Permitted Districts: Commercial and personal animal/pet boarding and kennels may be permitted as a conditional use in the R-1B zoning district (as-of-right in IP-1).
2. Dimensional Requirements: No pen, run or other enclosure for animals shall be closer than one hundred feet from the property lines.



3. Landscaping and Buffers: Landscaped buffers shall effectively screen the operation from view of adjacent residences.
4. Maintenance: Areas shall be adequately maintained in compliance with animal control and other applicable ordinances.

E. Art Gallery, Museum, Visitor Information Center

1. Permitted Districts: Art galleries, museums, and visitor information centers may be permitted as conditional uses in the R-1A and R-1B zoning districts (as-of-right in RV-P, CP-1, and CP-3).
2. Landscaping and Buffers: The City Council may require a vegetative buffer and/or screening as it deems necessary to retain the surrounding neighborhood character.
3. Other Requirements:
The applicant shall submit with the site plan a narrative description of the proposed use, detailing: hours of operation, provision of studios, presence of retail sales activity, character of proposed events and exhibits, and anticipated number of visitors, employees, and volunteers.

F. Bed and Breakfast

1. Permitted Districts: Bed and Breakfast operations may be permitted as conditional uses in the R-1A and R-1B zoning districts (as-of-right in RV-P).
2. Off-Street Parking: In addition to other requirements, one space per two beds to let. Operations that include banquet/reception activities will require additional off-street parking.
3. Other Requirements:
The applicant shall submit with the site plan a narrative description of the proposed use, detailing the number of beds to let, the nature of the operation, and the existence of banquet, reception, and other services.

G. Cemetery

1. Permitted Districts: Cemeteries may be permitted as conditional uses in the R-1B zoning districts (as-of-right no where).



2. Lot Size: A cemetery shall contain at least 15 acres of land.
3. Building Height: No structure shall exceed 35 feet in height. Monuments are not restricted.
4. Structure Location: No structure shall be located closer than 100 feet to any abutting residential structure, or any structure designed for routine occupancy.
5. Access: There shall be one access point to a cemetery. Such access shall be by way of a private drive entering from a public street and of sufficient width to accommodate two-way vehicular traffic. A gate or other means of closing the entrance shall be provided.
6. Landscaping and Buffers: A perimeter fifty foot wide buffer strip shall be maintained around the entire cemetery. No burial sites, decorations, or structures shall occupy this buffer strip.
7. Hours of Operation: Cemeteries shall be open only during daylight hours. The entrance shall be closed and locked at night.
8. Structures Permitted: mortuaries, chapels, undertaking establishments, crematoriums, mausoleums, and sales and administrative offices are permitted within a cemetery.

H. Correctional Facility, Juvenile Detention, Secure Care Center

1. Permitted Districts: Correctional facilities, including juvenile detention, secure care centers, and half-way houses for convicted persons may be permitted as a conditional uses in the IP-1 zoning districts (as-of-right no where).
2. Other Requirements: Correctional facility proposals shall include a site plan and narrative detailing the scope of the operation. Security shall be the primary concern for the City Council. Screening and buffering shall be installed to make the facility compatible with the character of the surrounding neighborhood.

I. Child Care Center, Pre-School

1. Definitions: The State of Kansas defines types of child care by the following capacities:
 - Registered—6 or less children
 - Licensed—10 or less children
 - Group—12 or less children



Child Care, pre-school-13 or more children
Group Boarding Home-10 or less foster children
Residential Center-more than 10 foster children

2. Permitted Districts: Registered, Licensed, and Group Day Care Centers are permitted as of right uses in all residential zoning districts. Child Care and Pre-school Centers may be permitted as conditional uses in the R1-B zoning district (as-of-right in RV-P, CP-1, & IP-1). Group Boarding Homes and Residential Care Centers are permitted as of right in the R-1B and RV-P districts. When designated as Conditional Uses the following standards apply.
3. Outdoor play areas shall not be located within required front yard setbacks.
4. Landscaping and Buffers: Where any outdoor play area is directly adjacent to a residential lot, a solid fence or wall at least 6 feet, or an open fence at least 4 feet in height with a screen planting of 6 feet in height, shall be installed. Vegetative material shall meet the required height within two growing seasons. Vegetative screens are not required for Registered Day Care facilities.
5. Other Requirements: Each day care center shall be duly licensed or certified by the State of Kansas, as applicable.

J. Dwelling, Duplex

1. Permitted Districts: Duplex or two-family dwelling units may be permitted as conditional uses in the R-1A zoning district (as-of-right in R-1B and RV-P).
2. Other Requirements:
 - a. A permitted duplex shall closely resemble in design and appearance neighborhood single family dwellings.
 - b. A duplex structure shall meet the dimensional requirements of the district where located.

K. Dwelling, Multi-Family

1. Permitted Districts: small scale (one structure per lot and no more than 5 units per structure) multi-family residences may be permitted as conditional uses in the R-1B zoning district under very limited circumstances (as-of-right in RV-P).



2. Location within Zoning Districts:
 - a. It is the intent of this conditional use to provide a buffer between intense land uses and low density single family residences. To that extent the City Council may permit small scale multi-family housing at the fringe of a low density residential zone where it abuts more intense and/or incompatible land uses. The City Council may further permit such housing near the intersection of two major streets where highway traffic may not be conducive to single family residential development.
 - b. This special use is not intended to change the character of the R-1B zoning district to one of higher density development. Therefore, such use shall be allowed only for the single zoning lot or development which abuts a land use incompatible with R1-B type development. Thereafter, the permitted conditional use will be considered a compatible land use within the R-1B district.
3. The City Council may require a vegetative buffer strip or screen where this proposed development abuts low density existing or future housing.
4. Other Requirements:
 - a. Development under this subsection shall follow the dimensional standards in Section 2.1.
 - b. No more than five dwelling units may be constructed under these provisions per zoning lot or development.
 - c. The density of such development shall not exceed 3,000 square lot feet per unit.

L. Emergency/Governmental Services Facilities

1. Permitted Districts: Emergency and governmental services facilities may be permitted as a conditional use in the R-1A, R-1B and RV-P zoning districts (as-of-right in CP-1, CP-3 & IP-1).
2. Landscaping and Buffers: The City Council may require a vegetative buffer and/or screening as it deems necessary to retain the character of the affected zoning district.
3. Architecture and Design: Emergency and governmental services facilities in residential zoning districts shall be designed to be compatible with the surrounding neighborhood character.

**M. Flammable or Hazardous Materials: Bulk Storage Above Ground**

1. Permitted Districts: Above ground bulk storage facilities for flammable and hazardous materials may be permitted as conditional uses in the CP-1 and IP-1 zoning districts (as-of-right no where).
2. Dimensional Requirements: No tank constructed above ground, nor basin or dike, nor truck loading dock shall be located closer than fifty feet to a property or street right-of-way line.
3. Parking and Loading: Vehicular access to the facility shall be provided in such a manner so as not to require the use of residential streets.
4. Landscaping and Buffers: In all instances, a fence shall be provided to completely enclose and secure the loading and storage facilities.
5. Other Requirements:
 - a. The proposed storage and loading facilities as well as any warehousing structures shall conform to the requirements of applicable federal, state, and local laws.
 - b. A dike or double tank system shall surround the storage tanks, with a design holding capacity equal to 110 percent of the volume of the tanks.
 - c. The operation will comply with national, state, and local fire codes.
 - d. The applicant shall provide with the site development plan: The layout of the entire project including the location of buildings, storage tanks, loading facilities, pumps and other apparatus. The plan shall show the storage tank location, design, diameter, height and storage capacity as well as the location, height, storage capacity and method of construction of dike/double tank systems. A statement of the material types to be stored in each tank shall be included on the plan.
 - e. These provisions do not cover *hazardous wastes* as defined and regulated by K.S.A. 65-3430 et seq.

N. Manufacturing Operations (Not Specifically Listed in the Table of Permitted Uses)

1. Permitted Districts: Manufacturing operations not specifically listed in the Table of Permitted Uses may be



permitted on a conditional use basis in the IP-1 Industrial (as-of-right no where).

2. Dimensional Requirements: The dimensional requirements for manufacturing operations as conditional uses shall be the same as the IP-1 district (Section 2.1.). The City Council may require additional yard requirements for the protection of the public health, safety and welfare. Such greater yard requirements shall be based upon the nature of the industrial operation and the proximity of the facility to surrounding structures and land uses (existing or future).
3. Other Requirements:
 - a. No manufacturing operation conditional use shall be permitted which may become an annoyance or nuisance by reason of unsightliness or the excessive emission of noise, dust, odor, fumes or particulates. Determination of whether a proposed use may be objectionable shall be the judgment of the City Council.
 - b. Manufacturing operations which contain, utilize, or manufacture products or materials considered hazardous to life and property from fire, explosion, or other cause shall conform to national, state, and local fire codes. Where such codes conflict with this Ordinance or each other, the more restrictive shall apply.
 - c. In addition to a detailed site plan, the applicant shall provide a report completely describing the proposed operation, including the types of products and materials used in the manufacturing process, and finished products and materials.

O. Manufactured Housing, Single Section

1. Single section manufactured housing units on individual lots may be permitted as conditional uses in the R-1B zoning district. (As-of-right only when legitimate nonconforming uses)
2. Other Standards:
 - a. A single section manufactured housing unit under this provision is considered a permanent dwelling unit.
 - b. A safe room/storm shelter shall be installed before occupancy.



- c. The unit shall be parallel to the street frontage (may be angled if on a corner lot).
- d. The unit shall be excavated/backfilled to 3-4 steps to be closer to the ground. Alternatively, landscaping shall be provided to lessen the appearance of a temporary mobile home.
- e. A deck or porch at least 8 feet wide and 4 feet deep shall be added to the entry.
- f. The roof pitch shall be at least 3/12.
- g. The tongue, axle, and wheels shall be removed.
- h. Exterior finish materials (siding, roof) shall be similar to that of traditional stick built housing.
- i. The unit shall have a permanent masonry perimeter curtain wall.
- j. A crawl space of at least 24 inches with a 24x24 access door shall be provided for maintenance.
- k. The unit shall be no more than 10 years old at the time of installation.
- l. Attachments such as steps, decks shall be secured to the ground rather than the unit.

P. Manufactured Housing Parks

- 1. Permitted Districts: Manufactured housing parks are permitted as conditional uses in the R-1B residential zoning district (as-of-right no where).
- 2. Development Requirements: Manufactured housing parks shall follow the requirements set forth in the adopted *Manufactured Home and Recreational Vehicle Code*, a part of this Land Development Code.

Q. Planned Unit Development, Residential

- 1. Permitted Districts: Residential planned unit developments may be permitted as conditional uses in all zoning districts, (as-of-right no where; mixed use development permitted in the RV-P Residential Village district).
- 2. Use Requirements: Single family detached, two-family, zero lot line, townhouse, and multi-family residential



units may be allowed. Neighborhood based non-residential uses may also be permitted on a case-by-case basis.

3. Dimensional Requirements: The minimum gross lot area of any planned unit development shall be one-half acre and comprise an entire one-half block where streets are currently laid out. Other development requirements may be modified by the City Council, provided that the spirit and intent of the under lying zoning district and this Section are followed. Each development shall, however, provide for reasonable visual, acoustical, and other privacy for dwelling units. Two-family, multi-family, townhouse, and zero lot line residential development shall follow the guidelines of Article 2, Dimensional Regulations.
4. Open Space Reservation:
 - a. Common open space shall be provided for the recreational use and enjoyment of all development residents. Common open space shall comprise at least ten percent of the development area.
 - b. Floodplains and bodies of water may be included as part of the common space, if the City Council determines that their inclusion contributes to the quality, livability, and amenity of the development.
 - c. Common open space shall be indicated on the approved site plan.
 - d. Common open space shall be conveyed by one of the following methods.
 1. By dedication to and acceptance by the City. In case of such acceptance, the City shall assume responsibility for maintenance of the site(s).
 2. By leasing or conveying title (including beneficial ownership) to a corporation, home owners' association, or other legal entity. The terms of conveyance shall include provisions suitable to the City Council assuring the continued use of such land, the continuity of proper maintenance, and adequate insurance protection.
5. Density of Residential Development:
 - a. Residential development density shall be no greater than that normally permitted for the zoning



districts in which the planned unit development is located, except as provided under the density bonus provisions below.

- b. For every one percent of area to be reserved and conveyed as common open space beyond the required ten percent, a one percent increase in the residential density may be allowed, up to a maximum of thirty percent.
6. Density of Non-Residential Development: Non-residential uses in a residential planned unit development shall not constitute more than twenty-five percent of the gross land area. No commercial development may be started until the residential development is at least twenty-five percent complete.
7. Roads: Private hard surface, drives may be permitted when approved by the City. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances, acceptable to the City Council, that the owner, homeowners association, or agents thereof will assume continued maintenance responsibilities for all private drives.
8. Subdivision Continuity: Where the development proposal includes a new subdivision, platting, or re-platting of land, the developer shall in addition comply with the city subdivision regulations, a part of this Sustainable Land Development Code.
9. Utilities: Utilities, including storm sewers, sanitary sewers, and water system shall be approved by the City, and shall be designed by a registered engineer. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the City. The developer shall provide assurances, acceptable to the City Council, that the owner, homeowners association, or agents thereof will assume continued maintenance responsibilities for all private utility systems.
10. Condominium Project: When condominium ownership is proposed, the developer shall comply with applicable provisions of the Kansas Statutes, Annotated in addition to the provisions of this Ordinance.
11. Perimeter Standards: If topographical or other barriers within 20 feet of the perimeter of a planned unit development do not provide reasonable privacy for



existing or future adjacent land uses, structures located on the perimeter of the development shall be adequately screened/buffered in a manner acceptable to the City Council.

12. Plan Requirements: The following documents are required with submission of a planned unit development proposal, along with a site development plan (see Article 10).
 - a. A legal description of the total site proposed for development including statement of present and proposed ownership, and adjacent property owners.
 - b. Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures; approximate gross and net residential densities; total amount of common open space; and total amount of non-residential activity area.
 - c. A draft of proposed protective covenants whereby the owner proposes to regulate land use and maintenance of the proposed development.
 - d. A draft of any incorporation agreements and by-laws concerning maintenance of common open space, private drives, utilities, and other common facilities.
13. Phased Development: When a residential planned unit development is to be developed in phases, the owner may submit a preliminary site plan of the overall project, with detailed plans of the phase to be developed. The preliminary plan shall show the entire project in general form, while the phase to be developed shall include all items required by this Subsection. No construction of other phases may begin before a conditional use permit is issued for those phases.
14. Changes: Major changes in the approved site plan shall require formal submission and approval of such changes. Major changes shall include: increasing the number of structures and/or establishments, changing the number of off-street parking and loading spaces; reducing the landscaping and buffer areas; and other such features deemed significant by the City. The City administration may approve changes in the utilities and streets, and minor design changes, without the formal submission of a revised plan. Such minor changes shall not vary the requirements, general purpose, and/or intent of the original conditional use permit.

**R. Planned Unit Development, Non-Residential**

1. Permitted Districts: Non-residential planned unit development projects may be permitted as a conditional use in all non-residential zoning districts (as-of-right no where).
2. Dimensional Requirements: A non-residential planned unit development shall have a minimum gross area of one-half acre, and comprise an entire half block where streets are currently laid out. Other dimensional requirements may be modified by the City Council, provided that the spirit and intent of the underlying zoning district and of this Section are complied with.
3. Use Requirements: Any use permitted as-of-right in the underlying zoning district is likewise permitted as a planned unit development. The applicant may elect to further limit the types of allowable uses.
4. Roads: Private, hard surface drives may be permitted when approved by the City. Individual structures or land uses need not front on a public street. Private drives shall allow for public safety vehicles to efficiently maneuver. The developer shall provide assurances, acceptable to the City Council, that the owner, property owners association, or agents thereof will assume continued maintenance responsibilities for all private drives.
5. Utilities: Utilities, including storm sewers, sanitary sewers, and water system shall be approved by the City, and shall be designed by a registered engineer. As-built drawings of the facilities will be required where the utilities are to be dedicated to, and accepted by, the City. The developer shall provide assurances, acceptable to the City Council, that the owner, property owners association, or agents thereof will assume continued maintenance responsibilities for all private utility systems.
6. Subdivision Continuity: Where the development proposal includes the subdivision, platting, or re-platting of land, the developer shall in addition comply with the city subdivision regulations, a part of this Land Development Code.
7. Condominium Project: When condominium ownership is proposed, the developer shall comply with applicable provisions of the Kansas Statutes, Annotated in addition to the provisions of this Ordinance.



8. Perimeter Standards: If topographical or other barriers within 20 feet of the perimeter of a planned unit development do not provide reasonable privacy for existing or future adjacent land uses, structures located on the perimeter of the development shall be adequately screened/buffered.
9. Plan Requirements: The following documents are required with submission of a planned unit development proposal, along with a site development plan (see Article 10).
 - a. A legal description of the total site proposed for development including statement of present and proposed ownership, and adjacent property owners.
 - b. Quantitative data for the following: total number and type of structures and uses; parcel size; proposed lot coverage of buildings and structures.
 - c. A draft of proposed protective covenants whereby the owner proposes to regulate land use and maintenance of the proposed development.
 - d. A draft of any incorporation agreements and by-laws concerning maintenance of common open space, private drives, utilities and other common facilities.
10. Phased Development: When a non-residential planned unit development is to be developed in phases, the developer may submit a preliminary site plan of the overall project, with detailed plans of the phase to be developed. The preliminary plan shall show the entire project in general form, while the phase to be developed shall include all items required by this Subsection. No construction of other phases may begin before a conditional use permit is issued for those phases.
11. Changes: Major changes in the approved site plan shall require formal submission and approval of such changes. Major changes shall include: increasing the number of structures and/or establishments, changing the number of off-street parking and loading spaces; reducing the landscaping and buffer areas; and other such features deemed significant by the City. The City administration may approve changes in the utilities and streets, and minor design changes, without the formal submission of a revised plan. Such minor changes shall not vary the



requirements, general purpose, and/or intent of the original special use permit.

S. Recreational Vehicle Park

1. Permitted Districts: Recreational Vehicle Parks are permitted as Conditional Uses in the R-1B zoning district (as-of-right no where).
2. Development Requirements: Manufactured housing parks shall follow the requirements set forth in the adopted *Manufactured Home and Recreational Vehicle Code*, a part of this Sustainable Land Development Code.

T. Recreational Facilities

1. Permitted Districts: Recreation facilities may be permitted as conditional uses where they are not permitted as-of-right as follows:
Amusement Park (as-of-right no where)
Athletic Field (as-of-right accessory to parks/schools)
Country Club, Sports Club (as-of-right no where)
Dance Hall, Night Club (as-of-right no where)
Dude Ranch (as-of-right no where)
Exhibition Hall, Auditorium (as-of-right no where)
Fraternal, Social, Union Hall (without dance hall or night club)(as-of-right RV-P, CP-1, CP-3)
Golf Course, all types(as-of-right no where)
Health, Fitness Club (as-of-right CP-1, CP-3)
Horse Stable, Riding Academy (as-of-right no where)
Outdoor Concert, Dance Grounds (as-of-right no where)
Outdoor Theater (as-of-right no where)
Public/Non-Profit Recreation Facility Not
Otherwise Listed (as of right CP-1, IP-1)
Race Track, all types (as-of-right no where)
Recreational Vehicle Park (as-of-right no where)
Rodeo, Fair Grounds (as-of-right no where)
2. Landscaping and Buffers: The City Council may require additional landscaping in order to protect the surrounding neighborhood character.
3. Other Requirements:
 - a. Every use and activity shall be operated so that regular recurring noises are not disturbing or unreasonably loud, and do not cause injury or detriment to surrounding properties.



- b. Lighting, if provided, shall be directed away from residential areas and public rights-of-way or shielded to protect them (see Article 5, Dark Sky).
- c. Vehicular access to the site shall be provided from major collector or arterial streets, and not residential local streets. Exception: recreation facilities designed for neighborhood use.
- d. The applicant shall provide a statement detailing the proposed activities and uses of the grounds and facilities. Proposals for outdoor activities shall detail provisions for adequate parking, access, potable water, and sanitary and sufficient rest rooms. Hours of operation shall not interfere with the enjoyment of nearby residential areas.

U. Tattoo, Body Piercing Facility

1. Permitted Districts: A tattoo or body piercing facility may be permitted as a conditional use in the CP-1 and IP-1 zoning districts (as-of-right no where).
2. Other Requirements: A tattoo or body piercing parlor shall submit with the application proof of meeting applicable state licensing requirements.
3. Signage: Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible or audible to the public from public rights-of-way other than permitted signs. Permitted signs shall be limited to those whose copy includes only the name of the business, place, organization, or building identified; size, location, and other requirements of such signs are controlled by Article 9.

V. Telecommunication Tower and Antenna, Commercial

1. Permitted Districts: Installation of a commercial transmission tower may be permitted as a conditional use in the R1-B, CP-1, and IP-1 zoning districts. No conditional use permits are required for placing additional equipment on existing towers (as-of-right no where).
2. Other Requirements: The applicant shall provide the following:
 - a. A report from a structural engineer which describes the design characteristics and documents the structural integrity of the design and construction.



- b. Evidence that a valid FCC license for the proposal has been granted.
- c. An agreement to remove the facility within 180 days after cessation of the use.
- d. Setbacks from all property lines equal to one-half the tower height (for free-standing or guyed), or equal to the height of the tower (monopole).
- e. Screening of the base with a solid screening fence at least six feet high, or a landscaped screen at least six feet high around an unscreened fence.

W. Utility Stations/Substations/Exchanges

- 1. Permitted Districts: Public utility substations, stations, or exchanges may be permitted as a conditional use in the R-1A and R-1B residential zoning districts (as-of-right in CP-1 and IP-1 districts).
- 2. Dimensional Requirements: The setback of any building or structure, or any use instituted, shall be a minimum of the required setbacks of the district.
- 3. Landscaping and Buffers:
 - a. Portions of properties not used for facilities, parking, or related services shall be maintained with grass or other suitable ground cover.
 - b. Natural planting shall be provided along the exterior property lines of any lot within residential districts. Hedges or comparable natural planting shall be planted at an initial height of at least three feet and shall reach an average height of six feet within two growing seasons.
 - c. A six foot high fence shall be erected inside the vegetation to make the facility inaccessible to the general public.
- 4. Architecture and Design: Utilities facilities as conditional uses shall be designed to be compatible with the surrounding neighborhood character.

X. Veterinary Clinic, Outdoor Use

- 1. Permitted Districts: Veterinary clinics with outdoor uses may be permitted as a conditional use in the R1-B zoning district (as-of-right in IP-1).



2. Dimensional Requirements: No pen, run or other enclosure for animals shall be closer than one hundred feet from the property lines.
3. Landscaping and Buffers: Buffers shall effectively screen the outdoor operations from view of adjacent residences.
4. Maintenance: Areas shall be adequately maintained in compliance with animal control and other applicable ordinances.

**ARTICLE 12 NONCONFORMING SITUATIONS**[\(back to contents\)](#)**SECTIONS:**

- 12.1 Purpose and Intent**
- 12.2 Nonconforming Lots of Record**
- 12.3 Extension or Enlargement of Nonconforming Situations**
- 12.4 Destruction of Nonconforming Structures**
- 12.5 Abandonment and Discontinuance of Nonconforming Situations**
- 12.6 Change in Kind of Nonconforming Use**
- 12.7 Completion of Nonconforming Project, Vesting of Rights**
- 12.8 Nonconforming Signs**
- 12.9 Nonconformity Permit**
- 12.10 Conditional Uses Previously Approved**
- 12.11 Intermittent Use**
- 12.12 Existence of a Nonconformity**

12.1 Purpose and Intent

Within the districts established by this Ordinance and amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to necessarily encourage their survival. The City of Greensburg, however, desires that nonconforming situations be maintained in standard condition until such time that they can become conforming with this Ordinance. It is further the intent of this Article that such situations shall not be made nonconforming to a greater extent than exists at the time this Ordinance is adopted. To these ends, the regulations of this Article encourage nonconforming situations to be well maintained and to become more, rather than less, conforming over time.

12.2 Nonconforming Lots of Record

- A. Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable conformance to the required open space, yard and other requirements herein prescribed, such lot of record may still be used by said owner as a building site; provided that the required open space and other provisions conform as closely as possible to the requirements of the Zoning District in which it is located. Parking, landscaping, buffer and front yard requirements shall be met in those instances of new



development, redevelopment, or expansion of existing development; and 3.0 foot side yards shall be maintained where side yards are required.

- B. The owner of a nonconforming lot of record, who at any time owned an adjoining lot, shall be considered to have one zoning lot which cannot afterward be developed separately.

12.3 Extension or Enlargement of Nonconforming Situations

Except as specifically provided below, it shall be unlawful for any person to engage in any activity that causes an increase in the nonconformity.

- A. A nonconforming use may be extended throughout any portion of a complete building. However, a nonconforming use may not be extended to additional buildings or to land outside the original building except in accordance with Section 12.7 (Completion of Nonconforming Projects) of this Ordinance.
- B. Subject to Section 12.7 (Completion of Nonconforming Projects) of this Ordinance, a nonconforming use of open land may not be extended to cover more area than was occupied by that use when it became nonconforming.
- C. Physical alteration of structures or the placement on open land of new structures or the expansion of a use on land is unlawful if they result in:
1. An increase in the total amount of space devoted to a nonconforming use; and/or
 2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, parking or density requirements; and/or
 3. Greater nonconformity with respect to design and other development provisions of this Ordinance such as landscaping, buffers, and paving.
 4. Any deviation from this Subsection shall be in accordance with a nonconformity Permit issued by the Board of Zoning Appeals. The Board shall issue such permit if it finds that the proposed change will be a similar or less intense use neighborhood disruption; and that the proposed use is in keeping with the intent of this Article and the Sustainable Comprehensive Plan. See Sections 12.9 and 15.6.
- D. A nonconforming single family or two family housing unit and associated accessory uses/structures may be extended, enlarged, or replaced in any zoning district, provided



required dimensional requirements are not made nonconforming to a greater extent. (For examples: a non-conforming housing unit can be replaced on its original foundation; an addition less than 25 percent of the existing structural square footage can maintain the existing yard dimension.)

12.4 *Destruction of Nonconforming Structures*

- A. A structure that is nonconforming in any respect, or a structure that is used in a nonconforming manner, may be reconstructed if partially destroyed where the structure is destroyed by less than fifty percent of its value prior to such destruction. If the destruction is more than fifty percent of the pre-destruction value, such nonconforming structure must be either removed or the entire nonconforming situation must be made to conform with these Zoning Ordinance provisions.
- B. A nonconforming land use may be re-established if the facilities are destroyed by less than fifty percent of its value prior to such destruction. If the destruction is more than fifty percent of the pre-destruction value, such nonconforming land use must be either removed or the entire nonconforming situation must be made to conform with these Zoning Ordinance provisions.
- C. For purposes of this Article only, an existing single family dwelling unit or two family structure (and their otherwise permitted accessory uses) that is not abandoned (see Section 12.5) shall not be considered a nonconforming use in any zoning district. An existing single family dwelling or two family structure may however, be a nonconforming structure with regards to the Flood Hazard Management and other Zoning Ordinance provisions. (Example: A single family dwelling may be reconstructed or replaced if partially or totally destroyed—except that a single family dwelling situated in a flood hazard area shall meet the requirements of the Flood Hazard Management provisions prior to reconstruction or replacement.) Also see Subsection 12.3.D above.
- D. For purposes of this Article only:
 - 1. *Pre-Destruction Value* shall mean either the assessed valuation of the structure for tax purposes, or the valuation as determined by a certified property appraiser.
 - 2. *Percent of Destruction* shall mean the fair market value of the materials and services necessary to renovate, repair, or replace a structure compared to the pre-destruction value of the structure.

**12.5 *Abandonment and Discontinuance of Nonconforming Situations***

- A. Nonconforming Use. When a nonconforming use is discontinued for a consecutive period of twelve months, the property involved may thereafter be used only for conforming purposes, unless the Board of Zoning Appeals issues a *Nonconformity Permit* to allow the same or another nonconforming use upon finding all of the below (See Sections 12.9 and 15.6):
1. The nonconforming use has been discontinued for less than three years; and
 2. The discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming situation; and
 3. The proposed use is not more nonconforming than the previous nonconformity.
 4. The proposed use conforms with the Sustainable Comprehensive Plan as closely as possible
- B. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to the provisions of this Section, all of the building, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) multi-family unit shall not result in a loss of the right to rent that unit thereafter so long as the multi-family building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of the nonconforming use for the above stated time period shall terminate the right to maintain it thereafter.
- C. Nonconforming Structure. A structure on private property other than a sign structure that does not conform with the dimensional provisions of this Ordinance may be re-occupied and re-used for a conforming land use.

12.6 *Change in Kind of Nonconforming Use*

- A. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. A nonconforming use may be changed to a conforming use. Thereafter the property may not revert to a nonconforming use.



2. A nonconforming use may be changed to another nonconforming use only in accordance with a *Nonconformity Permit* issued by the Board of Zoning Appeals. The Board shall issue such permit if it finds that the proposed use will be a similar or less intense use in terms of required parking, density of development, bulk/lot coverage, and neighborhood disruption; and that the proposed use is in keeping with the intent of this Article and the adopted Sustainable Comprehensive Plan.
- B. If a nonconforming use and conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed substantially (except to a conforming use) only in accordance with a *Nonconformity Permit* issued by the Board of Zoning Appeals. The Board may issue such a permit if it finds that the proposed use will be similar or less intense in terms of required parking, density of development, bulk/lot coverage, and neighborhood disruption; and that the proposal is in keeping with the intent of this Article and the adopted Sustainable Comprehensive Plan. See Sections 12.9 and 15.6.

12.7 Completion of Nonconforming Project, Vesting of Rights

- A. Projects made nonconforming by provisions of this Ordinance or amendments thereto may be completed if substantial expenditures or substantial binding financial obligations were made in good faith towards construction of such projects in reliance on the then current regulations. Substantial expenditure or obligation does not mean the mere purchase of real or personal property. Proof of good faith substantial expenditure or obligation may be:
1. Without question, a validly issued and unrevoked building, zoning, or special exception permit, or developer's agreement issued prior to the effective date of this Ordinance or subsequent amendments thereto (all of which are valid for a one-year period, with a possible one year extension); or a combination of the following.
 2. Shown with regard to the dollar amount and in terms of the total cost of the project; and
 3. Shown with a timely progress towards development of the project; and
 4. Shown with documented discussions and preliminary approvals with city staff concerning the project.



- B. Building and other development permits may not be issued while a zoning ordinance amendment petition is under consideration. See Section 16.11.
- C. When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases or other discrete units, the developer shall be allowed to complete only those phases or discrete units which can be vested through provisions 12.7.A above.
- D. The rights of properties platted or subdivided for single family residential uses shall be protected for that use for a period of five years from January 1, 1992 or the time such plat or subdivision was recorded. (Whichever is later: 1/1/92 being the date similar language was made effective per state statute at KSA 12-764.) After that, vested development rights to such plats or contiguous portions of plats shall expire. The Planning Commission may recommend and the City Council may approve voiding such plats or portions of plats if they do not conform with the zoning or City subdivision regulations after such five year period and if no construction has commenced.

12.8 Nonconforming Signs

All nonconforming signs in all zoning districts shall comply with Sign Regulations, Section 9.7.

12.9 Nonconformity Permit

- A. The Board of Zoning Appeals is authorized to issue *Nonconformity Permits* under certain provisions of this Article as a special exception to this zoning ordinance. No building or other development permit or certificate of occupancy may be issued in such instances without a *Nonconformity Permit*. See Section 15.6.
- B. The Board shall determine whether the proposed changes comply with the standards set forth in this Article, and may attach conditions with the issuance of a *Nonconformity Permit*, to further the intent of this Article and this Ordinance.
- C. Activity under *Nonconformity Permits* shall commence within a one year period, with a possible one year extension granted by the Board of Zoning Appeals. If the activity has not commenced within this time, the permit shall be void.

***12.10 Conditional Uses Previously Approved***

Within the City of Greensburg there may exist land uses and structures approved as Conditional Uses under previous zoning ordinances. These land uses and structures may continue as approved. Any modification of such land uses and structures shall follow the procedures outlined for modification of Conditional Use Permits in Article 11.

12.11 Intermittent Use

The casual, intermittent, temporary or illegal use of land or structures shall not be sufficient to establish the existence of a nonconforming use. The existence of a nonconforming use on the part of a lot or tract shall not be construed to establish a nonconforming use on the entire lot or tract.

12.12 Existence of a Nonconformity

Whether or not a nonconformity exists shall be a question of fact and shall be decided by the Zoning Administrator, subject to appeal to the Board of Zoning Appeals.

**ARTICLE 13 TABLE OF PERMITTED AND CONDITIONAL USES***(back to contents)*

- A. Within the various districts as indicated on the official zoning map, no land, building, or structure shall be used, and no building or structure shall be erected, moved, expanded or altered except in accordance with the provisions of the following Table of Permitted and Conditional Uses and this Ordinance. Any use not specifically permitted or allowed as a Conditional Use is prohibited. Where more than one use occupies a building or premises, the zoning requirements for each shall be adhered to as set forth in this Article.
- B. Particular uses which are permitted as-of-right in the zoning districts are indicated by a "P" in this Table of Permitted and Conditional Uses.
- C. Particular uses that are permitted as special exception conditional uses in the zoning districts are indicated by a "C" in this Table of Permitted and Conditional Uses. Details for such Conditional Uses are found in Article 11. Should any interpretation conflict arise between conditional uses allowed under this Table and Article 11, the Table of Permitted and Conditional Uses shall be followed.
- D. Zoning districts in which particular uses are prohibited are indicated by a blank space in the Table of Permitted and Conditional Uses.



TABLE OF PERMITTED AND CONDITIONAL USES
GREENSBURG LAND DEVELOPMENT CODE

RESIDENTIAL

R-1A	R-1B	RV-P		CP-1	CP-3	IP-1
P	P	P	Single Family Dwelling			
C	P	P	Two Family Dwelling			
	C	P	Multi-Family Dwelling		P	
		P	Townhomes			
	P	P	Rooming House			
C	C	P	Bed and Breakfast			
P	P	P	Accessory Apartment			
P	P	P	Incidental Renting of One Room in Single Family Dwelling			
	C		Residential Accessory Structure			
P	P	P	Home Occupation			
		P	Live-Work Units	P	P	
	C		Single Section Manufactured Dwelling			
	C		Manufactured Housing Park			

COMMERCIAL / SERVICE

R-1A	R-1B	RV-P*		CP-1	CP-3	IP-1
		P	General Retail Sales & Service (no E-W curb cuts, no outdoor storage/use, no gas pumps or vehicle storage)	P	P	P
			General Retail Sales & Service (with E-W curb cuts, outdoor storage/use, gas pumps & vehicle storage)	P		P
			Adult Uses	C		
	C		Animal / Pet Boarding, Kennel			P
			Auto / Vehicle Repair, Car Wash	P		P
			Contractor, Trades	P		P
			Farmers' Cooperative	P		P
		P	Funeral Parlor	P		
			Hotel, Motel	P	P	
			Junk, Salvage, Scrap			P
		P	Medical, Dental Office / Clinic	P	P	
		P	Professional or Personal Service (no E-W curb cuts, no outdoor storage or use)	P	P	P
			Professional or Personal Service (with E-W curb cuts, outdoor storage/use)	P		P
		P	Restaurant (no E-W curb cuts)	P	P	
			Restaurant (with E-W curb cuts)	P		
		P	Tavern, Private Club (no E-W curb cuts)	P	P	
			Tavern, Private Club (with E-W curb cuts)	P		P
	C		Veterinary Clinic (no outdoor use)	P		P
	C		Veterinary Clinic (with outdoor use)			P
			Wholesale Sales	P		P
			Warehousing (less than 5,000 sq. ft.)	P		P
			Warehousing & Distribution			P

*Permitted in RV-P district with a residential component



RECREATION / ENTERTAINMENT

R-1A	R-1B	RV-P		CP-1	CP-3	IP-1
	C		Amusement Park	P		P
C	C	P	Art Gallery, Museum, Visitor Center	P	P	
		P	Community, Senior, Social, Fraternal Facility	P	P	
	C		Country Club, Sports Club	P		P
			Dance Hall, Night Club	P		
			Exhibition Hall, Auditorium, Civic Center	P	P	P
		P	Game Room, Billiards, Bowling, Skating, Indoor Amusement Center	P	P	
	C		Golf Course: Miniature, Par 3, Regulation, Driving Range	P		P
		P	Health / Fitness Club	P	P	
	C		Horse Riding Stable	P		P
		P	Library / Learning Resources	P	P	
P	P	P	Public Park	P	P	P
	C		Race Track			P
	C		Recreational Vehicle Park	C		C
	C		Rodeo / Fair Grounds			P
		P	Theater, Indoor	P	P	
			Theater, Outdoor	P		P
	C	C	Recreational Facility Not Otherwise Listed	C	C	C

INSTITUTIONAL

R-1A	R-1B	RV-P		CP-1	CP-3	IP-1
C	C	C	Adult Residential Care, Nursing Home			
	C		Cemetery			
P	P	P	Church, Religious Facility: may include child care, rectory social hall, classrooms, playground as accessory uses	P	P	
			Correctional Facility, Juvenile Detention, Secure Care, Criminal Half-Way House			C
P	P	P	Day Care: Licensed (up to 6 children)	P	P	
		P	Day Care: Group, Registered	P		P
	C	P	Child Care Center, Pre-School (13+ children)	P		P
P	P	P	Family Foster Care (4 children)			
	P	P	Group Foster Boarding Home (up to 10 children)			
P	P	P	Group Home for developmentally disabled: Up to 8 clients			
	P	P	Residential Foster Care Center (10+ children)			
			Hospital, Sanatorium	P		
P	P	P	School: accredited primary, secondary	P		
		P	School: business, commercial	P	P	P
		P	School: college, vocational, technical	P	P	P

**MANUFACTURING**

R-1A	R-1B	RV-P*		CP-1	CP-3	IP-1
		P	Retail sales of on-premises production & no wholesale: small scale (baking, confections, printing, gifts, art, etc.)	P	P	
			Bottling Operation			P
		P	Micro Brewery	P	P	
			Brewery, Distillery, Winery			P
			Building Materials Manufacture			P
			Cabinet Making, Woodworking			P
			Cement, Concrete, Gypsum Production & Products			P
			Chemical Products Processing			P
			Equipment Manufacture			P
			Pharmaceuticals & Cosmetics Manufacture			P
			Dry Cleaning, Laundry: Industrial & Wholesale			P
			Electronic Data Processing	P		P
			Extermination Service	P		P
			Fabric & Apparel Manufacture			P
			Farm Equipment Manufacture			P
			Fertilizer, Feed, Farm Items: Manufacture & Processing			P
			Flammable or Hazardous Chemicals: Bulk Storage	C		P
			Food Processing			P
			Furniture & Home Furnishings Manufacture			P
			Glassware, Ceramics Manufacture			P
			Hardware & Garden Supplies Manufacture			P
			Ice Plant			P
			Laboratory, Research & Development	P		P
			Laboratory, Medical & Dental	P		P
			Leather Products Manufacture: Tanning & Finishing			P
			Printing & Publishing	P	P	P
			Manufacturing & Wholesale Sales: Not Otherwise Listed	C		C

*Permitted in RV-P district with a residential component

PLANNED UNIT DEVELOPMENT

R-1A	R-1B	RV-P		CP-1	CP-3	IP-1
C	C	C	Planned Unit Development	C	C	C



UTILITIES / PUBLIC

R-1A	R-1B	RV-P		CP-1	CP-3	IP-1
C	C	C	Emergency Services Facility	P	P	P
C	C	C	Governmental Services	P	P	P
			Sewerage Treatment			P
P	P	P	Sewerage Pumping Station	P	P	P
	C		Telecommunication Tower	C	C	C
P	P	P	Utility Service Lines / Structures	P	P	P
C	C		Utility Station / Substation (no outdoor storage)	P	P	P
C	C		Utility Service Shop / Storage Yard	P		P
P	P	P	Water Reservoir/Well/Pumping Station/Elevated Storage	P	P	P
			Water Treatment Plant			P
P	P	P	Alternate Energy Devices: Solar & Wind	P	P	P

TRANSPORTATION

R-1A	R-1B	RV-P		CP-1	CP-3	IP-1
			Airport, Landing Field			P
			Mass Transit Station	P	P	P
P	P	P	Parking Lot with permitted/conditional use	P	P	P
			Parking Lot, commercial & public	P	P	P
			Railroad Freight Depot			P
			Railroad Yard			P
P	P	P	Streets / Alleys / RR Tracks & Rights of Way	P	P	P

**ARTICLE 14 ADMINISTRATION AND ENFORCEMENT**[\(back to contents\)](#)**SECTIONS:**

- 14.1 Zoning Administration**
- 14.2 Right of Entry**
- 14.3 Zoning Permit**
- 14.4 Relation to Other Permits, Certificates and Licenses**
- 14.5 Enforcement**
- 14.6 Administrative Rulings**

14.1 Zoning Administration

The City Zoning Administrator or authorized agent is authorized to enforce the provisions of this Ordinance. Appeal from a decision of the Zoning Administrator may be made to the Board of Zoning Appeals. In administering the provisions of this Ordinance, the Zoning Administrator/designee shall:

- A. Make and maintain records of all applications for permits and requests listed herein, and all records of all permits issued or denied with notations of all special conditions or modifications involved.
- B. File and safely keep copies of all plans submitted; and the same shall form a part of the records of the office and shall be available for inspection at reasonable times by any interested person, in conformance with open records laws.
- C. Transmit to the appropriate Commission, Board, or Council all applications and plans for which their review and approval is required.
- D. Conduct inspections of premises and, upon finding that any of the provisions of the Ordinance are being violated, notify in writing the person responsible for such violations in accordance with Section 14.5 (Enforcement) below.
- E. Forms and Procedures.
The Planning Commission, Board of Zoning Appeals, City Council, and other agencies having jurisdiction over various provisions of this Ordinance shall prepare or have prepared forms and procedures as necessary for the expeditious administration of this Ordinance.



14.2 Right of Entry

When it is necessary to make an inspection to enforce provisions of this Ordinance, or when the Zoning Administrator or his/her designee has reasonable cause to believe that there exists in a building or upon a premises a possible violation of this Ordinance, the Zoning Administrator or designee may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Ordinance. If such building or premises is occupied, the Zoning Administrator/designee shall present proper credentials and request entry. If not occupied, the Zoning Administrator/designee shall make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry. If entry is refused, the Zoning Administrator/designee shall have recourse to the remedies provided by law to secure entry.

14.3 Zoning Permit

A zoning permit process is hereby created as a procedure to ascertain compliance with various provisions of this Ordinance. A zoning permit is part of the building permit process where applicable, and a separate certificate in those instances where no building permit is required for proposed development activity.

14.4 Relation to Other Permits, Certificates and Licenses

Compliance with the provisions of this Ordinance shall be necessary prior to or for continuation of activity under the following City permits, licenses, and/or permissions.

- A. Building Permit.
No building or other construction permit shall be issued for any action unless in conformity with this Ordinance.
- B. Certificate of Occupancy.
No Certificate of Occupancy required by the Greensburg Building Ordinance or this Ordinance shall be issued for any action not in conformity with this Ordinance.
- C. Zoning Permit.
No zoning permit shall be issued for any regulated activity unless in conformity with this Sustainable Zoning Ordinance.
- D. Business License.
No applicable City business license shall be issued for any activity not in conformance with this Ordinance.
- E. Other.
No other construction/development permit or approval required by other codes shall be issued until such time as the site development plan required by this Ordinance has been reviewed and approved by the Zoning Administrator.



14.5 Enforcement

Enforcement of the provisions of this Ordinance by the Zoning Administrator/designee and prosecution of violations shall be as detailed below.

A. Violations.

If the Zoning Administrator/designee finds that any provisions of this Ordinance are being violated, he (she) shall notify in writing the person(s) responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. He (she) shall order the discontinuance of illegal uses of land, buildings, or structures; the removal of illegal buildings or structures; the removal of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and/or shall take any other action authorized by this Ordinance to ensure compliance with its provisions. *Persons responsible* for violations include all who facilitate or help facilitate the action, including but not limited to: property owners, renters, guests, business employees, corporations, and individual members of corporations.

B. Penalties.

Any violation of the provisions of this Ordinance shall be a misdemeanor and punishable by a fine not to exceed five hundred dollars or by imprisonment for not more than six months. Each day of violation may constitute a separate offense. Nothing contained herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Schedule of Fees, Charges and Expenses.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for permits, certificates, appeals, applications for amendment, approval of site development plans, special exceptions, variances, and other matters pertaining to this Ordinance.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

14.6 Administrative Rulings

From time to time the implementation of this Ordinance requires administrative interpretations. Administrative Rulings shall follow the guidelines below, which are not exclusive.

- A. They shall be kept to minimum, as they have the force of law but are not published nor codified for the public.



- B. They shall not contradict the purpose and intent of this Ordinance.
- C. They shall not permit a land use in a district where it is prohibited, but may refine the list of permitted uses by identifying "similar or like" uses.
- D. They shall not vary established dimensional requirements.
- E. They shall allow for consistent and efficient administration of the Ordinance.
- F. They shall further refine the Ordinance language by expanding upon the definitions of terms.
- G. They shall accommodate particular situations not anticipated when the Ordinance was adopted.
- H. They shall be put in writing, with copies to the Planning Commission, Board of Zoning Appeals, and City Administration.
- I. The Board of Appeals may modify administrative rulings at any scheduled meeting on their own initiative.
- J. "Violations" of rulings shall not be prosecuted unless and until the ruling is made an official interpretation by the Board of Zoning Appeals.

**ARTICLE 15 BOARD OF ZONING APPEALS**[\(back to contents\)](#)**SECTIONS:**

- 15.1 Establishment**
- 15.2 Powers, Duties, and Rules of the Board**
- 15.3 Members Liability**
- 15.4 Appeals**
- 15.5 Dimensional Modification Special Exceptions**
- 15.6 Nonconformity Special Exception Permits**
- 15.7 Landscaping, Parking, Loading Special Exceptions**
- 15.8 Personal Animal Husbandry Special Exceptions**
- 15.9 Variances**
- 15.10 Fees**
- 15.11 Appeals from the Board of Zoning Appeals**

15.1 Establishment

The full membership of the Greensburg Planning Commission, as established by the City Council, shall be as well the Greensburg Board of Zoning Appeals. In all instances within this Ordinance where reference is made to the Board of Zoning Appeals, said Board shall be the Greensburg Planning Commission acting as the Board of Zoning Appeals.

The City of Greensburg Board of Zoning Appeals as constituted at the time of the adoption of this Ordinance shall continue in office with all powers granted herein. Future member appointments shall be made as specified by the City of Greensburg and the Kansas Statutes, Annotated.

15.2 Powers, Duties, and Rules of the Board

The Greensburg Board of Zoning Appeals (hereafter referred to as the "BZA" or "the Board") shall have the powers and duties as outlined below.

A. General

The Board of Zoning Appeals shall have all of the powers and duties provided by the Kansas Statutes, Annotated and as specifically set forth in this Ordinance or any other Ordinance of the City of Greensburg. The BZA shall establish rules of procedures, consistent with law, which may be necessary or convenient for carrying out its functions.

B. Proceedings



1. The BZA shall schedule regular meetings. Special meetings may be called as necessary by the chair or vice-chair in absence of the chair. Procedures for regular and special meetings shall be consistent with state and local laws.
2. A simple majority of the total authorized membership of the BZA shall constitute a quorum. Any member of the BZA who has any direct or indirect financial interest in the outcome of any question before the Board shall disqualify himself (herself) from deliberation and voting on the question.
3. The BZA shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations; the number of votes for and against each question; and if any member is absent or abstains from voting, indicating the fact, all of which shall be filed in records of the BZA maintained by the Zoning Administrator, which shall be available to the general public.

15.3 Members Liability

Members of the Board of Zoning Appeals acting within the powers granted by this Ordinance and the applicable provisions of the Kansas Statutes, Annotated are relieved from personal liability arising from the legal performance of their duties. Legal actions brought against members of the BZA in their capacity as Board members shall be defended by a legal representative furnished by the City of Greensburg until the final determination of the proceedings.

15.4 Appeals

Appeals from the administration and enforcement of this Ordinance shall be to the Board of Zoning Appeals and may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Zoning Administrator/designee. The BZA shall have the power to hear and decide appeal cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant, or refusal made by an administrative official in the enforcement of this Ordinance.

- A. Appeals shall be taken within thirty days after the appellant or agent receives notice of the action appealed from. Appeals shall be filed with the Zoning Administrator and with the BZA, specifying the grounds thereof. The Zoning Administrator shall transmit to the Board the record upon which the action



- appealed from was taken and shall be treated as and be the respondent in such further proceedings.
- B. The appeal shall be placed on the next available BZA agenda for a public hearing. Public notice shall be published in the local newspaper at least twenty days prior to the hearing. Notice shall be delivered to each party in the appeal, and to the Board.
 - C. The BZA shall decide upon the appeal within forty-five days after the hearing.
 - D. Any interested person may appear and be heard before the public hearing. The affected parties may appear at the hearing in person or by attorney or other representative.
 - E. The BZA shall determine if the Ordinance provisions were appropriately applied; and may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, grant, or refusal. The BZA may attach appropriate conditions to its decision.
 - F. The BZA may decide an appeal by interpreting this Ordinance either based on the specific issues of the single case, or jurisdiction-wide interpretation.
 - G. An appeal is not to be used to vary, waive, or modify any provision of this Ordinance.

15.5 Dimensional Modification Special Exceptions

The Board of Zoning Appeals may by special exception modify dimensional requirements of this Ordinance (height, setback, lot coverage, square footage, etc.). The modification shall be no more than 10 percent of the stated requirement. The Board must find that such exception will not substantially affect the use and enjoyment of adjacent and neighboring properties.

A dimensional modification application shall be placed on the next available BZA agenda for a public hearing. At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to immediately adjacent property owners of record (including across rights-of-way).

15.6 Nonconformity Special Exception Permits

The Board of Zoning Appeals shall have the authority to authorize Nonconformity Permits as special exceptions under the provisions of NONCONFORMING SITUATIONS (Sections 12.3, 12.6 and 12.9). Activity



shall commence within one year of approval of a Nonconformity Permit, with a possible one-year extension granted by the BZA. If the activity has not commenced within this time, the permit shall be void.

A Nonconformity Permit application shall be placed on the next available BZA agenda for a public hearing. At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to immediately adjacent property owners of record (including across rights-of-way).

15.7 Landscaping, and Parking Special Exceptions

The Board of Zoning Appeals shall have the authority to grant, as special exceptions, modifications to the landscaping (see Subsection 7.2.F) and the parking (see Subsection 8.4.H) regulations of this Ordinance. Activity shall commence within one year of approval of such modification, with a possible one-year extension granted by the BZA. If the activity has not commenced within this time, the waiver shall be void.

A landscaping or parking requirement modification request shall be placed on the next available BZA agenda for a public hearing. At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to immediately adjacent property owners of record (including across rights-of-way). In matters of landscaping, the Greensburg Tree Board shall be notified of the public hearing.

15.8 Personal Animal Husbandry Special Exceptions

Small scale animal husbandry may be permitted as a special exception in residential zoning districts. Non-commercial animal husbandry may be allowed within the R1-A and R1-B districts only after review by the Board of Zoning Appeals as a special exception. The BZA shall take in to consideration (among others): the location of pens, runs, and other enclosures; the size and number of animals kept; and the potential for neighborhood nuisance. Two horses per fenced acre shall be the standard, and the minimum lot size shall be two acres. The BZA shall not have authority to contradict provisions of the Greensburg Animal Control Ordinance.

A personal animal use special exception request shall be placed on the next available BZA agenda for a public hearing. (See Section 3.4) At least twenty days prior to the hearing, notice shall be published in the local newspaper and mailed to the adjacent property owners of record.



15.9 Variances

The Board of Zoning Appeals shall have the power to hear and decide applications for variances from specific provisions of this Ordinance. A variance granted shall not be contrary to the public interest and: where due to special conditions a literal enforcement of the zoning provisions would result in unnecessary hardship in an individual case; provided that the spirit of the regulations shall be observed; public safety and welfare secured; and substantial justice done.

- A. A variance from the terms of this Ordinance shall not be granted by the BZA unless and until a public hearing is held. Each application for a variance shall be upon forms provided by the Zoning Administrator.
- B. Upon receipt of the application, the Zoning Administrator shall prepare and distribute a notice of public hearing for the next available BZA agenda. The procedure for advertising and conducting a public hearing for a variance application shall be the same as for a zoning map amendment, Section 16.3.
- C. The Board of Zoning Appeals shall find **each and all** of the following before a variance can be granted:
 - 1. The request arises from conditions unique to the property and not ordinarily found on other land in the same zoning district; and
 - 2. The unique conditions are not created by actions of the applicant; and
 - 3. The granting of the variance will not adversely affect the rights of adjacent property owners or residents; and
 - 4. The strict application of the zoning provisions would constitute an unnecessary hardship upon the applicant; and
 - 5. The request will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
 - 6. The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations.
- D. In granting any variances, the BZA may proscribe appropriate conditions and safeguards in conformity with this Ordinance. The BZA shall have power to revoke variances for noncompliance with the conditions thereof. Furthermore, the BZA shall have a



- right of action to compel offending structures or uses removed at the cost of the violator.
- E. When granted, a variance shall allow the least possible change in the Ordinance requirements.
 - F. The Board of Zoning Appeals shall not grant any variance for any use expressly or by implication prohibited by the terms of this Ordinance. A change in the use requirements is a conditional use, rezoning or text amendment, and thus a legislative matter.
 - G. No nonconforming use of neighboring lands, structures, or buildings shall be considered grounds for the issuance of a variance.
 - H. Activity shall commence within one year of approval of a variance, with a possible one-year extension granted by the BZA. If the activity has not commenced within this time, the variance shall be void.

15.10 Fees

A petitioner for an appeal, special exception, or variance shall pay all expenses incurred by the City in the proper advertisement of the public hearing and administrative review of the application. Such fees shall be set by the City Council.

15.11 Appeals from the Board of Zoning Appeals

- A. In the matter of zoning appeals and/or variances, any person or entity claiming to be injured or aggrieved by any final action of the BZA may appeal from the action to the District Court. Such appeal shall be taken within thirty days after the final action of the Board. The date of final action is the day that Board votes on an issue, making a final determination.
- B. In the matter of special exceptions and conditional uses, any person or entity claiming to be injured or aggrieved by any final action of the BZA may appeal from the action to the City Council. Such appeal shall be taken within thirty days after the final action of the Board. The date of final action is the day that Board votes on an issue, making a final determination.

**ARTICLE 16 AMENDMENT PROCEDURES**[\(back to contents\)](#)**SECTIONS:**

- 16.1 Changes and Amendments**
- 16.2 Action by Applicant**
- 16.3 Action by the Planning Commission**
- 16.4 Action by the City Council**
- 16.5 Reason for Amendment**
- 16.6 Protest Petition**
- 16.7 More Restrictive Map Amendment**
- 16.8 Amendment for Lesser Change**
- 16.9 Reconsideration of Petition**
- 16.10 Annexed Area Zoning**
- 16.11 Effect of Amendment Petition on Building Permits**
- 16.12 Withdrawal of Petition**
- 16.13 Conditional Uses**

16.1 Changes and Amendments

The City Council may from time to time supplement, change, or generally revise these Ordinance regulations and the district boundaries on the Official Zoning Map. In no case shall final action by the City Council be taken until the Planning Commission conducts a public hearing at which parties in interest and citizens have an opportunity to comment.

- A. The City Council or the Planning Commission may initiate such supplement, change, or general revision, including changes to the text and Official Map of the Ordinance.
- B. An affected property owner may initiate a specific Zoning Map amendment.

16.2 Action by Applicant

A petition to amend the Official Zoning Map district boundaries shall be made on forms provided by the Zoning Administrator and shall include the following information:

- A. The names and addresses of the party or parties requesting the amendment (And property owners if different).
- B. A legal description of the property.
- C. The petitioner shall pay all expenses incurred by the City in the proper advertisement of the public hearing, administrative review, and processing of the application. Such fee shall be



set by the City Council. No fees are assessed when the action is by the Planning Commission or City Council.

16.3 Action by the Planning Commission

Every proposed amendment or general revision of this Ordinance or Official Zoning Map shall be referred to the Planning Commission for its recommendation and report.

- A. A petition to amend the district boundaries or regulations established by this Ordinance shall be considered by the Planning Commission at its next available meeting through a duly advertised and conducted public hearing. At least twenty days prior to the hearing notice shall be published in the local newspaper. A notification sign may be posted on the petitioned property. Section 16.7 below provides for a different notification process under special circumstances.
- B. Zoning Map amendment petitions shall include notification to adjacent and nearby property owners. This includes all properties within 200 feet of the petitioned site. Where properties within two hundred feet extend into unincorporated Kiowa County, the distance shall be increased to one thousand feet. Such notice shall be sent at least 20 days prior to the public hearing. (See Section 16.7 for an exception)
- C. The Planning Commission shall decide on any properly filed petition within forty-five calendar days after the public hearing on such petition and shall transmit its recommendation and report, including the reasons for its determinations, to the City Council. As specified by K.S.A. 12-757(d), if the Planning Commission fails to make a recommendation, it shall be deemed to be a recommendation for disapproval.
- D. Official Zoning Map changes initiated by the Planning Commission or City Council shall in addition serve notice of the public hearing to the directly affected property owners at least 20 days prior to the hearing.
- E. A general revision to the Official Zoning Map not focused on individual properties and initiated by the Planning Commission or City Council does not require individual public hearing notice to all affected property owners, and is subject to a Protest Petition only by the directly affected property owners.

**16.4 Action by the City Council**

The City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take such further action as it deems necessary and desirable. As specified by K.S.A. 12-757(d), following receipt of the Planning Commission recommendation and summary of actions taken, the City Council may:

- A. Adopt the Planning Commission recommendation;
- B. Override the Planning Commission recommendation by a 2/3 majority vote of the entire membership; or
- C. Return the case to the Planning Commission for further review. The Planning Commission may resubmit its original recommendation or provide an amended recommendation. The City Council may then by simple majority adopt, revise, or amend and adopt, such recommendation; or take no further action. Failure of the Planning Commission to forward a reconsidered recommendation shall be considered to be a resubmittal of the original recommendation.

16.5 Reason for Amendment

- A. This Ordinance, including the Official Zoning Map, is based upon, and is intended to implement, the adopted Sustainable Comprehensive Plan. Before any zoning map amendment is granted, the Planning Commission and/or City Council must find that the map amendment is in agreement with the Sustainable Comprehensive Plan or, in the absence of such a finding, that one or more of the following apply (such findings shall be recorded in the minutes and records of the Planning Commission and/or City Council).
 - 1. That the original zoning classification given to the property was inappropriate or improper based on the Sustainable Comprehensive Plan.
 - 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Sustainable Comprehensive Plan and which have substantially altered the basic character of the area.
- B. In addition to 16.5.A above, the Planning Commission and/or City Council shall review proposed Zoning Ordinance and Map amendment petitions with respect to sound land use planning principles, and may approve or reject an amendment on such grounds. In addition to other factors which may be relevant to a particular application, the Planning Commission and City Council may consider the following criteria:



1. The character of the neighborhood.
2. The extent to which the proposed use would be in harmony with surrounding zoning and uses.
3. The suitability of the property for the allowed uses under present zoning.
4. The length of time the property has remained vacant as zoned, if applicable.
5. The extent to which approval of the application would detrimentally affect nearby properties.
6. The extent to which transportation, utilities and services are available and adequate.
7. The extent to which the proposed use would impact the environment, including storm water runoff.
8. The extent to which there is a need for the use in the community.
9. The ability of the proposed use to comply with all applicable standards of this Ordinance and other relevant development codes.
10. The gain, if any, to the public health, safety and welfare due to the denial of the application; as compared to the hardship on the applicant, if any, as a result of denial of the application.
11. The recommendation of professional staff.

16.6 Protest Petition

As specified by K.S.A. 12-757(f), property owners have the right to protest a Zoning Map amendment application to the City Council. A protest petition shall be filed within fourteen days after the Planning Commission public hearing on the issue. A valid protest petition is signed by twenty percent or more of the record owners of property proposed to be re-zoned, or the record owners of twenty percent or more of the total area covered by public hearing notice requirements (excluding streets and public ways). A protest petition shall be filed with the City Clerk. A three-fourths majority of all the members of the City Council is required to approve such a protested Zoning Map amendment, regardless of the Planning Commission recommendation.



16.7 More Restrictive Map Amendment

As specified by K.S.A. 12-757(c):

- A. Whenever five or more property owners owning ten or more contiguous or non-contiguous lots of the same zoning classification initiate a zoning map amendment from a less restrictive to a more restrictive classification, such application shall not require written notice to neighboring property owners, and shall not be subject to a Protest Petition.
- B. Whenever the Planning Commission or City Council initiates such a zoning map amendment, written notice shall be required to be delivered only to those owners of property under consideration, and only such owners shall be eligible to initiate a Protest Petition.

16.8 Amendment for Lesser Change

The Planning Commission may recommend, and the City Council may adopt a change in zoning that is a lesser change than the original request. A lesser change to a zoning map amendment request may be that which affects only a portion of the land area initially noticed, or may be a more restrictive zoning district within the same residential, commercial, or industrial grouping as the district for which the change was requested. A lesser change is only within classifications. It does not include any change among the residential, commercial, or industrial classifications, a proposed zoning ordinance text change may be made less restrictive but not more restrictive than originally advertised.

A. Residential Districts

RV-P Village Residential	Most Restrictive
R-1A Residential Suburban	
R-1B Residential Low Density	Least Restrictive

B. Commercial Districts

CP-3 Commercial Downtown	Most Restrictive
CP-1 Commercial General	Least Restrictive

C. Industrial Districts

IP-1 Light Industrial	Most Restrictive
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***16.9 Reconsideration of Petition***

Whenever an owner-initiated petition requesting a Zoning Map amendment is denied, such petition, or other petition for the same area, (or similar proposal), shall not be considered again sooner than twelve months after the date of denial, unless the Planning Commission finds that there have been substantial changes in conditions or circumstances bearing on the petition.

16.10 Annexed Areas Zoning

- A. When property is annexed into the City of Greensburg, that new part of the City shall be classified as R-1A Single Family Residential on the effective date of the annexation. From the effective date of such annexation, the Planning Commission shall have 45 days to conduct a zoning study of such area and recommend a zoning map amendment to the City Council. After the City Council has acted upon such recommendation, or absent a Planning Commission recommendation within said 45 day period, any property owner may request a zoning map amendment in an annexed area. No other zoning map amendment requests shall be processed during this 45-day period in an annexed area.
- B. The Planning Commission may make studies and conduct public hearings on proposed zoning of potential annexation areas prior to official annexation action by the City Council. After such studies and duly conducted public hearing, the Planning Commission may forward to the City Council a recommendation for proposed zoning of such potential annexation area. The City Council may then consider such proposed zoning concurrent with the annexation.

16.11 Effect of Amendment Petition on Building Permits

- A. Whenever a zoning map amendment is filed with the Zoning Administrator, no building permits or certificates of occupancy shall be issued for property within the affected area until final action by the City Council.
- B. Building permits and certificates of occupancy issued prior to the filing of a zoning amendment petition shall not be adversely affected under this provision.
- C. Projects under development may be completed, and certificates of occupancy issued, when properly vested prior to filing of a zoning boundary or regulation amendment petition, (see Section 12.7).



- D. The Zoning Administrator shall approve permits and certificates of occupancy for property within the affected area when it is clear that the structure or use is permitted under the provisions of both the existing and petitioned zoning district or regulations.

16.12 Withdrawal of Petition

A petitioner may withdraw a request at any time during the amendment process. Fees will not be refunded after the public notice is posted.

16.13 Conditional Uses

Conditional Use Permit applications follow the same process as zoning map amendments, above.

**ARTICLE 17 DEFINITIONS**[\(back to contents\)](#)**17.1 Ordinance Construction**

Within this Ordinance *Article* refers to a major subdivision of the Ordinance text; *Section* refers to a major subdivision of the text of an Article; *Subsection* refers to a minor subdivision of the text of a Section; *Provision* refers to any phrase, clause, sentence, or groups thereof, within the text.

17.2 Words and Phrases

For the purposes of this Ordinance, all words used in the present tense shall include the future and past tense; all words in the plural number shall include the singular unless the natural construction of the wording indicates otherwise; the word *shall* is mandatory; the word *may* is permissive; and the word *person* includes a firm, association, organization, partnership, corporation, trust and company, and any other legal entity as well as an individual; the words *used* and *occupied* shall include the words *intended*, *designed*, *designated* or *arranged to be used or occupied*, and the word *structure* shall include the word *building*. Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.

ABANDONMENT, DISCONTINUANCE: Quitting the use of an activity. A criterion for the continuation of a nonconforming situation or special exception conditional use as detailed in Section 12.5.

ABUTTING, ADJACENT, ADJOINING: Having property or district lines (or portions of lines) in common. Properties are considered to abut, be adjacent, adjoin if they are opposite each other and separated by a public right-of-way or easement.

ACCEPTED SOIL EROSION AND SEDIMENT CONTROL PROCEDURES: Practices to control erosion and the resultant sedimentation of soil from land-disturbing activity as developed agencies and persons recognized as qualified experts in that area.

ACCESS: The right to cross between public and private property allowing pedestrians, bicycles, and vehicles to enter and leave property.

ACCESSORY STRUCTURE OR USE: A structure or use which:

- Is subordinate to and serves a principal structure or use;
- Is subordinate in area, extent, or purpose to the principal structure or use;
- Contributes to the comfort, convenience, or necessity of occupants of the principal structure or use; and
- Is located on the same zoning lot as the principal structure or use (unless the text clearly allows otherwise).



ACCESSORY USE, NON-RESIDENTIAL: In addition to the above general definition and the provisions of Section 3.3, a non-residential accessory use for all practical purposes is designed and operated to not stand on its own as a principal use. A cafeteria designed and constructed for the convenience of employees in an office complex is not a principal use restaurant and would not require additional off-street parking, for example.

ACCESSORY USE, RESIDENTIAL: In addition to the above general definition and the provisions of Section 3.1, a residential accessory use does not create a nuisance to surrounding residential properties nor change the neighborhood residential character.

ADJACENT: See ABUTTING, above.

ADMINISTRATIVE RULING: Further elaboration on the provisions of this ordinance and its enforcement as determined by the zoning administrator and detailed at Section 14.6.

ADULT DAY CARE: A use and its facility licensed by the State of Kansas providing less than 24 hour a day care for adults with infirmities.

ADULT RESIDENTIAL CARE: Facilities and premises for elderly living. May include *congregate living* (a more or less independent arrangement with shared recreation and dining facilities), *assisted living* (additional provision of personal care), *residential health care* (additional provision of nursing supervision), or *extended health care* (nursing home), or a combination thereof.

ADULT USE: A use and facility whose activities include the following (or any combinations thereof), and which exclude minors by virtue of their age for reasons not related to alcohol or tobacco:

- Commercial establishments offering for sale/display, which have a substantial or significant portion (greater than 10 percent of gross receipts, signage, and/or floor area) of their stock and trade in printed or written material, pictures, drawings, photographs, motion pictures, or other pictorial representations, or statues or other figures, or any recordings, transcriptions, or mechanical, chemical, or electronic reproductions, or any other articles, equipment, machines, or materials depicting sexual activity.
- Personal service establishments.
- Entertainment establishments, whether live or in some other format.

AGRICULTURAL USE: The use of property by a family farm for the production of plants, animals, or horticultural products, including but limited to: forages; grains and feed crops; dairy animals and dairy products; beef cattle; sheep; swine; poultry, and horses; bees and apiary products; trees and forest products; fruits, nuts, and berries; vegetables; or nursery, floral, ornamental, or greenhouse



products. Land used for agricultural purposes shall **not** include the following:

- Land which is used for recreational purposes; residential suburban property; home sites and yard areas whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants or listed above.
- The operation or maintenance of greenhouses, nurseries, or hydroponics farms operated at retail.
- Wholesale or retail sales as an accessory use except the seasonal retail sale of produce, as detailed in Section 3.11.
- The operation or maintenance of a commercial stockyard, feedlot, or other confined livestock feeding operation, including corporate farms.
- The operation of auction sales yards.
- The operation of a bed and breakfast.
- The operation of junk, scrap, or salvage yards.
- The operation of kennels.
- The establishment of additional dwelling sites for any purpose except as accessory dwellings for bona fide farm help employed on the premises.

ALLEY: A public way (not a street) intended as only a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change or modification in the use of land or in the structural parts of an existing building or structure. Enlargement, whether by increasing the height or size, or the moving from one location or position to another, shall be considered an alteration.

AMUSEMENT CENTER: A usually indoor facility providing entertainment facilities such as coin-operated games, shows, and similar uses. Typical accessory uses include concessions and souvenir sales.

AMUSEMENT PARK: A primarily outdoor facility that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants, and souvenir sales.

ART GALLERY: Use of land and/or structure for the display and sale of works of art; may include among other things the incidental retail sale of related merchandise, and artist studios for teaching and individual work as accessory uses.

AS-OF-RIGHT LAND USE: Land uses and development projects which are determined in advance and specifically authorized by this Ordinance,



not requiring additional Board of Zoning Appeals, Zoning Board, or City Commission discretionary review or approval.

ASSISTED LIVING CENTER: See ADULT RESIDENTIAL CARE.

ATHLETIC FIELDS: Property and associated structures providing for open air organized sports activities at an intensity greater than for a neighborhood pick-up type game. They are often lighted for evening activity and often attract crowds requiring off-street parking. Athletic fields are considered accessory uses when associated with public parks, and secondary or post-secondary schools.

AUTOMOBILE, VEHICLE AND MACHINERY REPAIR: The servicing and repair of motorized vehicles and equipment, designed and operated for more than one vehicle at a time. A dwelling unit occupant may occasionally work on one personally owned vehicle, outside an enclosed structure, without causing disruption of the neighborhood character.

BED AND BREAKFAST: An owner occupied dwelling unit, or portion thereof, where short-term guest lodging rooms without complete kitchen facilities are provided for compensation, with or without meals.

BERM: A landscaping feature wherein earth is formed into a buffer screen.

BLOCK: A piece of land usually bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as water bodies or public open spaces.

BLOCK FACE: A segment of a block between two intersecting streets or other boundaries.

BOARD OF ZONING APPEALS: The agency created herein which has statutory and local authority to hear and determine appeals, special exceptions, and variances to this Ordinance.

BODY PIERCING PARLOR: A personal service establishment in which a significant portion of business provides body piercing services and supplies. Body piercing requires a State license, and is regulated under this Ordinance as a special exception conditional use for health reasons. Occasional body piercing services in connection with barber, hairdressing, and cosmetology services is not regulated under this ordinance. *Significant* and *occasional* are relative terms: if signage, floor area, and gross receipts indicate twenty percent or more of a business comes from body piercing and/or similar regulated activities such as tattoos and massages, it is a parlor.

BUFFER: A strip of land, established to protect and separate one type of land use from another; standards detailed in Article 7.

BUILDING PERMIT: A certificate issued by the city authorizing the holder to proceed with construction or other development activity with no further review of the proposal other than inspection of work in progress.



BULK: A measurement of structural intensity, the mass of a building.

BULK ITEMS: Regarding parking standards for retail sales, sale of bulk items are large-ticket items which customarily attract fewer customers at a time than smaller merchandise (i.e., furniture, vehicles, farm equipment).

BULK STORAGE: The storage of chemicals and other materials in large quantities, and typically for distribution to persons other than the ultimate consumer.

BUSINESS LICENSE: A certificate issued by the city authorizing the holder to conduct specified business activity within the city.

CARPORT: A roofed structure open on at least three sides for the storage of vehicles.

CEMETERY: Land for the interment of human or animal remains. May include among other things columbariums, crematories, mausoleums, and mortuaries as accessory uses/structures.

CERTIFICATE OF OCCUPANCY: A document issued by the city indicating that a premises complies with this zoning ordinance and other city development codes, and may be used and occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures, or when the nature of a land use changes. Unless such a certificate is issued, a structure or premises cannot be occupied or used.

CHANGE IN USE: Using property for a purpose different from that existing, to the extent that different zoning standards apply. Section 12.6 details the change in use provisions for nonconforming uses.

CHURCH, RELIGIOUS FACILITY: An establishment, the principal purpose of which is religious worship; but which may include such accessory uses in the main structure or separate structures as religious education facilities, day care, recreational facilities, offices, and dwelling rooms for the religious leaders among other things.

CITY, CITY ADMINISTRATION: Where provisions of the Ordinance require city or city administration approval, it shall mean the City Administrator and/or employees designated by the City Administrator to act upon such matters.

CITY COUNCIL: The elected governing body of the City of Greensburg, Kansas.

COMMUNITY CENTER: Grounds and facilities to serve neighborhood public recreation. A center may include among other things adult education classes, adult and child day care, occasional fund-raising sales, and social activities such as reunions as accessory uses. They may be designed primarily for specific groups such as senior citizens.



COMPREHENSIVE PLAN: A document guiding future land use and development policy decisions, developed in accordance with State statutes and officially adopted by the governing body.

CONDITIONAL USE: A land use that by its very nature is perceived to require discretionary review and special attention in siting, design, and other features so as to assure compatibility with surrounding properties and uses. Conditional uses are allowed as a special exception to this Ordinance only after a Planning Commission public hearing, City Council final action, and following the procedures detailed in Article 11.

CONDITIONS: Standards attached to a discretionary permission to develop or use property, as with special exceptions to this Ordinance.

CONDOMINIUM OWNERSHIP: A distinct unit of a structure in which the ownership or property rights is exclusive of any land. Condominium ownership requires compliance with K.S.A. 58-3101 et seq.

CONFORMING USE: The occupancy of premises within the city in compliance with the provisions of this Zoning Ordinance.

CONTRACTOR, TRADES: Facilities and premises for operation of trades contracting business. Examples of this category are building, remodeling, electrical, plumbing, water conditioning, and mechanical contracting. Such uses most often include some outdoor storage of supplies and materials.

CORRECTIONAL FACILITY: Premises for the confinement of persons within the guidelines of the local and state criminal justice system.

COUNTRY CLUB: Grounds and facilities for private recreation, entertainment, and socialization. This land use often includes golf courses, dance halls, restaurants, and lounges among other things as accessory uses.

COVENANT: A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded. There may be certain legal requirements for formal establishment of a covenant such as a written document, a mutual interest in the property, that the covenant be concerned with the use of the land rather than individual characteristics of ownership, etc. This Zoning Ordinance does not enforce or regulate covenants: aggrieved persons must pursue civil legal action.

CROSS SECTION: A design drawing indicating the vertical construction details of land improvements such as roads, parking lots, utilities, and foundations.

CURTAIN WALL: An enclosure around a structure and between the ground and bottom of a structure such as a manufactured housing unit where not necessary as a foundation under building code requirements, completely enclosed except for necessary access and ventilation



openings. Curtain walls are to be constructed of durable materials and kept in good repair.

DANCE HALL: A public assembly facility for dances, concerts, banquets, and the like, whether or not for private membership or the general public. This may include as accessory uses food and beverage services for the patrons but not the general public. Dance halls are designated as special exception conditional uses due to health, safety and general welfare concerns with noise, congestion, and potential for neighborhood character disruption.

DAY CARE: Facilities and premises providing less than 24 hour a day care for children and regulated by the State of Kansas. Day care regulated by this Ordinance does not include community centers, religious facilities, summer camps, Bible schools, operations within public or private schools, or the voluntary care of relatives.

DEVELOPMENT PERMIT: A document certifying to the holder permission from the city to develop property according to specified development codes including and in addition to zoning and building requirements.

DIMENSIONAL STANDARDS, REQUIREMENTS: Provisions within this Zoning Ordinance which stipulate certain measurements, such as building setbacks, height, lot coverage, parking space sizes. All dimensional standards and requirements are stated in this Ordinance as the minimum necessary for code compliance.

DISCONTINUANCE: See ABANDONMENT.

DISTANCE: For the purposes of this Ordinance, distance requirements are to be measured as straight lines or radii from the object measured, unless the text clearly states otherwise.

DOG: Any domesticated specie of canine over 6 months of age.

DRIVE THROUGH: A facility where customers may obtain service at windows or bays without leaving their vehicles.

DWELLNG, ACCESSORY: A dwelling unit that is secondary to the principal use of a lot. This may be an accessory apartment which is a portion of a single family house or other structure; it may be a detached residence, as a second subordinate dwelling on a zoning lot.

DWELLING, MULTI-FAMILY: A residential building or portion thereof designed, arranged, and intended for three or more dwelling units, with the number of families in residence not exceeding the number of units provided. Multi-family dwellings may include as accessory uses recreation, laundry, community center, and similar facilities designed and intended for enjoyment and convenience of the residents and not the general public, among other things.

DWELLING, SINGLE FAMILY: A building having accommodations for and occupied by one family. It does not include fraternal, dormitory, or society type housing occupied by five or more unrelated adults.



DWELLING, TOWNHOUSE: A single family dwelling unit erected in a row as part of a single building, on separate adjoining lots, each being separated from adjoining units by an approved fire resistant party wall.

DWELLING, TWO FAMILY: A building or portion thereof arranged, intended, and designed for two dwelling units.

DWELLING UNIT: One room, or several rooms connected together, constituting a separate and independent housekeeping establishment for owner or renter occupancy, physically separated from other units which may be in the same building, and containing independent cooking, bath, and sleeping accommodations. The letting of space for up to one boarder may be an accessory use within a dwelling unit, provided that an additional dwelling unit is not established under this definition.

DWELLING, ZERO LOT LINE: A detached single family dwelling unit which is constructed against one side lot line.

EASEMENT: A right given by a land owner to another party for specific limited use of a specified portion of that property. Most common are utility easements, which allow a utility concern to provide services. Property rights associated with easements require the owner to not deny access to the easement holder for service to the easement holder's use of the land, and a prohibition against construction of permanent structures within such easement.

EMERGENCY SERVICES FACILITY: A public use of land to provide public safety services. Examples include fire, police, and ambulance services, and tornado shelter and warning devices.

EROSION CONTROL PLAN: A design and perhaps narrative that indicates measures to be taken to control erosion and any resultant sedimentation from a development project.

EXHIBITION HALL, AUDITORIUM, CIVIC CENTER: A building or complex of buildings and premises that may include cultural, recreational, athletic, convention, and other entertainment facilities.

EXPANSION: See ALTERATION. The expansion of an existing land use or structure shall require compliance with all provisions of this Ordinance, to the extent of the expansion.

FAMILY FOSTER CARE HOME: The 24 hour a day care for four or less children, as regulated and licensed by the State of Kansas, and permitted in all residential zoning districts.

FARMERS' COOPERATIVE: Facilities and premises operated by and for farmers to centralize their mutual economic farming needs. Activities typically include storage of grain in elevators, sale/rental of supplies and equipment,

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.



FLOOD PLAIN, FLOOD HAZARD AREA: Land areas identified by the Federal Insurance Administration and local studies as having a one percent chance of flooding in any given year.

FOSTER CARE: See FAMILY FOSTER CARE HOME, GROUP BOARDING HOME, and RESIDENTIAL CENTER.

FRATERNAL, CIVIC, SOCIAL CLUB: A private facility and premises for members' entertainment, enjoyment, and benevolent activities. If a dance hall, lounge, or night club are included, they are considered separately and not as accessory uses.

GAME ROOM: A facility for the commercial use of electronic/mechanical games, bingo card playing, pool and billiards, bowling, and the like with more than three such games or play stations. Three or less games or play stations shall be considered accessory to a principal use.

GLARE: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility, causing a disruption to the health, safety, and welfare of the citizens.

GOOD REPAIR: Properties, structures, signs, and other items regulated by the provisions of this Ordinance are in *good repair* when properly affixed, surface coated with paint or other weather retarding material, in working order, and not in a state of disintegration.

GROSS AREA: The area of a structure or lot determined by the exterior borders of such structure or lot.

GROUND COVER: Vegetation or other material established to provide soil stabilization on exposed soil areas. Grass is an example of ground cover.

GROUP BOARDING HOME: A State licensed facility for the 24 hour a day care of ten or less foster children or adults needing such care.

GROUP HOME: A dwelling unit occupied by not more than ten persons, including eight 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 or each other or to the residents of the home, such dwelling being licensed by the State of Kansas. Such homes shall be considered single family dwellings under this Ordinance, as specified by K.S.A. 12-736, as may be amended.

HEALTH, FITNESS CLUB: A facility where patrons may exercise, receive therapeutic massage as a portion of the operation, and other treatments to restore health and vigor; and may include numerous recreational outlets.

HEAVY COMMERCIAL: A land use activity that shares characteristics with industrial uses. Significant outdoor storage, heavy equipment movement, and high volumes of large truck traffic are indicators of heavy commercial activity.



HEIGHT, SIGHT TRIANGLE: No obstruction to vision is permitted in a sight triangle between the heights of three and eight feet above the adjacent street or driveway elevation.

HEIGHT, STRUCTURE: The height of a structure is measured from the average grade of the immediately surrounding ground to the highest projection of the roof or parapet.

HOME OCCUPATION: An accessory use of a residential dwelling for gainful employment that is clearly incidental to the principal residential use. See Section 3.2.

HOMEOWNERS' ASSOCIATION: An organization of owners charged with liability and maintenance responsibilities for common areas, private roads, and private utilities within a planned unit development, condominium, and perhaps townhouse and two-family development.

HORSE RIDING STABLE, ACADEMY: A commercial establishment for the training of horses and riders. Such use may include the boarding of horses, an enclosed or open air arena, dressing rooms, and the like.

HOTEL, MOTEL: A facility used, maintained, and/or advertised to the public to be a place where sleeping accommodations are available for compensation to transient or permanent guests or tenants, and in which ten or more rooms are provided for such guests. Less than ten rooms to let is a ROOMING HOUSE. Restaurants, lounges, gift shops, and personal services are often associated with hotels and motels as accessory uses among other activities; if designed and advertised for customers in addition to hotel/motel guests they are considered additional principal uses.

HOUSEHOLD PET: Domesticated animals normally and traditionally considered *pets*. This classification does not include animals kept, raised, or bred for commercial purposes, except the incidental breeding and littering/whelping/birthing of such for a fee or subsequent sale. This classification does not include animals normally and traditionally considered farm animals, such as horses, poultry, and bees; and does not include undomesticated animals.

IN WRITING: Certain notices are required to be *in writing* under provisions of this Ordinance. The city shall submit such in a hard-copy paper and/or electronic format to clients. Clients have the option of submitting items in writing on hard-copy paper, or via FAX or e-mail. Clients should be aware that alternatives to hand delivered hard copy paper may encounter delivery problems.

INTENSE: When the Board of Zoning Appeals considers a nonconformity permit application, one of the criteria is if the proposed use is *more intense* than the previous or existing land use (Section 15.6.). A use is more intense if there is an increase in traffic, if the lot coverage and bulk are increased, if more parking is needed, and if the potential for neighborhood disruption is greater, among other similar items.

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled,



destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNK, SCRAP, SALVAGE YARD: Any place not fully enclosed in a structure where waste, discarded or salvaged material or equipment are bought, sold, exchanged, baled, packed, disassembled, kept, stored, or handled; including auto and house wrecking yards/activities, used lumber yards, and places for storage of salvaged construction materials. The presence on any premises of three or more vehicles which for a period exceeding 30 days have not being capable of operating under their own power, or from which parts have been removed, shall constitute prima facie evidence of a junk yard.

JUVENILE DETENTION CENTER: A secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders which is not a jail, and is licensed by the State of Kansas.

K.S.A.: Kansas Statutes, Annotated; which is the official state legislation governing municipal operations and procedures.

KENNEL: The storage, either commercial or private, of more than four domesticated canines.

LEGAL PROPERTY DESCRIPTION: The identification of a lot, tract, or parcel of land as noted on a legal instrument. For platted land, this is the Subdivision Name, Block Number, and Lot Number. For unplatted land, this is a metes and bounds description.

LOCAL NEWSPAPER: The official newspaper for the City of Greensburg as specified by state statutes. The media outlet for publication of official notices.

LOT COVERAGE: A ratio, express in percent, of the area of a zoning lot occupied by principal and accessory structures/uses in relation to the total lot area. Parking lots, drives, and sidewalks/walkways are not included in this formula.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT DEPTH: The distance between the front lot line and the rear lot line, measured from the midpoints of the front and rear lot lines.

LOT LINE, FRONT: The property boundary which is coincident with a street right-of-way line, the property boundary which is used to establish a permanent street address.

LOT LINE, REAR: That property boundary that is opposite to the front lot line. For zoning dimensional requirements and where lot lines are irregular, the rear lot line shall be deemed to be a line not less than twenty feet long, lying within the lot and parallel to the front lot line at its midpoint.

LOT LINE, SIDE: That property boundary which connects the front and rear lot lines.



LOT OF RECORD: A property which is recorded in the Register of Deeds either as part of a subdivision plat or as a recorded deed referencing a metes and bounds description.

LOT, THROUGH: A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT WIDTH: The distance between side lot lines, measured at the established front building setback line.

LOUNGE, TAVERN, PRIVATE CLUB: A facility where the primary activity is serving cereal malt beverages, wine, and/or liquor beverages, either for private members or the general public. A lounge is designated as a special exception conditional use due to health, safety, and general welfare concerns with noise, traffic congestion, and potential for neighborhood character disruption.

MANUFACTURED HOUSING: A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, capable of being transported on its own chassis and designed without a permanent foundation whether or not one is subsequently provided. Manufactured housing bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280, et seq.), effective June 15, 1976, as may be amended.

MANUFACTURED HOUSING PARK: An area of ground equipped as required for support of manufactured housing and used or intended to be used by two or more occupied manufactured housing units, provided the manufactured housing spaces shall not be sold or offered for sale individually. See Section 11.3.P.

MANUFACTURED HOUSING, RESIDENTIAL DESIGN: A manufactured housing unit which meets certain design criteria; and is considered for zoning purposes as a single family residence. See Section 3.5.

MOBILE HOME: A manufactured housing unit built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.

MODULAR HOUSING: A dwelling structure designed for and located on a permanent foundation and not capable of being transported on its own chassis; connected to public utilities consisting of pre-selected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom built on the site of its permanent location, and also in contradistinction to a manufactured housing unit.

MOTEL: See HOTEL.

MUSEUM: A facility and grounds for display of historical interest artifacts. Includes *living museum*, which replicates life styles from a former era. Gift shops and food and beverage service operated for patrons are examples of accessory uses customarily associated with museums.



NEIGHBORHOOD CHARACTER: Features that make areas of the city attractive living environments. *Neighborhood disruption* includes activities that detract from safe and peaceful enjoyment of such areas. Special exception standards that require facilities to be *in keeping with the neighborhood character* must consider generation of noise, dust, and traffic, among other features in excess of that otherwise normal to such neighborhood. Screening and buffers may help alleviate the degree of disruption. Design can be *in keeping with neighborhood character* when, for example, similar exterior materials and structural members are used, i.e. brick siding, pitched roof.

NEXT AVAILABLE MEETING: Items for the Zoning Board, Board Of Zoning Appeals, and City Council are placed on the next available agenda when all public notice requirements can be met and when city administrative procedures can be followed, in the shortest possible time.

NIGHTCLUB: An establishment whether open to private membership or the general public, dispensing cereal malt beverages, wine, and/or liquor beverages with or without meals and in which music, dancing, or entertainment is conducted. A nightclub is designated as a special exception conditional use due to health, safety, and general welfare concerns with noise, traffic congestion, and potential for neighborhood character disruption.

NONCONFORMING LOT OF RECORD: A lot that does not meet the dimensional or other requirements of this Ordinance which is part of a subdivision, the plat of which has been recorded in the County Register of Deeds; or a parcel of land, the deed of which was recorded in the County Register of Deeds; either of which was recorded prior to adoption of this Zoning Ordinance or any applicable amendment thereto; but not created for the purpose of evading the restrictions of this Ordinance.

NONCONFORMING SITUATION: A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure or use does not conform to one or more of the regulations applicable to the district in which the lot or structure or use is located. Among other possibilities, a nonconforming situation may arise:

- because a lot does not meet minimum area requirements,
- because structures do not satisfy maximum height or minimum floor space limitations,
- because landscaping or off street parking provisions are inadequate,
- because the relationship between existing buildings and the land (in such matters as density and setback standards) is not in conformity with the Ordinance, or



- because land or buildings are used for purposes made unlawful by this Ordinance.

NONCONFORMING STRUCTURE: A building or other structure which is being used for a conforming use, but which does not meet the dimensional standards of this Ordinance (or amendment thereto).

NONCONFORMING USE: A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. The term also refers to the activities that constitute the use made of the property.

NONCONFORMITY: See NONCONFORMING SITUATION.

NONCONFORMITY PERMIT: A certificate issued by the Board of Zoning Appeals that allows the continuation, re-establishment, or change in a nonconforming situation.

NOTICE, NOTIFICATION: Notice for public hearing where required may be delivered by first class mail to the last known address of record of the party to receive notice. Notice of violation of any provision of this ordinance may be delivered informally by first class mail; formal violation notices shall be delivered by in person or by certified mail.

NURSING HOME: See ADULT RESIDENTIAL CARE.

OFF STREET: *Street* refers to the entire public right-of-way. *Off street* thus is not within the public right-of-way.

OFF STREET LOADING: An area not within the public right-of-way designated and used for the loading and delivery of items from or to a certain location, and including access ways to such areas.

OFF STREET PARKING: An area not within the public right-of-way designated and used for temporary parking of motor vehicles, including access ways to such areas.

ORIGINAL FOUNDATION: The location and dimensions of where a structure is or was situated.

OUTDOOR CONCERT, DANCE GROUNDS: A place of public assembly designed and utilized for concerts, dances, or stage performances outside an enclosed building. This land use is allowed only as a special exception conditional use due to the potential for neighborhood character disruption from noise and traffic congestion, and health and sanitation concerns for large groups of assembly.

OUTDOOR STORAGE: The placement of any item outside of an enclosed structure for a period of more than forty-eight hours. In the instance of motor vehicles, boats, trailers, and similar items, outdoor storage shall in addition mean the routine and/or recurring (more than twice a week) parking of such for more than six hours at a time.

OUTDOOR USE: In addition to outdoor storage, outdoor use activities include display and sales of products primarily outside of enclosed



structures, such as motor vehicles, garden supplies, gasoline, tires building and landscaping materials, farm equipment, and the like. Outdoor use is generally prohibited in the CP-3 Commercial Downtown district except for promotional sales as detailed in Section 3.6.

PARAPET: A structural vertical extension of a building wall.

PARCEL, TRACT: An area of land not necessarily designated as a lot or lots, usually considered a unit for development purposes.

PERMANENT CURTAIN WALL: A *curtain wall* constructed of permanent materials such as concrete, brick, or masonry.

PERSONAL SERVICE: Facilities and premises primarily engaged in providing involving the care of persons and their personal goods or apparel. Some examples include dry cleaning, beautician, shoe repair, seamstress, and the like.

PICK UP WINDOW: See DRIVE THROUGH.

PLANNED UNIT DEVELOPMENT (PUD): A form of special exception development usually characterized by a unified site design for a number of residential and/or commercial units, clustering of buildings, and providing common open space, density increases, and a mix of building types and land uses. It permits planning of a project and the calculation of densities over the entire development rather than on an individual lot-by-lot basis.

PLANNING COMMISSION: The agency created and appointed by the City Council to prepare studies, conduct public hearings, and make recommendations to the City Commission on adoption and amendments to the Zoning Ordinance.

PORCH: A permanently roofed open area, which may be screened, attached to and part of a building.

PREMISES: A lot, parcel, or tract of land together with the buildings and structures thereon.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL LAND USE: The primary or predominant use of any property. A property may have more than one principal use for regulatory purposes, i.e. a motel which includes a restaurant designed and offered for the general public in addition to motel guests shall meet the parking requirements for both land uses.

PRINCIPAL STRUCTURE: See PRINCIPAL BUILDING

PRIVATE CLUB: See LOUNGE, TAVERN, PRIVATE CLUB.

PRIVATE DRIVE: A way for vehicular and other access to property that is not dedicated or otherwise made public. Private drives are permitted in manufactured housing parks, unified shopping and industrial centers, and planned unit developments. Private drives are not publicly maintained.



PROFESSIONAL SERVICE: A facility and premises where a customer receives the services from persons recognized by training and certification in fields requiring high levels of knowledge and expertise as opposed to skilled use of equipment. Different from *personal services*, which may also require training and certification, professional services include attorneys, accountants, realtors, tutors, photographers, consultants, and similar activities.

PROPERTY OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a land lot, parcel, or tract.

PUBLIC HEARING: A formal meeting of a board or agency to solicit public comment prior to deciding upon a land development proposal.

PUBLIC USE: A land activity that is available to the general public, such as a public park or community center.

RACE TRACK: A facility designed and used for the racing of animals or vehicles. Accessory uses to a race track may include among other things concession stands, food and beverage service for patrons, stadiums, garages or barns for participants, and maintenance areas. Race track grounds may also be used for outdoor concerts and other entertainment. This land use is allowed as a special exception conditional use due to the potential for neighborhood character disruption from noise and traffic congestion, and health and sanitation concerns for large groups of assembly.

RECORD PROPERTY OWNERS: See PROPERTY OWNER.

RECREATIONAL VEHICLE PARK: A lot or parcel of land upon which two or more recreational vehicle sites are located, established, and/or maintained for occupancy by recreational vehicles as temporary living quarters for recreation or vacation purposes. Accessory uses may include among other things tent camping grounds, bathing and laundry facilities, sale of concessions and convenience items for patrons.

RESIDENTIAL CENTER: A state licensed facility providing non-secure 24 hour a day residential foster care for more than 10 persons.

RESPONSIBLE PARTY: The person, firm, partnership, corporation or other legal entity responsible for compliance with provisions of this Ordinance. This term includes all who facilitate or help facilitate the action, including but not limited to property owners, renters, guests, business employees, corporations, and individual members of corporations.

RESTAURANT: A facility and land use wherein food is prepared and sold to the public for human consumption. This category may include the serving of only specialty items such as ice cream parlors and coffee houses, and may include sit-down, pick up, and/or drive through service.



RETAIL SALES AND SERVICE: Activities selling goods or merchandise to the ultimate consumer, and rendering services for such goods or merchandise to the ultimate consumer.

RETAIL SALES OF ON-PREMISES PRODUCTION: Categories of retail sales where products are manufactured on the premises. If the vast majority of the production is sold to ultimate consumers on premises, this activity is considered a part of retail sales activity.

RETAINING WALL: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

RIGHT-OF-WAY: A strip of land dedicated or reserved or otherwise obtained for use as a public way which normally includes streets, sidewalks, and/or utilities and similar uses.

ROOMING HOUSE: A building or portion thereof which contains rooms without complete kitchen facilities designed, used, or intended to be used for residential occupancy by not less than three nor more than nine transient individuals for compensation.

RUN WITH THE LAND: A covenant, restriction, or permission that is binding on the present and all future owners of the property. For purposes of zoning, variances and special exceptions run with the land so long as any and all conditions are met.

SAFE ROOM: An enclosure located on a property designed and constructed to provide protection from natural disasters.

SALVAGE: See JUNK

SCHEDULE OF FEES: A listing of charges adopted by the city council determined necessary for the administration of this Zoning Ordinance.

SCHOOL, BUSINESS/COMMERCIAL: A non-profit or for profit facility providing courses of instruction in the business skills.

SCHOOL, COLLEGE, VOCATIONAL, TECHNICAL: A non-profit or for profit facility providing regularly scheduled courses of instruction in post secondary education; in technical or trade skills such as construction, electronics, mechanics and technology.

SCRAP: See JUNK

SCREEN FROM VIEW: To reasonably conceal a land use activity or structure, as detailed in Article 7.

SCREENING: Berms, fencing and/or vegetation maintained for the purpose of concealing from view.

SECURE CARE: A secure public or private facility which is used for the lawful custody of accused or adjudicated offenders which is not a jail, and is licensed by the State of Kansas.

SEMI PUBLIC USE: Land use activities usually open to the general public, but may include some restrictions on public access, also



private land use that provide benefit and utility for the general public. Places of worship, cemeteries, country clubs, for example, are not totally open to public access—but the general public benefits from the open space and other features of such uses.

SETBACK: A required open space distance that is not occupied or obstructed, sometimes referred to as *required yards*. Setbacks are defined and measured as:

- Front—an area extending across the front of a lot that is bounded by the front lot line, the two side lot lines, and a line parallel to the front lot line at the minimum setback distance.
- Rear—an area extending across the full width of a lot between the rear lot line and a line parallel to the rear lot line at the minimum setback distance.
- Side—an area extending from the front setback to the rear setback, between the side lot line and the minimum setback distance.

TREE BOARD: A board established and appointed by the City Council to protect trees in the city, and to oversee activities related to trees.

SIDEWALK: A hard surface paved area designed and constructed to city standards, for pedestrian circulation.

SIGHT TRIANGLE: A three-sided portion of land established at street intersections with streets, railroad tracks, and non-residential driveways in which nothing is to be erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. See Section 2.5.

SIGN: Any object, device, display, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, service, event, organization, business, product, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. Included in this definition shall be any structure used for display and all structural or decorative supports. Further definitions related to signs are found at Section 9.11.

SOIL EROSION: The detachment and movement of soil or rock fragments or the weathering away of the land surface by water, wind, ice, and/or gravity.

SOIL SEDIMENTATION: The depositing of materials transported from its site of origin as a product of soil erosion.

SPECIAL EXCEPTION: A land use allowed in a particular zoning district upon showing that such use will comply with all the conditions and standards for the location or operation of the use as



specified in this Zoning Ordinance and authorized by the City Council or Board of Zoning Appeals.

SPECIAL EXCEPTION CONDITIONAL USE: One type of special exception permission, where the standards and conditions are detailed in Article 11.

SPORTS CLUB: A facility and premises for patrons to undertake sporting activities such as hunting, trap and skeet shooting, fishing, and similar activities. Uses accessory to sports clubs may include among other things shelters, concessions, hunting blinds, and the sale and rental of sporting goods to patrons not readily available to the general public.

STANDARD CONDITION: Premises, buildings, and structures, and other facilities maintained in GOOD REPAIR.

STREET: A public right-of-way other than an alley that provides principal access to adjacent properties or other streets.

STREET FRONTAGE: That portion of a lot or structure that faces a street.

STREET, ARTERIAL: A street that collects and distributes traffic to and from collector streets.

STREET, COLLECTOR: A street that provides for traffic movement between arterial and local streets.

STREET, LOCAL: A street that provides for direct access to abutting property, and for local traffic movement.

STORM SHELTER: A structure to provide safety from natural disasters.

SUBDIVISION REGULATIONS: An ordinance adopted by the city to regulate the subdivision of land and improvements thereon; a part of this Land Development Code.

TATTOO PARLOR: A personal service establishment in which a significant portion of business provides body tattoo services and supplies. Tattooing services require a State license, and are regulated under this Ordinance as a special exception conditional use for health reasons. Occasional tattooing services in connection with other cosmetology services is not regulated under this ordinance. *Significant* and *occasional* are relative terms: if signage, floor area, and gross receipts indicate twenty percent or more of a business comes from tattooing and/or similar regulated activities such as body piercing and massages, it is a tattoo parlor.

TAVERN: A facility where the primary activity is serving cereal malt beverages, wine, and/or liquor beverages.

TEMPORARY USE: As land use activity of short duration. Section 3.11 details standards for *seasonal and temporary uses*.



THEATER, INDOOR: A building or part of a building devoted to the showing of motion pictures or for live dramatic, dance, musical, or other performances.

THEATER, OUTDOOR: A drive-in theater, which is as open lot devoted primarily to showing motion pictures to patrons seated in vehicles; or out-of-doors stage or amphitheater for seasonal dramatics or musical concerts. Outdoor theaters are special exception conditional uses under this ordinance due to health, safety and general welfare concerns with noise, traffic congestion, and potential for neighbor character disruption.

TIME PERIOD (DAY, MONTH, YEAR): Where provisions of this Ordinance refer to time, the normal meaning is calendar time (i.e., six months from January 5 is July 5, one week from Tuesday is Tuesday, days includes weekends and holidays). This may vary only when the Ordinance text clearly states otherwise (i.e., ten working days). For actions requiring official notice a certain number of days in advance, it shall mean calendar days; and the day of delivery or publication is excluded.

TOWNHOUSE: See DWELLING, TOWNHOUSE.

TRACT: See PARCEL

TRANSMISSION TOWER, ANTENNA, COMMERCIAL: A structure designed and operated to send and/or receive radio, television, microwave, cellular telephone, or similar electronic communications.

UNIFIED INDUSTRIAL PARK: A parcel of land that is planned, developed, and operated as an integrated facility for more than one individual industrial uses. A unified industrial park may have private roads and utility systems as a planned unit development special exception conditional use.

UNIFIED SHOPPING CENTER: A group of commercial establishments planned, developed, and constructed as a total entity, with on-site customer and employee parking, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements, and landscaping and signage in accordance with an approved plan. A unified shopping center may have private roads and utility systems as a planned unit development special exception conditional use.

VARIANCE: Permission for a departure from the literal dimensional requirements or standards of this Ordinance that would significantly interfere with the right to use property, as provided for by Section 15.9.

VEHICULAR USE AREA: Areas regulated by parking, loading, and landscaping standards of this Ordinance. These include the parking and loading spaces, access drives and their approaches, and spaces for maneuvering.

VETERINARY CLINIC: A facility where animals are given medical care. When including outdoor storage, the meaning is expanded to include



pens, runs, and/or kennels for boarding and/or long-term observation of ill animals.

VICINITY SKETCH: A drawing of a site proposal location, indicating its location for identification, not drawn to any scale or any precision.

WALKWAY: A path for pedestrian travel that may be of lesser design or construction than a *sidewalk*. A walkway to an individual dwelling may not require full compliance with the Americans with Disabilities Act, for instance, and manufactured housing parks require sidewalks at certain thresholds, and walkways otherwise.

WALL: The vertical exterior of a building or other structure.

WAREHOUSING AND DISTIRBUTION: A building and premises used primarily for the storage of goods and materials, and their transfer to end users. This term includes *mini-warehouses* for self-service storage.

WHOLESALE SALES: Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

YARD, REQUIRED: See SETBACK.

YARD, GARAGE SALE: The non-routine and incidental sale of household items to the public from a residence.

ZERO LOT LINE DWELLING: See DWELLING, ZERO LOT LINE.

ZONING ADMINISTRATOR: The city employee designated to administer the provisions of this Zoning Ordinance.

ZONING LOT: For purposes of this Ordinance, a zoning lot is a parcel of land for use and develop, of at least sufficient size to meet minimum zoning requirements for its use, coverage, and to provide such yards and other open spaces as are required. Such zoning lots shall have frontage on a improved public street and may consist of:

- A single lot of record
- A portion of a lot of record
- A combination of complete lots of record or portions thereof
- A parcel of land described by metes and bounds, provided that in no case of division or combination shall any lots be created which do not meet the requirements of the Subdivision Regulations and this Zoning Ordinance.

ZONING PERMIT: A certificate or certification issued by the Zoning Administrator that indicates compliance with applicable provisions of this Zoning Ordinance; a development permit.



SUSTAINABLE LAND DEVELOPMENT CODE
CITY OF GREENSBURG, KANSAS

DESIGN GUIDELINES CHECK LIST

FLOODPLAIN MANAGEMENT

GREENSBURG PLANNING COMMISSION

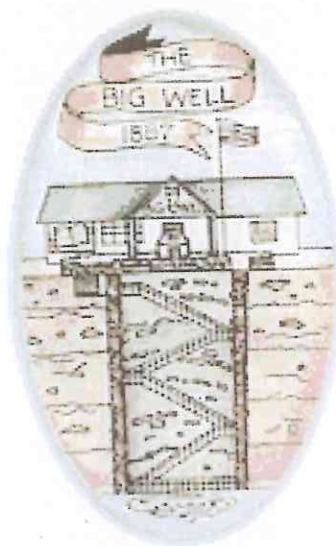
MARCH 2011



***Manufactured Home and
Recreational Vehicle Code***

City of Greensburg, Kansas

June, 2001 Edition



prepared by the

GREENSBURG PLANNING COMMISSION

Effective Date

November, 2001

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Ruth Hiss, Member (2000 - 2001)

SUPPORT STAFF

Clay Smith, City Administrator/Clerk
Ernie Acre, Zoning Administrator
Terry Fuller, City Attorney (1999-2000)
Ernie Richardson, City Attorney (2000 -)

CONSULTANT

David L. Yearout, AICP
Austin Miller, Inc.

CITY OF GREENSBURG, KANSAS

MANUFACTURED HOME AND RECREATIONAL VEHICLE CODE

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CITY OF GREENSBURG, KANSAS

Manufactured Home and Recreational Vehicle Code

June, 2001, Edition

SECTION 101. Title: This code shall be known and may be cited as the "Manufactured Home and Recreational Vehicle Code of Greensburg, Kansas", and shall hereinafter be referred to as "this Code."

SECTION 102. Purpose: This Code is intended to serve the following purposes:

- (1) Promote the health, safety, morals, comfort and general welfare of the citizens of the City of Greensburg, Kansas.
- (2) Establish standards for the placement of manufactured homes and recreational vehicles within the City of Greensburg, Kansas.

SECTION 103. Applicability: This Code shall be applicable to the placement of manufactured homes and recreational vehicles within the City of Greensburg, Kansas. Nothing hereunder shall pertain to "job trailers," "construction trailers," "portable classrooms," or "portable offices."

SECTION 104. Definitions: As used in this Code, the following definitions shall apply unless the context clearly requires otherwise:

- (1) Camp. A recreational vehicle campground.
- (2) Health Officer. The Director of the Kiowa County Health Department, or his authorized representative.
- (3) House Trailer. A recreational vehicle.
- (4) Inspection Officer. The Zoning Administrator of the City of Greensburg, or his authorized representative.
- (5) Manufactured Home. A dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, bearing a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards Act established by 42 U.S.C. 5403, and generally known as the HUD Code.
- (6) Manufactured Home Accessory Building or Structure. A subordinate building or structure which is an addition to or supplements the facilities provided by a manufactured home, such as awnings, cabanas, storage structures, carports, porches, fences, skirting, or windbreaks.

- (7) **Manufactured Home Installation Contractor.** A contractor who has been licensed to obtain the required permits to perform footing and pier installation, anchorage and tie-down installation, and skirting installation as required by this Code.
- (8) **Manufactured Home Lot.** A plot of ground within a park for the placement of one manufactured home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, sewage and electricity.
- (9) **Manufactured Home Pad.** That portion of the manufactured home lot on which the manufactured home unit, and any attached awning, is placed.
- (10) **Manufactured Home Park.** An area, parcel, tract, or plot of ground equipped as required for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, provided the manufactured home spaces shall not be sold or offered for sale individually. The term "manufactured home park" does not include sale lots on which unoccupied manufactured homes, whether new or used, are parked for the purpose of storage, inspection or sale.
- (11) **Manufactured Home Sales Area.** An open space, other than a street or alley, used for display or sale of new or used manufactured homes, and where no repair work is done except minor incidental repair of manufactured homes to be displayed and sold on the premises.
- (12) **Manufactured Home Skirting.** The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.
- (13) **Manufactured Home, Residential-Design.** A manufactured home on a permanent foundation which has (A) minimum dimensions of 22 body feet in width, (B) a pitched roof, and (C) siding and roofing materials which are customarily used on site-built homes. A residential-designed manufactured home shall be considered a single-family dwelling.
- (14) **Mobile Home.** A transportable, factory-built structure designed to be used as a year-round residential dwelling, built prior to or not in conformance with the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.
- (15) **Modular Home.** A structure consisting of one or more components manufactured off-site in conformance to the standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit, and placed on a permanent foundation as required for permanent structures.
- (16) **Motor Home.** A recreational vehicle.
- (17) **Occupy, Occupancy, or Occupied.** The use of any mobile home, manufactured home or recreational vehicle by any person for living, sleeping, cooking or eating purposes for any period of four (4) consecutive days.
- (18) **Operator.** The person or business that has charge, care or control of a licensed or unlicensed park or camp, or portion thereof; and/or the person or business that holds the license for a park or camp.

- (19) **Park.** A manufactured home park, including any nonconforming manufactured home park.
- (20) **Person.** Any individual, firm, trust, partnership, association or corporation.
- (21) **Pier.** One of the structural supports, required by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles Act, for a manufactured home which is not secured to the ground on a permanent foundation.
- (22) **Recreational Vehicle.** A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, house trailers, pickup truck campers, hauling trailers, and camper buses.
- (23) **Recreational Vehicle Campground.** A lot, tract or parcel of land designed for occupancy by recreational vehicles for temporary or transient living purposes, including the use of camping spaces for tents.
- (24) **Roadway.** Any private street located within a park or camp and providing for the general vehicular and/or pedestrian circulation within the park or camp.
- (25) **Service Building.** A building housing all of the following: separate toilet facilities for men and women, laundry facilities and separate bath or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the park or camp.
- (26) **Trailer Camp.** A recreational vehicle campground.

SECTION 105. Manufactured Homes and Recreational Vehicles: Where Permitted. All new placements of manufactured homes and recreational vehicles shall be done in conformance with the provisions of this Code and in conformance with the Land Development Code of the City of Greensburg, Kansas. Placement of residential-designed manufactured homes shall be treated the same as the establishment of a single-family dwelling under the terms of the Land Development Code, but shall comply with the siting provisions of this Code.

Exceptions:

- (1) A manufactured home may be occupied at a construction site by a night watchman or by construction project workmen when approved by the Inspection Officer when deemed necessary for security and/or construction purposes. Such permission may be canceled by the Inspection Officer upon three (3) days written notice when in the opinion of the Inspection Officer the intent of this section is being violated.
- (2) A manufactured home may be occupied other than within a park, and a recreational vehicle may be occupied other than within a camp, for a period not to exceed six (6) months for the purpose of providing temporary housing following a local disaster such as fire, wind or flood damage; provided a permit is secured in accordance with this Code.

- (3) A recreational vehicle may occupy a manufactured home lot in a park for a period not to exceed thirty (30) days, provided a service building as required for a camp is within two hundred (200) feet of the lot so occupied.

SECTION 106. Installation or Relocation of Mobile Homes Prohibited. Mobile homes, as defined herein, shall not be moved into, relocated or installed within the City of Greensburg. Any mobile home lawfully in existence at the time of the adoption of this Code shall comply with the siting provisions hereof to the greatest extent possible within one (1) year of the adoption of this Code.

SECTION 107. Recreational Vehicles: Parking or Storage of. Recreational vehicles may be stored in private garages, or on the side yard or rear yard of private homes, business or industrial areas. No recreational vehicle so stored shall be used for residential purposes. This provision shall also apply to the storage or parking of boats, jet skis, hauling trailers and the like.

SECTION 108. Recreational Vehicle Campground License. All persons operating a camp within the City of Greensburg shall obtain a Recreational Vehicle Campground License from the City after approval by the Inspection Officer and the payment of the required fee. Such license shall expire on December 31 of the year of issuance, but may be renewed for additional periods of one (1) calendar year after approval by the Inspection Officer and the payment of the required fee, subject to the provisions of this code. No person shall operate a camp without a current Recreational Vehicle Campground License.

SECTION 109. Manufactured Home Park License. All persons operating a park within the City of Greensburg shall obtain a Manufactured Home Park License from the City after approval by the Inspection Officer and the payment of the required fee. Such license shall expire on December 31 of the year of issuance, but may be renewed for additional periods of one (1) calendar year after approval by the Inspection Officer and the payment of the required fee, subject to the provisions of this code. No person shall operate a park without a current Manufactured Home Park License.

SECTION 110. Permits Required for Installation of Manufactured Homes. A manufactured home installation permit shall be obtained from the Inspection Officer for every manufactured home placed or relocated within the City of Greensburg. The purpose of such manufactured home installation permit is to assure the manufactured home is placed in conformance with the requirements of this Code. Manufactured home installation permits shall be obtained at least three (3) full business days prior to installation of any manufactured home within the City of Greensburg. Manufactured home installation permits may only be obtained by a licensed Manufactured Home Installation Contractor (as defined in this Code) or by the owner of the manufactured home.

Permits and inspections for any building, electrical, plumbing, sewer or mechanical construction work other than manufactured home anchorage, footings and foundations, or skirting, must be obtained as required by the applicable City of Greensburg building, electrical, plumbing, sewer and mechanical codes.

SECTION 111. Inspections: All construction or work for which a manufactured home installation permit is required shall be subject to inspection by the City of Greensburg, Kansas. The City may, in its discretion, require a survey of the lot in question to verify that the manufactured home will be located on the lot in accordance with the approved plans.

It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection by the City. The City shall not be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the person doing the work authorized by the manufactured home installation permit to notify the City that such work is ready for inspection at least five (5) working days prior to when such inspection is desired.

SECTION 112. Required Inspections: The manufactured home shall not be occupied prior to obtaining final inspection approval of the City of the following:

- (1) Footings and setbacks before any concrete is placed.
- (2) Stem wall, if required, before any concrete is placed.
- (3) Blocking, pursuant to K.S.A. 75-1231, as amended.
- (4) Tie down, pursuant to K.S.A. 75-1227 through 75-1230, inclusive, as amended.
- (5) Electrical service connection as required by the City and the electrical service supplier.
- (6) Fuel gas connection as required by the City and the gas supplier.
- (7) Handrails and outside stairs at each exit as required by this Code.
- (8) Electric and gas meters shall not be released to the utility company until the manufactured home is blocked and tied down as set forth by this Code and by K.S.A. 75-1227 through 75-1230, inclusive, as amended.

When the inspections set forth above have been approved by the City, a temporary occupancy certificate will be issued. The owner shall then have forty-five (45) days to have the home skirted as required by this Code before the final inspection. It shall be a violation of this Code to occupy a manufactured home prior to the issuance of a temporary occupancy certificate.

SECTION 113. Inspection Record Card. An inspection record card shall be posted in a conspicuous location on the property by the person doing the inspections at the time of the first site visit. The inspection record card shall remain on the property until final approval has been issued by the City.

SECTION 114. Manufactured Home Installation Contractor; License. No manufactured home installation permit shall be issued to any Manufactured Home Installation Contractor who has not first obtained a license, or who is delinquent in payment of his annual license fee, or whose license has been suspended or revoked by the governing body of the City of Greensburg. It shall be unlawful for any person to enter into a contract with another so as to bring himself under the classification of a Manufactured Home Installation Contractor, or to perform any work as a Manufactured Home Installation Contractor, or any work under a contract, without first having obtained a Manufactured Home Installation Contractor license. It is unlawful for any person issued a contract for any work other than specified by such license, without first being approved for such other work by the governing body of the City of Greensburg.

SECTION 115. Licensing Authority. The governing body of the City of Greensburg may issue licenses to approved Manufactured Home Installation Contractors upon completion of the prescribed requirements of the governing body. Licenses may be revoked or suspended in the same manner as revocation or suspension of any license issued by the City. The Manufactured Home Installation Contractor license shall entitle the holder thereof to contract for and perform any act as a manufactured home installation contractor, limited to installation of ground anchors and anchorage, footings and foundations, and skirting where appropriate.

The annual license fee for a Manufactured Home Installation Contractor shall be as established herein. All Manufactured Home Installation Contractor licenses are an annual license and shall expire on December 31 of the year in which it was issued. All license fees shall be payable annually on or before the first day of each calendar year. Fees shall not be prorated because part of the year has elapsed. License renewal or reinstatement of license shall be considered and acted upon by the governing body in the same manner as consideration of the original issuance of a license.

SECTION 116. Violations of Manufactured Home Installation Contractor's License Requirements; Hearing; Penalties. If, in the opinion of the Inspection Officer, any violation of any of the Manufactured Home Installation Contractor licensing requirements contained within this Code has occurred, the Inspection Officer shall request a hearing before the governing body of the City. The purpose of the hearing shall be to determine whether such violation has occurred and whether the Manufactured Home Installation Contractor license should be suspended or revoked. If any violation is found, the City may order any or all of the following:

- (1) No further permits will be issued to the violating licensee until such time as the violation is abated.
- (2) All inspections of further work performed by the violating licensee will be suspended until such time as the violation is abated, excepting extreme hazard or life safety inspection.
- (3) A license review, subjecting the violating licensee to possible suspension or revocation of the Manufactured Home Installation Contractor license.

Manufactured Home Installation Contractor licenses revoked shall cause the holder thereof to be barred from obtaining another such license with the City of Greensburg for a period of twelve (12) months from the date of the revocation order.

SECTION 117. Revocation or Lapsing of License.

- (1) **Revocation.** The Inspection Officer may upon his own motion, and shall upon the verified complaint in writing of any person, require any manufactured home installation contractor to appear before the governing body of the City for hearing upon the advisability of suspending or revoking the license of said contractor. The Inspection Officer shall give ten (10) days notice in writing, mailed to the contractor's last known address, prior to such hearing. The City shall have the power to place on probation for specified time, temporarily suspend, or permanently revoke the license of the holder thereof if, at the conclusion of the hearing, the licensee is found guilty or commits any one or more of the following acts or omissions:
 - (a) Abandonment of any contract without legal cause.
 - (b) Diversion of funds or property received for performance or completion of a specific contract, or for a specified purpose in the performance or completion of any contract,

and their application or use of any other contract obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract.

- (c) Fraudulent departure from or disregard of plans or specifications in any material respect, without consent of the owner or his duly authorized representative.
 - (d) Willful and deliberate disregard and violation of the provisions of this Code or any other rule, regulation or ordinance of the City, or failure to comply with any lawful order of the Inspection Officer.
 - (e) Failure to keep records showing all receipts and disbursements of the licensee in all transactions as a manufactured home installation contractor, as the term is defined herein, and to produce the same for examination by the Inspection Officer.
 - (f) Misrepresentations of material fact by application in obtaining a license or permit.
 - (g) The doing of any fraudulent act by the licensee as a manufactured home installation contractor in consequence of which another is substantially injured.
 - (h) Fraudulent use of license to obtain permits for another.
 - (i) Carelessness or negligence in providing reasonable safety measure to the protection of workmen or the public.
 - (j) Failure to obtain permits required by this Code.
- (2) **Lapse of license.** A manufactured home installation contractor license that has not been suspended or revoked, but for which the completed application and the renewal fee have not been submitted on or before February 1 of the renewal year shall be deemed to have lapsed. Renewal of a lapsed license shall be allowed upon the person's request, filing of a completed application, and payment of the lapsed license fee as specified in Section 1-120(7) herein.

SECTION 118. Permits for Individual Manufactured Homes and Recreational Vehicles Located Other Than Within a Park or a Camp. Prior to occupying a recreational vehicle located other than within a camp as permitted by Section 105(2) or Section 105(3); a permit shall be obtained from the City. Said permit shall only be approved after receipt of the required application by the Inspection Officer, after payment of the required fee and after obtaining all other required permits required by the City.

Any person desirous of locating a recreational vehicle in accordance with Sections 105(2) and 105(3) shall make an application to the Inspection Officer for a temporary permit. Such application shall be in writing, signed by the applicant, and shall include the name, address and telephone number of the applicant; the location and legal description of the property on which the manufactured home or recreational vehicle is requested to be located; and all other applicable information as follows:

- (1) The reason(s) such application is being applied for, the number of days the recreational vehicle is intended to be parked, which in no event shall exceed six (6) months, and a site or plot plan of the property in question which shows the location of all existing buildings and where the recreational vehicle will be temporarily installed.

- (2) The connection of the recreational vehicle to any utility shall be in accordance with all applicable regulations of the City of Greensburg.

SECTION 119. Residential-Designed Manufactured Home Siting Standards. In order for residential-designed manufactured homes, when installed on individual lots, to be substantially compatible with the appearance of an on-site, conventionally built, single-family dwelling, the following aesthetic criteria and siting standards shall apply:

- (1) Any person intending to place a residential-designed manufactured home on an individual lot within the City of Greensburg is expected to be sensitive to the overall size of the lot on which the residential-designed manufactured home is to be placed in relationship to the size of the residential-designed manufactured home proposed to be placed. The setback requirements of the Land Development Code will apply to the same extent as for a site-built home. Acquisition of a residential-designed manufactured home too large for the lot in question shall be considered a self-imposed hardship and will not be eligible for a variance.
- (2) The intent of this Code is to encourage residential-designed manufactured home placement within the community in such a manner to be the least disruptive in appearance to the neighborhood. Every residential-designed manufactured home shall be placed on a lot in a manner consistent with the orientation of the homes on surrounding lots in the immediate vicinity, including those across the street. Where ranch-style homes predominate, the placement of a residential-designed manufactured home shall be such that the greatest length of the home faces the street. Where home styles in the neighborhood are other than ranch-style, the placement of the residential-designed manufactured home shall be designed to be as compatible as possible with the neighborhood. Placement of residential-designed manufactured homes at an angle to the street on interior lots shall be avoided if at all possible.
- (3) Every manufactured home shall have roof pitch with a minimum vertical rise of 2.2 inches for each 12 inches of vertical run, and the roof shall be finished with a type of shingle that is commonly used in standard residential construction in the City. All roof structures shall provide an eave projection of no less than one (1) foot, which may include a gutter.
- (4) The exterior siding shall consist predominantly of vinyl or metal horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard and the exterior siding shall be comparable in composition, appearance and durability to the exterior siding commonly used in residential construction.
- (5) Each residential-designed manufactured home shall be placed on a permanent foundation and shall be set up in accordance with the recommended installation procedures of the manufacturer. If those standards are not available, the standards set by the National Conference of States on Building Codes and Standards and published in "Manufactured Home Installations, 1994" (NCS BCS A225.1) shall be followed. Further, a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, which may include walk-out basements and garages, shall be installed under the perimeter of the manufactured home.

- (6) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed, constructed, and anchored securely to the ground. All such structures shall comply with all adopted building codes and other applicable rules, regulations and ordinances of the City.
- (7) The moving hitch, wheels and axles, and transporting lights shall be removed.

SECTION 120. License and Permit Fees.

The fees for the licenses and permits required by this Code shall be as follows:

- (1) The annual license fee for a Manufactured Home Park shall be ten dollars (\$10.00) per developed manufactured home space, regardless of whether occupied or not.
- (2) The annual license fee for a Recreational Vehicle Campground shall be five dollars (\$5.00) per developed recreational vehicle space, regardless of whether occupied or not.
- (3) The annual fee for a Manufactured Home Installation Contractor license shall be one hundred dollars (\$100.00), plus documentation showing proof of workers compensation insurance and proof of general liability insurance coverage in the amount of five hundred thousand dollars (\$500,000.00) with the City of Greensburg listed as an additional insured.
- (4) The permit for placement of a manufactured home anywhere within the City of Greensburg shall be ten dollars (\$10.00).
- (5) The permit for the temporary placement of a manufactured home or a recreational vehicle, as specified within Sections 105(2) or 105(3), shall be five dollars (\$5.00).
- (6) The fee for reinstatement of any license or permit that has expired or is revoked shall be the same as for the original acquisition of the license or permit.
- (7) Any lapsed license or permit applied for after the fact shall be charged double the fees.

SECTION 121. Existing Parks. All persons operating existing parks shall obtain the appropriate license as required by this Code by July 1, 2000. The Inspection Officer shall determine the appropriate classification for each park based on the records filed with the City in the application for the license.

All persons operating parks at the time of the adoption of this Code shall be permitted to continue to operate said park for the first year, or portion thereof, without meeting the requirements of the provisions of this Code. Subsequent license renewals shall require compliance with the provisions of this Code before such license shall be issued, unless otherwise provided for by the City. Failure to comply with this requirement may result in the imposition of penalties as provided herein.

SECTION 122. Application for New Recreational Vehicle Campgrounds and New Manufactured Home Parks. All persons developing new Recreational Vehicle Campgrounds or new Manufactured Home Parks shall make an application to the Inspection Officer for the appropriate

license. Applications may be made only after all approvals have been granted as required by the Land Development Code of the City of Greensburg.

The application for a license shall include the following:

- (1) Name and address of the owner/applicant.
- (2) Location and legal description of the Recreational Vehicle Campground or the Manufactured Home Park.
- (3) Topographic survey of the property with natural features and existing utilities.
- (4) The area and dimensions of the tract of land proposed for the Recreational Vehicle Campground or Manufactured Home Park.
- (5) The number, location and dimensions of all recreational vehicle spaces or manufactured home spaces.
- (6) The location and width of roadways and walkways.
- (7) The number, location and size of all parking stalls and parking areas.
- (8) Plans for the water supply, refuse and sewage disposal facilities, electrical service and gas service.
- (9) The location of water, sewer, gas, electrical, and other utility lines and easements protecting these utilities.
- (10) Plans for controlling surface drainage.
- (11) The location of recreation areas, storage areas, laundry areas, and other facilities and/or service buildings common to the Recreational Vehicle Campground or the Manufactured Home Park.
- (12) The location and description of the lighting system.
- (13) Plans for screening through the use of plant material, fencing and other landscaping structures and features.

In addition, the Recreational Vehicle Campground or Manufactured Home Park license application shall include:

- (1) Engineering plans and specifications of the water supply and internal distribution system.
- (2) Plans and specifications of the internal sanitary sewer system.

- (3) Plans and specifications for the lighting and electrical systems.
- (4) Plans and specifications for gas lines.
- (5) Plans and specifications for streets.

The Inspection Officer shall review, or submit for review to the appropriate officials or agencies, the information submitted above. All review comments regarding engineering aspects from the City Engineer and other appropriate persons and agencies shall be directed to the Inspection Officer. The Inspection Officer shall issue a Recreational Vehicle Campground or Manufactured Home Park license when he or she is assured that the construction, alteration or extension shall be in compliance with the site plan as approved by the Governing Body in the zoning approval and the provisions of this Code. No Recreational Vehicle Campground or Manufactured Home Park license shall be issued for the alteration or extension of an existing camp or park, whether same is conforming or nonconforming to this Code, unless the entire camp or park is brought to the standards established in this Code.

SECTION 123. Recreational Vehicle Campground and Manufactured Home Park Design Standards. The following standards shall apply in the design of a proposed Recreational Vehicle Campground or a proposed Manufactured Home Park.

- (1) **RECREATIONAL VEHICLE CAMPGROUND:** The location of recreational vehicle spaces, common facilities and service buildings should be arranged within the Recreational Vehicle Campground in a manner which provides maximum outdoor living area and a compatible relationship between the recreational vehicle spaces, parking, storage building area, utility corridor and outdoor living space. The following minimum design requirements shall be observed in all Recreational Vehicle Campgrounds:
 - (a) The tract to be used as a recreational vehicle campground shall not be less than two (2) acres in area. Under no circumstances shall a mobile home or a manufactured home be parked in a recreational vehicle campground.
 - (b) The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; provided that no individual space shall be designed for direct access to a street outside the boundaries of the recreational vehicle campground. All interior access drives shall be at least 20 feet in width. All interior access drives and parking areas shall be paved with concrete or asphalt paving.
 - (c) The minimum area for a space for parking one recreational vehicle shall be 1,400 square feet, with minimum dimensions of 35 feet by 40 feet and with corners of each site visibly marked by a permanent marker.
 - (d) The recreational vehicle campground shall contain community facilities, including play space, parking and access roads. In addition, every recreational vehicle

campground shall contain at least one (1) service building and shall provide one (1) additional service building for each 100 spaces. Each service building shall:

- (1) Be located within three hundred (300) feet of the recreational vehicle campground;
 - (2) Be of permanent construction;
 - (3) Have one (1) flush-type toilet, one (1) lavatory, and one (1) shower or bathtub for females; and one (1) flush-type toilet, one (1) lavatory, and one (1) shower or bathtub for males for each thirty (30) spaces. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water;
 - (4) Have an accessible, adequate, safe and potable supply of cold water;
 - (5) Comply with all applicable adopted building codes regarding the construction of buildings and the installation of electrical, plumbing, heating and air-conditioning systems; and,
 - (6) Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or will constitute a menace.
- (e) The recreational vehicle campground shall be surrounded by an open space 50 feet wide along the street frontage with an arterial highway or section line road, and 25 feet wide along all other lot lines or street frontages. Screening at least six (6) feet in height shall be provided between the recreational vehicle campground and any adjoining residential area.
- (f) No recreational vehicle shall be parked closer than 25 feet to any part of any other trailer or service building and no part of a recreational vehicle shall extend closer than 5 feet to the boundaries of the individual space.
- (g) Off-street parking spaces for motor vehicles shall be provided in the ratio of one parking space per individual space; said spaces to be located in convenient location to individual spaces.
- (h) In a residential district, accessory signs, in addition to internal directional signs, shall be limited to one flat or detached sign, with sign area limited to 25 square feet. Said sign may be illuminated.
- (i) Proper provision shall be made for public water supply, sanitary sewage disposal, fire protection, refuse collection, laundry, toilet and bathing facilities. All shall be indicated on a site plan of the proposed recreational vehicle campground and shall be installed and/or constructed in accordance with all other state and/or local laws.

and regulations. A sewage dump station shall be provided within every recreational vehicle campground.

- (j) The proposed recreational vehicle campground shall comply with all provisions of this and other federal, state and/or local laws and regulations.

(2) **MANUFACTURED HOME PARK:** The location of manufactured homes, common facilities and service buildings should be arranged within the Manufactured Home Park in a manner which provides optimum open space and accessibility and compatibility of uses. Likewise, the size and orientation of individual lots within a Manufactured Home Park should be designed to provide maximum outdoor living area and a compatible relationship between the manufactured home, parking, storage building area, utility corridor and outdoor living space. The following minimum requirements shall be observed in all Manufactured Home Parks:

- (a) The tract to be used as a Manufactured Home Park shall be at least two (2) acres.
- (b) The Manufactured Home Park shall not be developed at a gross density greater than seven (7) manufactured homes for every one (1) net acre of land, excluding road rights-of-way and common open spaces within the Manufactured Home Park.
- (c) No part of any manufactured home or other building or structure shall be located within 50 feet of any public road right-of-way, nor within 25 feet of any exterior property line of the Manufactured Home Park.
- (d) Individual Manufactured Home Lot shall be designed to meet the following standards:
 - (1) Each manufactured home lot to be occupied by a single-wide unit shall consist of at least 4,500 square feet, with a minimum width of 45 feet and a minimum length of 100 feet. Each manufactured home lot to be occupied by a double-wide unit shall consist of at least 5,000 square feet, with a minimum width of 55 feet and a minimum length of 90 feet.
 - (2) Each manufactured home lot shall have a front yard of at least 20 feet measured from the edge of the pavement to the closest point of the lower face of the manufactured home. The front yard may be reduced to 10 feet when on-street parking is provided along the same side of the street.
 - (3) Each manufactured home lot shall have a side yard on each side of the manufactured home. A minimum of 5 feet shall be allowed on one side of the lot, provided a minimum of 25 feet shall be maintained between manufactured homes on adjoining lots.
 - (4) Each manufactured lot shall have a rear yard of at least 15 feet.
 - (5) No manufactured home or other building or structure shall exceed 20 feet in height.

- (e) In addition to compliance with all adopted codes, rules, regulations and ordinances of the City, the minimum requirements pertaining to structural, design, utility service, and maintenance features within a Manufactured Home Park shall be as follows:

- (1) Utilities. Sanitary sewer and water facilities shall be provided for each lot within the Manufactured Home Park. All manufactured homes within the Manufactured Home Park shall be served by a central water supply adequate to provide fire protection by hydrants, and by a public sanitary sewer system.

Individual electrical service and fuel gas service shall be provided to each lot with the park. The service so provided shall be separately metered for each lot, each lot shall have separate disconnect points from any other lot, and shall not be provided service from any other home or lot.

All utility lines shall be placed underground and there shall be no overhead wires or support poles except those required for street or other lighting purposes.

- (2) Streets. All internal streets shall be asphalt or concrete surface and shall be durable and well drained under normal use and weather conditions. The surface shall be maintained free of cracks, holes and other hazards by the Manufactured Home Park management. All internal streets shall be owned and maintained by the owner of the Manufactured Home Park.

- (A) Grades of all streets shall be sufficient to insure adequate surface drainage. Grades shall not exceed 8 percent.

- (B) Minimum pavement widths shall be as follows:

- (1) Entrance streets and all other streets with parking allowances on both sides of the street shall be a minimum of 42 feet in width.
 - (2) Streets with parking allowance on one side only shall be a minimum of 30 feet in width.
 - (3) Streets with no parking allowance shall be a minimum of 24 feet in width.

- (3) Manufactured Home Pad. Concrete runners shall be provided on every manufactured home lot to accommodate the manufactured home and its attached accessory structures. The runners shall be constructed to provide anchoring facilities for the placement and tie-down of the manufactured home to secure it against accidental uplift, sliding, rotation and over-turning. Runners shall be installed before any manufactured home is occupied.

- (4) Recreation. One or more recreation areas shall be provided within every Manufactured Home Park. The size of such recreation area(s) shall not be less than 10 percent of the gross area of the Manufactured Home Park and shall be located so as to be easily accessible to all Park residents. Recreation areas shall be maintained by the Park management and may include space for community building(s) and community use facilities such as indoor recreation, meeting rooms and similar uses.
- (5) Parking. Adequate parking shall be provided for the use of Park residents and guests. Each manufactured home lot shall have parking for at least two (2) motor vehicles. The parking spaces may be provided on-street or off-street. A parking space shall be a minimum of 9 feet by 19 feet.
- (6) Skirting. Skirting of a durable type of material and construction shall be installed on each manufactured home to enclose the open space between the bottom of the manufactured home floor and the grade level of the manufactured home pad. Such skirting shall be constructed of material consistent with the exterior surface of the manufactured home and maintained in a manner to enhance the appearance of the Manufactured Home Park.
- (7) Screening. Effective screening shall be provided along the boundary lines of the Manufactured Home Park to serve as a buffer through the use of plantings, berms or other landscaping features.
- (8) Lighting. Adequate lighting shall be provided for all streets, walkways, service buildings and other facilities subject to nighttime use.
- (9) Storm Shelter. A common storm shelter capable of providing adequate shelter from severe weather for all Manufactured Home Park residents shall be provided.
- (10) Storage Lot. All Manufactured Home Parks shall have an area or areas set aside for the storage of boats, boat trailers, hauling trailers, motor vehicles, snowmobiles, and other equipment for seasonal or periodic use to be noncommercially operated and for the exclusive use of residents of the Manufactured Home Park. Such items listed above shall not be stored upon a manufactured home lot nor upon the streets within a Manufactured Home Park. All storage lots shall be screened from external view to the standards listed in Section 123(2)(e)(7) above.
- (11) Lot Identification. Each manufactured home lot within the Manufactured Home Park shall be numbered in an orderly fashion and in a secure and consistent manner throughout the Manufactured Home Park. The lot number shall be displayed on the lot and be visible at all times.

SECTION 124. Garbage and Refuse: Provisions for garbage and refuse storage, collection and disposal shall be maintained by the operator for a licensed camp or park so as not to create health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution.

SECTION 125. Rodents and Insects: Camps and parks shall be maintained free of excessive insect or rodent infestation. The camp or park management shall keep all areas outside the confines of the individual recreational vehicles or manufactured homes reasonably free of breeding, harboring and feeding places for rodents and insects. Such areas shall be kept free of litter, trash, salvage material, junk and weeds or other obnoxious vegetation growths in excess of twelve (12) inches in height. Individual recreational vehicle or manufactured home occupants shall be responsible for the extermination of any rodent or insect infestations occurring within the individual recreational vehicle or manufactured home.

SECTION 126. Register. It shall be the duty of the person operating each camp or park to keep a register containing a record of all recreational vehicles and manufactured home owners and tenants located within each camp or park. The register shall contain the name and address of each occupant; the make, model, year and manufacturer of each recreational vehicle or manufactured home; and the dates of arrival and departure of each recreational vehicle and manufactured home, including the name of the contractors responsible for connections to the utilities. The person operating each camp or park shall keep the register available for inspection at all reasonable hours by law enforcement officers, assessors, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

It shall be the responsibility of the person operating each park to notify the Inspection Officer of every new or relocated manufactured home to be installed at least three (3) working business days prior to the date of installation so that the appropriate inspections can be made for compliance with this Code and all other applicable rules and regulations of the City.

SECTION 127. Alterations or Additions to Manufactured Homes or Mobile Homes. No alterations or additions of any kind shall be built onto or become a part of any manufactured home or existing mobile home, unless such alteration or addition is certified by a HUD Inspector to meet the HUD Code. Alterations, additions or conversions of manufactured homes or mobile homes to other uses may occur if the entire structure is brought into compliance with the adopted building codes of the City of Greensburg. Accessory structures not exceeding one hundred (100) square feet in size, carports and residential patio and deck structures may be constructed adjacent to manufactured homes or existing mobile homes so long as such structures comply in all respects to the applicable provisions of the building code and other related technical codes, and the appropriate permits are secured from the City. Skirting of manufactured homes and existing mobile homes is permissible only with noncombustible material; however, skirting shall not permanently attach the manufactured home or existing mobile home to the ground, provide a harborage for rodents, or create a fire hazard. To the greatest extent possible, the provisions stated above shall also apply to recreational vehicles.

SECTION 128. Manufactured Home Ground Anchors. Every new or relocated manufactured home installed after the effective date of this code shall be anchored in accordance with the manufacturer's printed instructions complying with the National Manufactured Home Construction and Safety Standards Act and any regulations promulgated thereunder. It shall be the responsibility of the manufactured home owner or licensed manufactured home installer to demonstrate compliance with this anchoring requirement. In the event the owner or licensed manufactured home installer is unable to do so, the manufactured home shall be anchored in the following manner:

- (1) Ground anchors shall be attached both to the frame and to straps or cables that pass from one side over the top and down the opposite side.
- (2) Ground anchors shall be clearly marked with identification as required by K.S.A. 75-1228, as amended, and as noted on approved certificates issued by the Director of the Architectural Services Division of the State Department of Administration.
- (3) Each ground anchor shall be capable of withstanding a vertical pull force of four thousand seven hundred fifty (4,750) pounds in place.
- (4) The number of anchors required shall be:
 - (a) Three (3) on each lengthwise side for a manufactured home not less than thirty-two (32) feet nor more than fifty (50) feet length.
 - (b) Four (4) on each lengthwise side for manufactured homes more than fifty (50) feet but not more than seventy (70) feet in length.
 - (c) Five (5) on each lengthwise side for manufactured homes more than seventy (70) feet in length.
- (5) The anchors shall be spaced such that each anchor will resist approximately the same force as the others.
- (6) Strap or cable tie-downs used to connect the manufactured home to its anchors shall be of a type that is marked with identification as required by K.S.A. 75-1228, as amended, and as noted on approval certificates issued by the Director of the Architectural Services Division of the State Department of Administration.
- (7) Corner roof protectors shall be used with over-the-top cables or straps which are not factory-installed with the manufactured home.

SECTION 129. Appeals. Appeals from the interpretation or application of the provisions of this code may be made to the City Council. Such appeals shall be made to the Inspection Officer who may refer the matter to an appropriate board, commission or department for recommendation prior to placing the matter on the agenda for City Council consideration.

SECTION 130. Penalties. Any person who is found guilty of violating any provision of this code is guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation of this code occurs constitutes a separate offense and is punishable hereunder as a separate violation.



SUSTAINABLE LAND DEVELOPMENT CODE CITY OF GREENSBURG, KANSAS

SUSTAINABLE ZONING ORDINANCE

GREENSBURG PLANNING COMMISSION
MARCH 2011

GREENSBURG CITY COUNCIL

Robert A. Dixon, Mayor

Gary Goodheart

Mark Trummel

Erica Goodman

Matt Christenson

Rex Butler

GREENSBURG PLANNING COMMISSION

Travis Barnes, Chairman

Roberta Stauth

John Wickland

Loren Campbell

Mary Racette

Gary Goodman (2007-2010)

Alan Myers (2007-2010)

GREENSBURG SUPPORT STAFF

Dennis McKinney, Interim City Administrator

Steven A. Hewitt, City Administrator (to 2011)

Christy Pyatt, Commission Secretary

J. Michael Gurnee, AICP,

Community Development Director (2007-2010)

Consultant



**Greensburg, Kansas
Downtown Design Guidelines**

Check List

MARCH 3, 2010



The Greensburg Planning Commission developed the following criteria to guide their design and site review for development proposals within the CP-3 Commercial Downtown zoning district.*

Each criterion is followed by a page number, which references the *Greensburg Downtown Design Guidelines* as prepared by BNIM Architects and dated May 19, 2008.* Criteria emphasized in **bold** are given a higher priority than other criteria. These are:

HUNDRED YEAR BUILDING	page 3
ARCHITECTURAL EXPRESSION	page 3
Ground Floor Uses	page 3
Balconies and Projecting Windows	page 4
Signage	page 4
Durable, Healthy and Efficient Materials	page 5
Pattern	page 5
KEY SITES/CORNERS	page 6
Main Street Corridor	page 8

Three criteria categories are considered *bonus* measures. These will be considered when a proposal is rated as marginal in some of the **higher priority** criteria. These bonus categories are all on page 6 and include:

LIGHTING
WATER
ENERGY

*This Checklist and the Downtown Design Guidelines are incorporated by reference into the Greensburg Sustainable Zoning Ordinance, adopted March, 2011. Only the formatting of this document has changed since its original publication.



ARCHITECTURE DESIGN GUIDELINES

THE HUNDRED YEAR BUILDING

Is the building construction and materiality such that it will age gracefully and require minimal maintenance? (p. 8)

ARCHITECTURAL EXPRESSION

Does the architectural style and expression fit in with surrounding buildings? (p. 8)

BUILDING USES

Does the project incorporate a variety of uses or add a new use to the block where it is located? (p. 9)

RESIDENTIAL USES

If a project on Main Street or Kansas Avenue includes second or third story residential spaces, are their private entrances located in the alley or on side streets? (p.9)

Do first story entrances on side streets encroach no more than five (5) feet onto the right of way? (p. 9)

GROUND FLOOR USES

Are first story spaces on Main Street and Kansas Avenue reserved for commercial or retail uses? (p. 10)

Are the primary commercial and retail entrances located on Main Street or Kansas Avenue? (p. 10)

If sidewalk cafes have more than one row of seating, do the plans include a railing or other barrier between the seating area and the sidewalk? (p. 10)

MASSING AND ARTICULATION

BUILDING HEIGHT

If the project is on a corner lot, does it achieve a height of twenty-five feet or two stories? (p. 11)

MASSING DIVERSITY

Does the building use creative massing to incorporate natural light and views? (Creative massing should have a distinct purpose.) (p. 11)



PROJECTIONS

AWNINGS, CANOPIES, SUNSHADES AND CORNICES

Do awnings, canopies, sunshades and cornices provide adequate clearance for pedestrian traffic? (p. 12)

Do projections fit in with streetscape elements? (p. 12)

Do second or third story projections, including balconies, extend no more than three (3) feet beyond the property line? (p. 12, 13)

Do first story cornices project no more than three (3) feet? (p. 13)

Are projecting elements created from appropriate, durable materials? (p. 12)

Are projecting elements safely mounted to the building? (p. 12)

BALCONIES AND PROJECTED WINDOWS

Is there at least a twelve foot vertical clearance between the projecting element and the sidewalk? (p. 13)

Do first story projecting windows extend no more than one foot beyond the property line? (p. 13)

SIGNAGE

Do individual storefront signs maintain a pedestrian scale? (p. 14)

Does the business have no more than one blade sign that does not exceed six (6) square feet? (p. 14)

Is the blade sign installed at a height that prevents physical contact with pedestrians? (p. 14)

Are sign materials complementary and consistent with architectural materials, and are they durable and easily maintained? (p. 14)

ROOFS AND PARAPETS

If a building incorporates two or more pitches in its roof structure, is it designed for adjacent properties to abut • on either side, and does it allow for proper drainage away from existing or future buildings? (p. 14)

If the design includes parapets, do they achieve visual interest by including special architectural details, stepping, or slopping? (p. 14)

If the design includes parapets, do they seek harmony with adjacent parapets but avoid strict consistency? (p. 14)



MATERIALS

DURABLE, HEALTHY, AND EFFICIENT MATERIALS

Are the building's structural materials durable? (p. 15, 17)

Does the building incorporate recycled, reused, rapidly renewable, and/or locally harvested materials? (p. 16)

FACADE MATERIALS

Does the facade incorporate more than one material or color to avoid monotony? (p. 16)

Does the facade use bright colors only for detail and earth tones or raw materials for larger areas? (p. 16)

Does the facade use brick, stone, precast concrete, wood, metal, or glass and avoid vinyl siding or mirrored glass, artificial or simulated materials, and reflective glass? (p. 16)

PUBLIC ART

If a project incorporates public art, does it help visitors understand the history and/or future goals of Greensburg? (p. 17)

Public art should not interfere with the streetscape or inhibit walking, biking, or driving. (p. 17)

FENESTRATION AND TRANSPARENCY

DAYLIGHT AND HEAT GAIN

Do window or door openings on the east and west sides of a building have controls, such as shading or blinds? (p. 18)

PATTERN

Are windows well proportioned and do they establish a rhythm with the building and neighboring structures? (p. 19)

TRANSPARENCY

Do ground floor architectural details incorporate significant areas of transparent materials for a pleasing pedestrian experience?

**ENTRANCE IDENTITY**

Are doors and building entrances easily located and accessible? (p. 10, 19)

Do entrances offer protection from the elements and establish relationships between public and private • domains with architectural details and materials that contribute to the cultural identity of Greensburg? (p. 19)

KEY SITES/CORNERS

If the building is on a corner lot, does it create a gateway to downtown and provide a means of wayfinding? (p. 20, 29)

LIGHTING

Is exterior lighting on individual buildings kept to a minimum? (p. 20)

Does lighting highlight architecture design features or public art displays and/or enhance pedestrian • safety? (p. 20)

Does lighting avoid glare and excessive vertical luminance levels? (p. 20)

Does lighting design create quality color? (p. 20)

Does lighting incorporate energy efficient bulbs and/or fixtures? (p. 20)

>the above criteria are “bonus” points

WATER

Does the building reduce the amount of potable water used in the facility with efficient toilets, faucets, shower fixtures, and efficient equipment? (p. 21)

Does the building incorporate innovative storage systems to capture rainwater for non-potable uses? (p. 21)

>the above criteria are “bonus” points

ENERGY

Does the building have an energy efficient and well-insulated building envelope? (p. 21)

Does the building use high efficiency heating/cooling systems, fixtures and appliances? (p. 21)

Does the building have effective daylighting design that minimizes the need for electric lighting? (p. 21)

Does the building incorporate signature renewable energy sources on-site? (p. 21)

>the above criteria are “bonus” points



SITE DESIGN GUIDELINES

SITING AND ORIENTATION

SETBACKS

Does the building set back no more than five feet from the front property line? (p. 25)

If the building is set back, does the setback have a functional purpose or enhance the street wall? (p. 25)

GAPS

Does the building footprint adequately fill the width of its parcel to avoid gaps on Main Street? (p. 26)

Is the building designed so a neighboring building can abut on the north and south sides, or does it create a pocket park within the parameters below? (p. 26)

POCKET PARKS

Is the pocket park accessible from the public sidewalk? (p. 24, 26)

Does the pocket park facilitate and block circulation from alleyways to Main Street? (p. 26)

Does the pocket park incorporate seating, hard and soft landscapes, and a central design feature? (p. 26)

Does the pocket park reduce runoff and/or creatively store stormwater for reuse? (p. 26)

Pocket parks should not exceed one parcel width or twenty-five feet and should be at least fifteen (15) feet wide. (p. 26)

Downtown blocks should have no more than two pocket parks. Does the project maintain this limit? (p. 26)

TEMPORARY GAPS

Are temporary gaps landscaped and maintained by the landowner until further development occurs? (p. 26)

**CONSISTENCY AND SCALE**

Does a single building use no more than three parcels? (p. 27)

If more than three parcels are used, is the building facade articulated to maintain a human scale? (If a development in one half to one block it should use two different architects or architectural styles.) (p. 27)

Does the project maintain current parcel size unless the parcel is being split to create a pocket park, mid-block crossing, or view corridor? (p. 27)

SUSTAINABLE SITE STRATEGIES**FOOTPRINT / LOT COVERAGE**

Does a portion of the lot consist of permeable surfaces or open space? (p. 28)

SOLAR ORIENTATION

Do buildings work together to create optimal solar orientation with varied building stories and building tiers? (p. 28)

HIERARCHY**MAIN STREET CORRIDOR**

Are all service or secondary entrances (including loading docks) located on the alley? (p. 29)

SECONDARY / TERTIARY STREETS

Does development facing the alleys and side streets reflect the qualities of downtown as a whole in terms of materiality, access to light, and landscaping? (p. 30)

Are alleys kept open as secondary access-points to businesses and other uses? (p. 30)

Are trash and recycling containers located in alleys and screened through the use of low walls or landscaping? (p. 30)

Is the pavement in alleys appropriate for vehicular, pedestrian, and bicycle traffic, and does it properly manage stormwater? (p. 30)

**PARKING**

Does the project satisfy parking needs with on-street parking? (p. 31)

If extra surface parking is required, is it placed behind buildings, and is it shared between daytime and nighttime uses? (p. 31)

Are surface parking lots properly screened from neighboring parcels with landscaping, natural, high quality materials, or a fence with a height no greater than four (4) feet? (p. 31, 35)

Do surface parking lots use high reflectant materials, an open grid, pervious pavement system, or appropriate vegetative shading to reduce heat island effect? (p. 31)

Do surface parking lots use permeable pavement systems and/or stormwater collection and storage to help slow or decrease runoff? (p. 31)

ICONS, LANDMARKS, AND GATEWAYS**ICONS AND LANDMARKS**

Are historic or new icons and landmarks woven into the fabric of the city with visual connections such as vertical design elements, paths, and signage? (p. 32)

PLACEMAKING AND WAYFINDING

Do signs, paths, and other visual elements aid in wayfinding and create a rich, referential and memorable • experience for residents and visitors? (p. 33)

EASEMENTS AND SIGHTLINES

Does the project plan protect the visual connection between the County Courthouse and the Big Well and City hall? (p. 33)

Does the plan create sightlines that connect important elements in town? (p. 33)

GATEWAYS

Does the project plan use signage, architectural details, public art, or signature landscaping features to create gateways that signify arrival into downtown? (p. 20, 29, 34)

If yes, are the gateways simple in design rather than complex or flamboyant? (p. 34)

***LANDSCAPING***

Are native or Xeric plants used? (p. 35)

Do additional planters use durable materials and harmonize with the Main Street streetscape design? (p. 35)

WATER

Do project sites naturally manage stormwater with raingardens and/or bio-swales? (p. 36)

Are storage systems, such as rain barrels or cisterns, used to capture rain-water for reuse? (p. 37)

If the project plan incorporates paved areas, are pervious options used to reduce run-off quantities? (p. 37)



SUSTAINABLE LAND DEVELOPMENT CODE CITY OF GREENSBURG, KANSAS

FLOODPLAIN MANAGEMENT ORDINANCE

GREENSBURG PLANNING COMMISSION

MARCH 2011



FLOODPLAIN MANAGEMENT ORDINANCE

SECTIONS:

- 1 *PURPOSE***
- 2 *FINDINGS OF FACT***
- 3 *GENERAL PROVISIONS***
- 4 *BUILDING OR LAND USE PERMIT***
- 5 *ESTABLISHMENT OF DISTRICTS***
- 6 *STANDARDS FOR THE FLOODPLAIN OVERLAY DISTRICTS***
- 7 *FLOODWAY OVERLAY DISTRICT***
- 8 *FLOODWAY FRINGE OVERLAY DISTRICT***
- 9 *CERTIFICATION OF FLOODPROOFING***
- 10 *NONCONFORMING USE AND RESTORATION***
- 11 *VARIANCES AND VARIANCE PROCEDURES***
- 12 *PENALTIES FOR VIOLATION***
- 13 *DEFINITIONS***

SECTION 1 *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 2 by applying provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause increased flood height beyond 1 foot rise in the 100-year surface elevation or cause increases in water velocities.
- B. Require that uses vulnerable to floods, including public facilities which service such uses, be provided with flood protection at the time of initial construction.
- C. Provide public information for evaluating land purchases of flood prone ground within the City of Greensburg, Kansas.
- D. Assure that eligibility is maintained for property owners in the City of Greensburg, Kansas, to purchase flood insurance in the Federal Flood Insurance Program.

SECTION 2 *FINDINGS OF FACT*

The flood hazard areas of the City of Greensburg, Kansas, are subject to inundation, which could result 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.



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- A. These flood losses are caused by:
1. The cumulative effect of obstruction in floodways, causing increases in flood heights and velocities.
 2. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others and which are inadequately elevated or otherwise protected from flood damages.
- B. This Ordinance uses a reasonable method of analyzing flood hazards which consists of a series of inter-related steps, as follows:
1. Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this Ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated on the Federal Insurance Administration's Flood Insurance Study, and illustrative materials, which are dated July 30, 1976 as amended.
 2. Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
 5. Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

SECTION 3 GENERAL PROVISIONS

- A. LAND TO WHICH REGULATIONS APPLY:** This Ordinance shall apply to all lands within the corporate limits of the City of



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Greensburg, Kansas, that are identified on the Flood Insurance Rate Maps (FIRM) as numbered and unnumbered A Zones, and within the Overlay Districts "FW" and "FF" established in Section 5 herein. In all areas covered by this Ordinance, no development shall be permitted except upon a permit granted by the Zoning Administrator under the provisions established in Section 4 of this Ordinance.

- B. THE ENFORCEMENT OFFICER:** The Zoning Administrator of the City of Greensburg, Kansas, is designated as the Enforcement Officer.
- C. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** The boundaries of the Floodway and Floodway Fringe Overlay Districts shall be determined by scaling distances on the floodplain maps. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the floodplain maps, as, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Zoning Administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Greensburg 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 Zoning Administrator and/or Board of Zoning Appeals and to submit his own technical evidence, if he so desires.
- D. COMPLIANCE:** No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations, except as established under Section 9.
- E. ABROGATION AND GREATER RESTRICTIONS:** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other regulations inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only, except as established under Section 9.
- F. INTERPRETATION:** The provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute.
- G. WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection required by this Ordinance is considered reasonable



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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 man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Greensburg 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.

- H. ADOPTION OF STUDIES:** The Flood Insurance Study dated July 30, 1976, and the accompanying Flood Boundary and Floodway Maps, and the Flood Insurance Rate Maps are hereby adopted and are incorporated by reference in this Ordinance.

SECTION 4 BUILDING OR LAND USE PERMIT

- A. PERMIT REQUIRED:** No person, firm or corporation shall initiate any development or cause the same to be done without first obtaining a separate permit as required in this Ordinance.
- B. APPLICATION FOR A PERMIT:** To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
 2. Describe the land on which the proposed work is to be done by legal description and house address, or similar description that will readily identify and definitely locate the proposed building or work.
 3. Indicate the use or occupancy for which the proposed work is intended.
 4. Be accompanied by plans and specifications for the proposed construction.
 5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 6. Within designated floodprone areas, be accompanied by elevations of the lowest floor including basement or, in the case of floodproofed nonresidential structures, the elevation to which it has been floodproofed.



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Documentation or certification of such elevations will be maintained by the Zoning Administrator.

7. Give such additional information as may be required by the Zoning Administrator, such as:
 - a. Typical valley cross-sections and profiles showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be affected by the proposed development, and the elevation of the 100-year flood.
 - b. Plans depicting:
 - surface view, showing elevations or contours of the ground;
 - pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site;
 - location and elevations of streets, water supply, sanitary facilities, and other data that will assist the Zoning Administrator to make a determination of flooding.

The Zoning Administrator shall review all permit applications to determine if the site of the proposed development meets the provisions of this Ordinance and that all necessary permits have been received as required by federal or state law.

SECTION 5 ESTABLISHMENT OF DISTRICTS

The mapped floodplain areas within the jurisdiction of this Ordinance are hereby divided into the two following districts: a Floodway Overlay District "FW", and a Floodway Fringe Overlay District "FF" identified in the Flood Insurance Study (Flood Boundary and Floodway Maps). Within these districts all uses not meeting the standards of this Ordinance and those standards of underlying zoning districts shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Insurance Administration.

SECTION 6 STANDARDS FOR THE FLOODPLAIN OVERLAY DISTRICTS

- A. COMPLIANCE REQUIRED:** No permit shall be granted for new construction, substantial improvements and other improvements, including the placement of manufactured homes, within all numbered and unnumbered A Zones unless the conditions of this Ordinance are satisfied.



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- B. UNDESIGNATED AREAS COMPLY:** 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 City shall utilize any base flood elevation or floodway data currently available from Federal, State or other sources.
- C. STANDARDS:** New construction, substantial improvements, subdivision proposals, prefabricated buildings, placement of manufactured homes and other developments shall require:
1. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. New or replacement water supply systems and/or sanitary sewage systems be designed to eliminate or minimize infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment of them or contamination from beyond applicable environmental control limits during flooding.
 3. Construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage, consistent with economic practicability.
 4. All utility and sanitary facilities shall be flood-proofed up to the regulatory flood protection elevation so that any space below the regulatory flood protection elevation is water tight, with walls substantially impermeable to the passage of water, with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 5. Until a floodway has been designated, no development, including landfill, may be permitted within Zones A1-30 and AE on the City's FIRM unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than 1 foot on the average cross section of the reach in which the development or landfill is located as shown on the Flood Insurance Rate Study incorporated by reference in Subsection 3.H.



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6. Any grading changes within the area estimated to be inundated by the 100-year frequency flood, or alterations, modifications or relocations of a watercourse within the jurisdiction of the Division of Water Resources, State Board of Agriculture rules and regulations, as authorized by K.S.A. 74-2611, and any subsequent revisions thereof, shall ensure that the water carrying capacity is maintained. The plans for such changes, modifications, alterations or relocations shall be submitted to and approved by the Division of Water Resources, State Board of Agriculture, concurrent with City approval. In addition, the City shall notify, in riverine situations, adjacent communities prior to the performance of the work and submit copies of such notification to the local office of the Administrator of the Federal Insurance Administration.
7. Storage of Material and Equipment:
 - a. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.
8. That subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, 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, telephone 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. All proposals for development, including new subdivisions, manufactured home parks and subdivisions, include within such proposals the regulatory flood elevation.



SECTION 7 FLOODWAY OVERLAY DISTRICT "FW"

PERMITTED USES: Only uses having a low flood damage potential and not obstructing flood flows shall be permitted within the Floodway Overlay District to the extent they are not prohibited by any other provision of this Sustainable Land Development Code, and provided they do not require structures or storage of materials or equipment. No use shall increase the flood level of the regulatory flood protection elevation. Permitted uses shall meet the standards established in Section 6. Subject to zoning restrictions the following land uses are permitted:

- A. Agricultural uses.
- B. Nonbuilding residential accessory uses such as lawns, gardens, parking, play and yard areas.
- C. Nonresidential uses such as loading areas, parking, landing strips.
- D. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.
- E. Placement of manufactured homes is prohibited in the floodway, except in existing manufactured home parks and existing manufactured home subdivisions. Placement of mobile homes is prohibited by the zoning regulations of this Sustainable Land Development Code.

SECTION 8 FLOODWAY FRINGE OVERLAY DISTRICT "FF"

- A. **PERMITTED USES.** Any use permitted in Section 7 above shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 6 are met.
- B. **STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT**
 - 1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
 - 2. Require new construction or substantial improvements of nonresidential structures to have the lowest floor, including basements, elevated to at least one 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 water tight



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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 this subsection are satisfied. Such certification shall be provided to the Zoning Administrator.

3. Require for all new construction or 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 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 criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. 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 proposed structures.

C. MANUFACTURED HOMES

1. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with manufacturers recommended anchoring requirements, 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:
 - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.



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- b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
- c. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
- d. Any additions to the manufactured home be similarly anchored.

SECTION 9 CERTIFICATION OF FLOODPROOFING

For the floodproofing of nonresidential structures, applicants shall provide certification by a licensed professional engineer or architect that the floodproofing plans are adequate to be watertight, with walls impermeable to the passage of water and can withstand the hydrostatic and hydrodynamic forces associated with the 100-year flood. In addition, the applicant shall provide information identifying the specific elevation in relation to mean sea level to which such structures are floodproofed. This information shall be submitted to the Zoning Administrator at the time a permit is requested and shall be maintained by that official.

SECTION 10 NONCONFORMING USE AND RESTORATION

In addition to the requirements established for nonconforming situations in Article 12 of the Greensburg Sustainable Zoning Ordinance (a part of the Sustainable Land Development Code), the following requirements shall apply:

- A. A structure or use of a structure or premises which was lawful before the passage of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - 1. No such use or substantial improvement of that use shall be expanded, changed, enlarged or altered in any way which increases its nonconformity.
 - 2. If such use is discontinued for six months or more, any future use of the building, structure or premises shall conform to the provisions established in this Ordinance, provided this regulation shall not prevent the occupancy of a residential unit following a period of vacancy.
 - 3. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be



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reconstructed if the cost is more than 50 percent of its fair market value before the damage occurred, unless it is reconstructed in conformity with the provisions and standards established in this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health codes, sanitary, building or safety codes or regulations, or the costs of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 11 VARIANCES AND VARIANCE PROCEDURES

The Greensburg Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance. All requests for appeals and variances shall follow the procedures established in Article 15 of the Greensburg Sustainable Zoning Ordinance (a Part of this Sustainable Land Development Code).

- A. VARIANCES FOR HISTORIC PLACES:** 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.
- B. ADDITIONAL CONDITIONS FOR VARIANCES:** In addition to the conditions established in Article 15 of the Greensburg Sustainable Zoning Ordinance, the Board of Zoning Appeals, in passing upon variance applications, shall consider all technical evaluations, all relevant factors, standards specified in the sections of this Ordinance, and:
1. The danger that materials may be swept onto other lands to the injury of others.
 2. The danger to life and property due to flooding or erosion damage.
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 4. The importance of the services provided by the proposed facility to the community.
 5. The necessity to the facility of a waterfront location, where applicable.



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6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the adopted comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. 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.
11. 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, and streets and bridges.
12. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
13. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause, and that the need for the variance is not self-created.
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or regulations.
14. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
15. Upon consideration of the factors listed above and the purpose of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance.



C. REPORTING OF VARIANCES:

1. Any applicant to whom a variance is granted shall be given a written notice containing the following information: That the structure will be permitted to be built with a lowest floor elevation (fill in) feet below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
2. The Zoning Administrator shall maintain the records of all appeal actions and report all variances to the Federal Insurance Administration at the time the annual report is submitted.

SECTION 12 PENALTIES FOR VIOLATION

Penalties shall be as established in Article 14 of the Greensburg Sustainable Zoning Ordinance (a part of the Sustainable Land Development Code).

SECTION 13 DEFINITIONS

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

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.

APPEAL: A request for a review of the Zoning Administrator's interpretation of any provision of this Ordinance or a request for a variance.

AREA OF SHALLOW FLOODING: A designated AO or AH zone on a community's Flood Insurance Rate Maps (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.



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AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

BASE FLOOD: The flood having one percent chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage or equipment or materials.

EXISTING CONSTRUCTION: (For the purposes of determining rates) structures for which the "start 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".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactures homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD OR FLOODING: A general and temporary rise in stream flow or stage that results in water overlapping its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff of surface waters from any source.

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

FLOOD INSURANCE RATE MAPS (FIRM): Official maps of the City of Greensburg, Kansas, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones



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establishing insurance rates applicable to the City of Greensburg, Kansas.

FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Insurance Administration that contains flood profiles and water surface elevations for various flood frequencies, as well as the boundaries and water surface elevations of the 100-year flood.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

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

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

FLOODWAY OR REGULATORY FLOODWAY: 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 foot.

FLOODWAY FRINGE: That area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain 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.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.



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HISTORIC STRUCTURE: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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 the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been 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.

LOWEST FLOOR: The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable only for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. This definition shall apply to the requirements of this Ordinance only and shall not have a bearing on any other requirements of this Ordinance.



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MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the FIRM and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of this Ordinance and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either the final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

ONE HUNDRED (100) YEAR FLOOD: The base flood having a 1 percent chance of annual occurrence.

OVERLAY DISTRICT: An area which acts in conjunction with the underlying Zoning Ordinance district or districts. The original Zoning Ordinance district designation and regulations do not change.

REGULATORY FLOOD ELEVATION: An elevation 1 foot higher than the water surface elevation of the regulatory flood.

START OF CONSTRUCTION (INCLUDING SUBSTANTIAL IMPROVEMENTS): The date the building permit, or other authorization granted by the City, was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 90 days of the permit or authorization date. The actual start means the first placement of permanent construction of a structure on a site such as the pouring of the 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 walkways; nor does it include excavation for a basement, 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, sheds or agricultural accessory buildings not occupied as dwelling units or not part of the main building or structure.



FLOODPLAIN MANAGEMENT ORDINANCE

STRUCTURE: A walled and roofed structure, including a gas or liquid storage tank, that is principally above the ground, including but not limited to, buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 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:

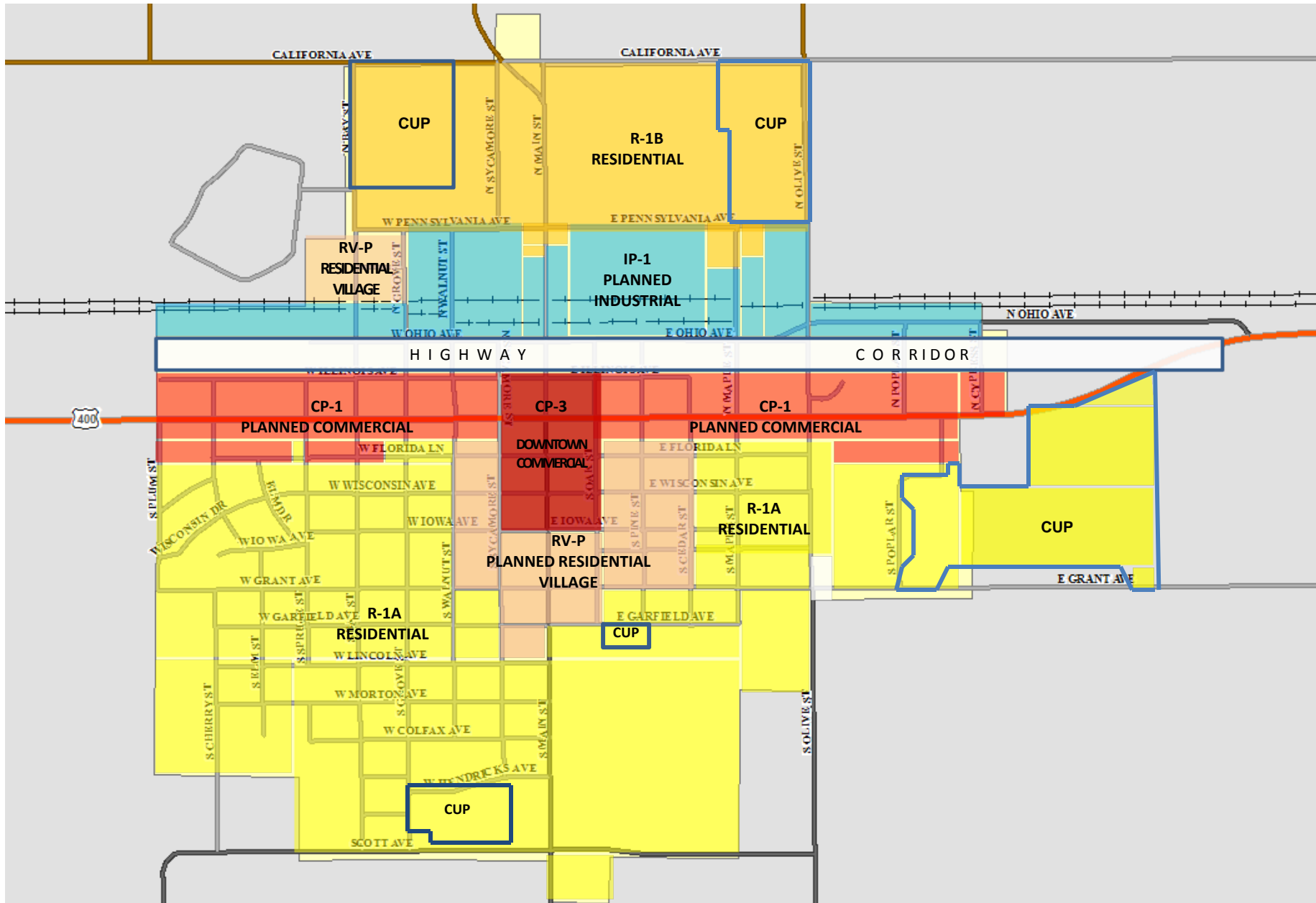
- A. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- B. any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

VARIANCE: A grant of relief 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.

GREENSBURG, KANSAS

SKETCH ZONING MAP (MARCH 2011)





SUSTAINABLE LAND DEVELOPMENT CODE CITY OF GREENSBURG, KANSAS

SUSTAINABLE SUBDIVISION REGULATIONS

GREENSBURG PLANNING COMMISSION
MARCH 2011



GREENSBURG CITY COUNCIL

Robert A. Dixon, Mayor

Gary Goodheart

Mark Trummel

Erica Goodman

Matt Christenson

Rex Butler

GREENSBURG PLANNING COMMISSION

Travis Barnes, Chairman

Roberta Stauth

John Wickland

Loren Campbell

Mary Racette

Gary Goodman (2007-2010)

Alan Myers (2007-2010)

GREENSBURG SUPPORT STAFF

Dennis McKinney, Interim City Administrator

Steven A. Hewitt, City Administrator (to 2011)

Christy Pyatt, Commission Secretary

J. Michael Gurnee, AICP,

Community Development Director (2007-2010)

Consultant



CITY OF GREENSBURG, KANSAS
SUSTAINABLE SUBDIVISION REGULATIONS

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SUSTAINABLE LAND DEVELOPMENT CODE CITY OF GREENSBURG, KANSAS

SUSTAINABLE SUBDIVISION REGULATIONS

GREENSBURG PLANNING COMMISSION

MARCH 2011

Official Copy as Incorporated by the Code of the City of Greensburg, Ordinance No. 1010

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**ARTICLE 1 GENERAL PROVISIONS**[\(back to contents\)](#)**SECTIONS:**

- 1.1 Title and Scope**
- 1.2 Purpose**
- 1.3 Sustainability Intent**
- 1.4 Jurisdiction**
- 1.5 Applicability**
- 1.6 Exemptions**
- 1.7 Vesting of Development Rights**

1.1 Title and Scope

These regulations are a part of the Greensburg, Kansas Sustainable Land Development Code, and shall be known and may be cited as the "Sustainable Subdivision Regulations of Greensburg, Kansas", and shall hereinafter be referred to as "these regulations." These regulations prescribe the minimum design requirements and approval procedures for the development of new subdivisions and resubdivisions of land within the corporate limits of the City of Greensburg, Kansas and any established extraterritorial jurisdiction.

1.2 Purpose

The division and improvement of land for urban development has a significant and lasting impact upon the physical environment of Greensburg, Kansas, and its environs, and it places increasing demands upon public facilities and services. The creation of new streets, lots and utility systems requires significant public and private capital investments. Failure to properly size and construct adequate sewers and streets, ensure available water supplies, manage storm water runoff and erosion, and plan for public services may result in physical and environmental problems which are difficult and costly to resolve.

These regulations set forth uniform rules and procedures for the division and improvement of real property, and to assure that new subdivisions are properly planned and integrated with existing streets, utilities and other public facilities systems. These regulations are further intended to prevent potential environmental hazards; to coordinate the use of private and public resources to achieve planned and orderly land development through proper location and design of streets, building lines, open spaces, and utilities; and to establish standards by which streets, utilities



and other physical improvements shall be erected, constructed or installed.

1.3 Sustainability Intent

These regulations are intended to create development patterns that will be sustainable over time. The adopted Greensburg Sustainable Comprehensive Plan is the guide under which these regulations were devised. Any changes to or variations from these regulations shall duly consider the vision, goals, objectives, and recommendations of the Sustainable Comprehensive Plan.

1.4 Jurisdiction

These regulations shall apply to all of the land within the corporate limits of the City of Greensburg, Kansas and any established extraterritorial jurisdiction.

1.5 Applicability

These regulations shall apply to any person desiring to do any of the following:

- A. Subdivide or further subdivide any lot or tract of land into two or more parts.
- B. Resubdivide any lot or tract of land that has previously been subdivided into two or more parts.
- C. Establish any street, alley, sidewalk, park, or other property intended for public use or for the use of prospective or existing owners of lots or tracts of land fronting on or adjacent to such property.
- D. Land that has subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations to further the purposes of this Article. However, all existing recorded plats that were approved under the prior regulations shall remain valid unless or until the approval expires. See Section 1.7, Vesting of Development Rights, below.

The owner(s) of any land located within the Greensburg, Kansas jurisdiction, subdividing said land in a manner previously cited shall cause to be prepared a subdivision plat in accordance with the provisions of these regulations. No building or land



development permit shall hereafter be issued by the City of Greensburg, Kansas, or other permitting authorities, for construction on any land that has not been subdivided in compliance with these regulations and all other applicable state laws and City of Greensburg ordinances in effect at the time of the subdivision of said land.

1.6 Exemptions

These regulations shall not apply in the following instances or transactions:

- A. Any lot or tract of land located within the area governed by these regulations that has been legally subdivided or platted prior to the effective date of these regulations.
- B. A transaction between owners of adjoining tracts of land or lots which involves only a change in the boundary between the land owned by such persons, provided no additional lots are created and such tracts of land or lots comply with the design requirements for lots in Section 4.5 of these regulations and applicable provisions of the Greensburg Sustainable Land Development Code.
- C. The use of land for street or railroad right-of-way, bicycle or pedestrian easement, a drainage easement or other public utilities subject to local, state or federal regulations, provided no new street or easement or access is created or involved.
- D. Land used for highway or other public purposes relative to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use.
- E. A correction of a description in a prior conveyance, provided that such a conveyance shall be clearly labeled as a "Correction Conveyance" and shall clearly identify the prior conveyance which is the subject of correction and the error contained in such prior conveyance.
- F. Any lot split approved in compliance with the requirements of these regulations, see Article 3.
- G. The issuance of permits for repairs, maintenance, continuance of an existing use or occupancy, including the expansion or rebuilding of an existing principal and/or accessory structure. This provision shall apply only when the repairs and/or expansion conform to all applicable ordinances, resolutions and codes relating to lot coverage, building



setbacks and zoning. In addition, no building permit, zoning certificate or occupancy certificate shall be issued for a building or structure on any unplatted lot, tract or parcel of land until the applicant has first shown, by satisfactory evidence to the building permit issuing officer or his (her) delegated agent, that the following conditions exist:

1. The tract or parcel is not landlocked, i.e., has proper frontage and access to a public road or street.
2. The tract or parcel has access to all utility and telephone services by way of a recorded easement dedicated to the public. The easement serving the property shall not be less than 20 feet in width along rear property lines, nor less than 10 feet in width along side property lines. The easement shall extend continuously to a service entrance point and exit point for all the utilities and telephone services.
3. Any required permit for utility service has been obtained.
4. The proposed building site, as designated on a plot plan, is not located on land subject to flooding. Any designated channels or waterways which exist on the property and which carry runoff from adjacent property or public roads have been protected by a recorded grant of easement, dedication or similar device.
5. If the property is located adjacent to a public road right-of-way which does not conform to the requirements of these regulations, additional right-of-way shall be granted by dedication or easement as may be required to conform to the provisions of these regulations.

It shall be the responsibility of the property owner or his agent to provide the Zoning Administrator copies of recorded instruments which show both the name of the current owner and a complete legal description of the property for which an exemption is requested.

Any request made in writing to the Zoning Administrator for a determination of being exempt from these regulations shall be answered, in writing either in the affirmative or negative within 30 days of the filing of the request, or the exemption shall be considered granted.



1.7 Vesting of Development Rights

The rights of landowners of properties platted or subdivided for residential purposes prior to the adoption of these regulations shall be protected from the requirements of these regulations for use of said land for the intended residential purposes for a period of five years from the time in which such property was first platted or subdivided, provided:

- A. Verifiable evidence is presented showing the date in which said plat or subdivision of land was first created. Acceptable evidence shall be:
 - 1. Signed and sealed plats recorded with the Register of Deeds;
 - 2. Recorded deeds conveying land; and/or
 - 3. Recorded Affidavits of Equitable Interest on contracts for deed for said tracts of land.
- B. Within said five year period actual sales occur resulting in separate owners on the tracts of land.
- C. The division of land was legally done in conformance with the then current Greensburg Subdivision Regulations.

Except for lots in a recorded plat, any remaining contiguous tracts of land within the area divided under this rule held in common ownership at the conclusion of said five year period shall be considered an unplatted lot, as defined in these regulations, and subsequent divisions of said lot shall be in conformance with the Subdivision Regulations then in effect.

Properties divided or platted for any use other than residential purposes shall not be permitted to develop or further develop except in conformance with these regulations and the Greensburg Subdivision Regulations. Persons who obtained a validly issued permit under the previous Greensburg Land Development Code or Zoning Regulations shall be permitted to develop the property so long as the permit issued under the previous Greensburg Land Development Code or Zoning Regulations does not expire. Failure to start construction under said permit before the expiration of the permit shall not protect the owner from the provisions of these regulations, the Greensburg Sustainable Land Development Code, or any other applicable Codes or regulations then in effect.

**ARTICLE 2 *PROCEDURE FOR APPROVAL****(back to contents)****SECTIONS:***

- 2.1 General Provisions***
- 2.2 Pre-Plat Conference***
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- 2.9 Warrantee Against Defects***
- 2.10 Final Plat***
- 2.11 Completing Development In Phases***
- 2.12 Minor Plat***

2.1 General Provisions

This Article establishes uniform procedures and platting requirements for subdivisions subject to these regulations. No final plat shall be filed or recorded with the Kiowa County Register of Deeds as required by law unless and until it has been acted upon by the Planning Commission and approved by the City Council as required herein.

2.2 Pre-Plat Conference

Any person desiring to subdivide land into five or more lots shall be required to have a pre-platting conference with the Zoning Administrator as a first step to filing an application for a preliminary plat. Owners of proposed subdivisions of less than five lots are encouraged to hold a pre-platting conference; however, it is not mandatory and they may proceed with filing a preliminary plat. Arrangements for the pre-platting conference shall be made through the Zoning Administrator. The purpose of the pre-plat conference is to inform the city staff of possible future subdivisions so that the staff may determine and inform the applicant of the effect, feasibility and compatibility of the proposal in relation to the Greensburg jurisdiction utility and street system and any City development policies and plans. No verbal, written, or schematically illustrated statements made during the course of the conference shall be held as legally binding or construed in any way as granting or assuring approval of



the proposed subdivision since the City Council has final authority on all subdivision plats upon action from the Planning Commission.

2.3 PRELIMINARY PLAT

- A. Application: A subdivision application form shall be filed with the Zoning Administrator and shall be accompanied by 3 paper copies and one electronic copy of the preliminary plat. The appropriate fee shall be paid upon filing the application.
- B. Preliminary Plat Contents: The following information shall be shown on the preliminary plat or attached thereto:
 - 1. Items Pertaining to the Title:
 - a. The name of the proposed subdivision.
 - b. Location of the subdivision by reference to a section corner.
 - c. The name and address of the owner/developer and the licensed land surveyor who prepared the plat.
 - d. North arrow.
 - e. Date prepared and scale of the drawing(s). The preliminary plat shall be drawn to a scale of not less than 1"=200'. With special conditions and prior approval of the Zoning Administrator, this scale may be exceeded.
 - f. The legal description of the entire dimensions of the subdivision.
 - 2. Items Pertaining to Existing Property Situations:
 - a. All of the land to be platted as well as all platted or unplatted adjacent properties shall be shown. The boundary of the platted area shall be accurately indicated by a heavy solid line.
 - b. Existing contours with the contour intervals not more than 2 feet. All elevations and contours shall be related to USGS.
 - c. The location, width and names of all existing platted or private streets or other public ways within or adjacent to the tract, together with easements, railroad and utility rights-of-way, parks and other significant features such as city boundary lines and monuments.



- d. Environmental features including the location and direction of drainage channels and areas subject to flooding by the recognized 100-year flood.
 - e. All airports, sanitary landfills, feedlots or other similar uses located within two miles of the proposed plat shall be shown on a vicinity map.
- 3. Items Pertaining to Proposed Plat:
 - a. Layout and names of streets with general dimensions and appropriate grades and their relationship to adjoining or projected streets or roadways.
 - b. Intended layout, numbers and dimensions of lots.
 - c. Parcels of land intended to be dedicated or reserved for parks, schools, or other public use, or to be reserved for the use of property owners within the subdivision.
 - d. Location and type of utilities to be installed, including the approximate location of extensions of any sanitary sewers, storm sewers and water mains.
 - e. Utility and other easements indicating width and purpose.
 - f. A statement or other indication of phasing of the development and an appropriate timetable if applicable.
 - g. Vicinity sketch which indicates the relationship between the proposed subdivision and surrounding properties within 1,000 feet, showing streets and other features.
- C. Application Complete: Upon receipt of the preliminary plat and supporting data required in this Section, the Zoning Administrator shall certify the application as complete and affix the date of application acceptance on the plat or application form. The Zoning Administrator shall then place the preliminary plat on the agenda for consideration at the next available meeting of the Planning Commission.

2.4 Preliminary Plat Process

- A. The Planning Commission shall review and recommend approval, conditional approval, or denial of the preliminary plat. The



Zoning Administrator shall forward a statement of the action taken by the Planning Commission to the City Council. The City Council has final approval of the preliminary plat before the applicant can submit a final plat.

- B. Effect of Approved Preliminary Plat: Approval of the preliminary plat does not constitute final acceptance of the subdivision by the City of Greensburg. It establishes the overall layout and design of the proposed subdivision and authorizes the applicant to prepare construction plans and a final plat. Any deviation of the final plat from the intent of the approved preliminary plat as determined by the Planning Commission shall be disallowed and shall cause a new preliminary platting process. The applicant shall file a final plat application within three years of the approval of the preliminary plat by the City Council. Upon failure to do so within the time specified, approval of the preliminary plat is null and void, unless an extension of time, limited to six months, is applied for by the developer and granted by the Planning Commission. An extension shall be granted only once.

2.5 Construction Plans

- A. Following approval of the preliminary plat, the subdivider shall have prepared, by a professional engineer, registered in the State of Kansas, construction plans, consisting of complete construction drawings and specifications for all easements, streets, traffic control devices, street lights, sanitary sewer, storm water facilities, water system facilities, sidewalks and other required improvements set forth in these regulations.
- B. Construction plans shall be submitted to the Zoning Administrator, who shall coordinate the review of such plans with the City Engineer and other City departments. Where approval of construction plans is required by other public agencies, the subdivider shall be responsible for obtaining such approval, and shall provide written documentation of such approval to the Zoning Administrator.
- C. Construction plans are approved by the City administration. Approval of the construction plans shall authorize the subdivider to proceed with construction of the required improvements. No construction, including grading, shall commence without approval of the construction plans.



2.6 Completion of Required Improvements

All installations of improvements shall conform to the approved construction plans. If the subdivider chooses to make modifications in design and/or specifications prior to construction, such changes shall be subject to review and approval by the Zoning Administrator. It shall be the responsibility of the subdivider to notify the Zoning Administrator in advance of any changes to be made from the approved drawings. In the event that actual construction work deviates from that shown on the approved construction plans, such unapproved work shall constitute a violation of these regulations. The subdivider shall be required to correct the installed improvements to conform to the approved construction plans. In addition, the Zoning Administrator take such other actions as may be deemed appropriate including, but not limited to, revocation of permits already issued and/or withholding of future approvals and permits until the violation is corrected.

2.7 As-Built Drawings

Prior to final plat approval and acceptance of improvements, the applicant shall submit to the Zoning Administrator two sets of as-built engineering drawings for each of the required improvements that have been completed. Such as-built drawings shall be signed and sealed by a licensed engineer. See Section 2.8 below.

2.8 Financial Guarantees In Lieu Of Immediate Improvements

A developer may proceed to a final plat before all improvements are installed. There are possible guarantee financing alternatives, refer to Section 5.3.

2.9 Warranty Against Defects

Prior to the approval of the final plat or acceptance by the City of any improvements in any development, the developer shall furnish to the City a written warranty against defects, which shall guarantee the material and workmanship for a period of not less than one year from the date of such acceptance. Such warranty shall be accompanied by a financial guarantee payable to the City equal to at least 15 percent of the cost of the installation of such improvements as determined by the Zoning Administrator. Such financial guarantee shall be in a form of financial guarantee as provided for in this Article. Upon successful performance of the improvements, as determined by the Zoning Administrator, for the one year period, the financial guarantee shall be returned to the subdivider. Upon the



failure of an improvement to perform within the generally accepted standards for the type improvement as determined by the Zoning Administrator, the subdivider shall be notified and given a reasonable period of time to correct the defects. Should the subdivider fail to act, fail to act in a timely manner, or otherwise fail to correct the defect(s), the Zoning Administrator shall find the subdivider in default and proceed in the same manner as provided for in this Article for default.

2.10 Final Plat

- A. Application: The final platting process is intended to provide a complete surveyed drawing of the subdivision for the purpose of providing a legal record of lots, streets, areas for dedication and easements for future reference and transactions. The final plat submitted may be for all of the property approved in the preliminary plat or may be for only a portion or "phase" thereof. The applicant shall file three paper copies and one electronic copy of the final plat with the Zoning Administrator along with the additional information required herein. Said final plat shall be prepared and sealed by a registered land surveyor. In addition to the 3 paper copies and one electronic copy, one original final plat shall be submitted at least ten days prior to the Planning Commission meeting. Said original final plat shall be clearly and legibly drawn at a scale of 1"=100' in permanent ink upon a 24" x 36" good quality mylar, and shall contain the information required herein. Other suitable map scales may be approved by the Zoning Administrator.
- B. Final Plat Contents: The following information shall be shown on the final plat and attached thereto:
1. Items to be Included on the Final Plat:
 - a. The lines and names of all proposed streets, other ways and easements, and other open spaces intended to be dedicated for public use or granted for use of inhabitants of the subdivision.
 - b. Lines and names of all adjoining streets.
 - c. The length of all straight lines, deflection angles, and radii, arcs and central angles of all curves, along the center line and the property lines of each street. All dimensions along the lines of each lot with the true bearings and angles of intersection which they make with each other, and also any other data necessary for the location of any lot line in



the field. If more convenient, calculated bearings may be used instead of angles.

- d. The location of all building setback lines if proposed different from the requirements of the Greensburg Sustainable Land Development Code.
- e. Suitable primary control points, approved by the City Engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data given on the plat shall be referred. All dimensions shall be shown in feet and decimals of a foot.
- f. Location and elevation of a permanent bench mark.
- g. The location of all permanent monuments with the distance between them, and sufficient curve data plainly marked. These monuments shall be located at all block corners.
- h. Date of preparation, title, north point, and scale shall be included. The title shall include the name of the subdivision under which it is to be recorded. The north point may indicate either the magnetic or true north and shall be so designated on the plat.
- i. The boundary of the subdivided tract with courses and distances marked thereon which shall be determined by survey in the field, which shall be balanced and closed, made by a qualified engineer or surveyor. The error of closure for a perimeter distance having a length of 10,000 feet or more shall not be more than 1 in 20,000. For perimeter distances less than 10,000 feet in length, the error of closure shall not be more than 1 in 10,000.
- j. An identification system for all lots and blocks.
- k. The certification of the land surveyor making the plat, sealed and signed.
- l. The certificate of the County Surveyor.
- m. The acknowledgement of a notary.
- n. A certification of the Planning Commission showing its approval to the plat.
- o. The approval of the City Council.



- p. The certificate of the Register of Deeds.
 - q. Statement by the owner dedicating streets, rights-of-way, and any sites for public use.
 - r. Such other certificates, affidavits, endorsements, or dedications as may be required by the Planning Commission in the enforcement of these regulations.
 - s. Purpose for which sites, other than residential lots, are dedicated or reserved.
 - t. Marginal lines encircling the sheet. All lettering, signatures and seals shall be within this margin.
 - u. Legal description of the subdivision.
2. Items Pertaining to the Final Plat:
- a. A certificate which states that the person or persons whose names are signed to this document and/or appear on the final plat are the sole and lawful owners of the property, that the plat is made with their desires, and that they dedicate the areas shown on the plat or as set forth in the document to the perpetual use and ownership by the public for the specific purpose stated therein or thereon.
 - b. Certification by the County Clerk showing that all due or unpaid taxes have been paid in full, or under valid appeal.
 - c. A copy of any restrictive covenants applicable to the subdivision, if any; provided, the developer or subsequent homeowners association shall be responsible for the enforcement of any and all restrictive covenants filed for any subdivision and no provisions of said restrictive covenants shall supersede any restrictions or regulations established by these or any other local or state rules, regulations or laws.
 - d. If improvements are not completely installed and approved, three copies of a properly executed written agreement by the developer to undertake and complete, to the satisfaction of the City, all public improvements required as a condition for approval of the plat. See Section 5.3.
 - e. Title insurance certification or a certificate of title prepared by a competent attorney/abstractor



showing that the proposed subdivider owns all the property within the plat in fee, and that it is free from encumbrances and liens; but if encumbered, the mortgagee shall be required to consent to the plat.

- C. Application Complete: Upon receipt of the final plat, engineering drawings and certification documents required in this Section, the Zoning Administrator shall certify the final plat application as complete. He shall then place the final plat on the agenda for consideration at the next available meeting of the Planning Commission which is held no less than 10 days after said application or no more than 45 days thereafter.
- D. City Staff and Utility Review: The Zoning Administrator shall transmit copies of the final plat, along with the other documents submitted, to the City Engineer and appropriate Greensburg city departments and agencies, and utility companies as the Administrator deems necessary for review and to assure compliance with the approved preliminary plat. The Zoning Administrator shall serve as final plat coordinator and all review comments shall be directed to such person and forwarded to the Planning Commission along with a report and recommendation.
- E. Planning Commission Review and Action: The Planning Commission shall review the final plat for compliance with the approved preliminary plat and for completion of all final platting requirements. After consideration, the Planning Commission shall either recommend to the City Council to approve or deny the final plat or table for additional information. The Zoning Administrator shall forward a statement of the action taken by the Planning Commission with the original and 2 copies of the final plat to the City Council.
- F. City Council Review and Action: Upon recommendation from the Planning Commission, the City Council shall take action to approve or disapprove the final plat including the acceptance of street and other public way dedications, service and utility easements, and land dedicated for other public use. Acceptance of dedications shall be by the Kiowa County Commission when within the Greensburg jurisdiction and in unincorporated Kiowa County.
- G. Recording of Final Plat: The final plat shall be recorded and filed with the Register of Deeds of Kiowa County, Kansas, after approval of the final plat by the City Council as required by State law.



2.11 Completing Development in Phases

If a subdivision or land development activity is to be constructed in phases, then the requirements set forth in the Code shall apply to each phase as if it were the entire development. A phasing plan shall be submitted that clearly delineates the boundaries of the various phases proposed as part of the overall subdivision or land development activity. Stub streets may require temporary paved turn-arounds until subsequent phases are completed.

2.12 Minor Plat

- A. Application: A minor plat procedure is included within these regulations for the purpose and intent of providing a means of approving a subdivision or resubdivision of land that contains four lots or less, involves no rights-of-way or easements, and, in all other respects, meets the requirements of these regulations. If there is less street right-of-way than required by these regulations, the minor plat can be utilized if dedication of additional right-of-way can be made by separate instrument.

The submission and approval of a preliminary plat is not required as a prerequisite for a minor plat approval. If the proposed subdivision qualifies for a minor plat, the applicant shall file 3 paper copies and one electronic copy of the plat with the Zoning Administrator along with the additional information required herein. In addition to the 3 paper copies and one electronic copy, one original final plat shall be submitted at least ten days prior to the Planning Commission meeting.

- B. Minor Plat Contents: A minor plat must be drawn with permanent ink on good quality mylar and must be drawn to a scale of not less than 1" = 100'. Except for the above requirement, a minor plat must meet all of the requirements necessary for the approval of a final plat as stated herein, including but not limited to all bonding requirements. Other suitable map scales may be approved by the Zoning Administrator.
- C. Minor Plat Review and Action: The review and approval procedures for a minor plat are the same as specified herein for a final plat. See Section 2.10.

**ARTICLE 3 LOT SPLITS**[\(back to contents\)](#)**SECTIONS:**

- 3.1 Objective**
- 3.2 Authorization for Approval Of Lot Splits**
- 3.3 Application Procedure**
- 3.4 Approval Guidelines**
- 3.5 Industrial Lot Splits**
- 3.6 Agricultural/Mortgage Lot Splits**

3.1 OBJECTIVE

The objective of this Article is to create a procedure for the division of existing platted lots into not more than two lots without having to comply with the formal platting requirements described in Article 2 of these regulations. Such lot split shall be subject to the guidelines established in Section 3.4 and any further divisions of the lot or lots so established shall be platted in compliance with the requirements of Article 2 of these regulations.

3.2 Authorization For Approval Of Lot Splits

The Zoning Administrator is hereby authorized to approve or disapprove a lot split in accordance with the provisions of this Article. Appeals from a decision made by the Zoning Administrator may be made to the City Council for a final determination.

3.3 Application Procedure

The application for a lot split shall be made by the owner of the land to the Zoning Administrator on forms provided and shall be accompanied by the following information:

- A. Three paper copies and one electronic copy of a drawing to a scale of not less than 1" = 100' showing the lot(s) involved, the precise location of any structures thereon, and the location and dimensions of the original and proposed lots. Said drawing shall be a certificate of survey from a licensed land surveyor to determine the exact location of the structures and the precise dimensions of the lots.
- B. The legal description(s) for the proposed lots.



- C. Title insurance certification or a certificate of title prepared by a competent attorney/abstractor showing that the proposed subdivider owns all the property within the plat in fee, and that it is free from encumbrances and liens; but if encumbered, the mortgagee shall be required to consent to the plat.
- D. The location of existing parking and curb cuts, if any. In the case of a non-residential lot split, required off-street parking shall be shown.
- E. The amount of square footage contained in each portion of the original lot.
- F. All existing easements and, if any, access control. If the easements or access control were granted by separate instrument, the recording information shall be indicated.
- G. All platted building setbacks.
- H. The location of existing public water mains, water meters, sanitary sewer laterals, gas mains, gas meters, and storm sewer lines which serve the property subject to the lot split.
- I. The location of electric, telephone and other utility services to the property subject to the lot split.

3.4 *Approval Guidelines*

No tract or lot split shall be approved if one or more of the following applies:

- A. A new street or extension of an existing street, or a vacation of streets, alleys, setback lines, or access controls is required or proposed.
- B. There is less street right-of-way than required by these regulations, unless dedication of additional right-of-way can be made by separate instrument.
- C. Any easement requirements have not been satisfied.
- D. Such split will result in a landlocked tract.
- E. Such split will result in a lot(s) without direct access to and/or less than 50 feet of frontage on a street.
- F. A substandard sized tract or lot will be created according to these regulations or the Greensburg Land Development Code.



For those lot splits which result in significant increases in service requirements, e.g., utilities, traffic control, streets, etc.; or which interfere with maintaining existing service levels, e.g., additional curb cuts or points of access, repaving, etc.; or which propose private easements for access and/or utilities; review of the lot split by the Planning Commission may be required. Such determination shall be made by the Zoning Administrator. If such a review is necessary, sufficient additional copies of the proposed lot split, and all supporting documentation, shall be provided by the applicant for distribution to the Planning Commission.

The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the lot split within 15 working days of the application.

The Zoning Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of these regulations. Such requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and/or easements, or submission of covenants for the protection of other landowners in the original subdivision.

3.5 Industrial Lot Splits

The unlimited division of a platted lot used for industrial purposes only shall be permitted; provided, the resulting lots are used for industrial purposes in accordance with the Greensburg Sustainable Land Development Code.

3.6 Agricultural/Mortgage Lot Splits

The creation of one additional lot in the unincorporated portion of Kiowa County on properties zoned and used as agricultural is permitted without requiring either a rezoning or a plat or lot split. A legal survey may be required. These divisions shall be a minimum of two acres in size at the date of the adoption of these Regulations. They may be created because of mortgage or lending requirements.

**ARTICLE 4 SUBDIVISION DESIGN STANDARDS**[\(back to contents\)](#)**SECTIONS:**

- 4.1 Applicability**
- 4.2 Street Standards**
- 4.3 Alleys**
- 4.4 Block Standards**
- 4.5 Lots**
- 4.6 Easements**
- 4.7 Drainage**
- 4.8 Water and Sewer Facilities**
- 4.9 Shared Drives & Ghost Platting**
- 4.10 Public Sites and Open Spaces**
- 4.11 Bench Marks, Corner Monuments, And Other Markers**
- 4.12 Community Assets**
- 4.13 Vistas**
- 4.14 Restrictive Covenants**

4.1 Applicability

All subdivisions of land subject to these regulations shall conform to the following minimum design standards. Such design criteria shall govern the approval of subdivision plats by the Planning Commission and the City Council. All plats shall be prepared under the direct supervision of an engineer or land surveyor registered in the State of Kansas, and all submittals shall bear the seal of said registered engineer or land surveyor.

All subdivisions shall be platted with due consideration toward sound traffic engineering principles, safe and accessible building sites, adequate methods of storm water drainage and provisions for a sanitary water supply and effective sewage disposal system. All subdivision plats shall be consistent with applicable City development plans and policies and shall be coordinated with existing, planned or committed public improvements. All subdivision plats shall comply with all local, state and federal laws and regulations.

4.2 Street Standards

- A. Comprehensive Plan Compliance: The arrangement, character, extent, and location of all streets shall conform to the adopted Greensburg Sustainable Comprehensive Plan or other plans and standards as adopted.



- B. External Street Considerations: The arrangement, alignment, and width of streets in new subdivisions shall be properly integrated with the existing principal street or road system and where appropriate shall provide for the continuation of existing principal streets in adjoining subdivisions or their projection where adjoining property is not platted. In no case shall the width of streets in new subdivisions be less than the minimum street widths established in this Article.
- C. Internal Street Layout, General: The location, arrangement, character and type of all streets shall be designed in relation to topographical conditions, the extent and impact of storm water runoff, the safe and convenient circulation of traffic within the subdivision, and the uses of the land to be served by such streets. When possible, local streets shall be planned so as to discourage through traffic and to conveniently channel traffic onto collector and arterial streets.
- D. Internal Street Layout, Residential Development: The use of curvilinear streets, cul-de-sacs, and U-shaped streets will have connectivity to reduce travel time and encourage pedestrian/bicycle traffic. No streets shall be laid out so as to intersect with themselves. Pedestrian and bicycle movement shall be given high consideration.
- E. Internal Street Layout, Non-Residential Development: In commercial or industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, the provision of alleys, truck loading and maneuvering areas, walks, and parking areas to as to minimize conflict of movement between the various types of traffic, including pedestrian and bicycle.
- F. Street Intersections: Streets shall be designed to intersect as nearly as possible at right angles, except where topography or other natural conditions justify a variation. However, in no instances shall two streets intersect at an interior angle of less than 75 degrees without written consent of the City Engineer.
- G. Multiple Intersections: Intersections involving the junction of more than two streets shall be avoided whenever possible.
- H. Intersection Curvature: When connecting streets deflect from each other with an interior angle of less than 75 degrees they shall be connected by a curve with a radius adequate to ensure a sight distance of not less than 200 feet for local and collector streets, and of such greater radii as the City Engineer shall determine for arterial streets.



- I. Curb Radii and Vision Triangle: Street pavement at intersections shall be rounded by the following minimum radii:

<u>Street Classification</u>	<u>Minimum Curb Radii</u>
Arterial or Collector	25 feet
Local	25 feet
Local	20 feet

The Planning Commission may set specifications for curb radii, upon advice of the City Engineer, greater than the minimum standards herein.

- J. Offset Streets: Offset streets whose centerlines are separated by less than 200 feet are prohibited.
- K. Reserve Strips: There shall be no reserve strips controlling access to streets. The subdividing of land shall be such as to provide each lot, by means of either a public street or way or permanent easement, with satisfactory access to an existing public highway or street.
- L. Private Streets: There shall be no private streets platted in any subdivision. Exception: under a Planned Unit Development proposal private streets may be accepted with secure assurances of their continued maintenance.
- M. Shared Access - Travel Easements: The Planning Commission may recommend a *Travel Easement* to be substituted for a public street where it is deemed necessary or advantageous. Such easement shall include covenants, running in favor of the City related to future construction and maintenance, and shall be designed to the proper standards as set out in these regulations, unless otherwise allowed by the Planning Commission. Travel easements are to be for the shared access (driveway) by not more than two lots.
- N. Half Streets: Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- O. Visibility: Clear visibility, measured along the centerline of a street, shall be provided for at least 200 feet on all streets.



P. Access to Arterials:

1. Where a proposed commercial or industrial subdivision borders on or contains an existing or proposed limited access arterial, the Planning Commission may require a street system design which affords separation of through and local traffic. This may be accomplished through reverse frontage lots with access control provisions along the rear property line, deep lots with rear service areas, or frontage roads. Frontage roads are discouraged.
2. Where a residential subdivision of more than four lots borders on or contains an existing or proposed arterial street, the Planning Commission may require that access to such streets be limited by any of the following means:
 - a. The subdivision of lots so as to back onto the arterial street and front onto a parallel local street. No access shall be provided directly to any lot from the arterial street, and screening shall be provided by the developer in a screening easement along the rear property lines of such lots.
 - b. A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the street lines of their terminal lots backing onto the arterial street. No direct access to the arterial street shall be allowed.
 - c. A marginal access road, known as a frontage road, separated from the arterial street by a ten foot wide planting or grass strip, and having access at suitable points. Frontage roads are discouraged.

Q. Railroad Right-of-Way: Where a subdivision borders on or contains a railroad right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land, such as for park purposes in residential districts or for commercial and industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

R. Dead-end Streets and Cul-De-Sacs: Permanent dead-end streets shall be cul-de-sacs. A cul-de-sac shall be no longer than 600 feet in length, measured along the centerline of the cul-de-sac from the centerline of the intersecting street to the radius point, and shall have an adequate turnaround with a minimum 60 foot radius right-of-way at the closed end. Temporary dead-end



streets longer than 100 feet intended to be continued for access to adjoining property shall have a temporary turnaround area to provide service equal to the cul-de-sac requirement stated above.

- S. **Right-of-Way and Street Widths:** In order to provide for streets of suitable location, width and improvements to accommodate future traffic and afford satisfactory access for emergency and service vehicles, and to coordinate streets to as to develop a convenient system that avoids undue hardships to adjoining properties, the following design standards are hereby required. Street classifications may be indicated on the Sustainable Comprehensive Plan or other plans or standards as adopted, or shall be as determined by the Planning Commission.

Minimum Right-of-Way (in feet)

	Residential	Non-Residential
Arterial	80	80
Collector	60	60
Local	50	60
Cul-de-sac	50	60

Minimum Paved Width Back of Curb to Back of Curb (in feet)

	Residential	Non-Residential
Arterial	40*	60*
Collector	31*	40*
Local	31*	31*
Cul-de-sac	31*	31*

*With concrete 6" Vertical Curbs

- T. **Parking and Sidewalk Requirements:** The following shall be required improvements accommodating on-street parking and sidewalks:

On-Street Parking & Sidewalk Requirements

	Parking	Sidewalks
Arterial	None permitted	On both sides
Collector	Case-by-case	On both sides
Local	One side only*	On both sides
Cul-de-sac	One side only*	On both sides

* Determined by City Engineer based on street pavement width.



- U. Bicycle Paths: Where streets have a design and posted speed limit of over 35 mph, bicycle paths or lanes will be provided in addition to sidewalks. A 10 foot wide combined bike-pedestrian path on one side of a street allows sidewalks to be combined with bike paths.
- V. Street Widths: In front of areas designated and zoned for a commercial or industrial use, or where a petition for a change in zoning is contemplated for a commercial or industrial use, to permit such use, the street width shall be increased by such amount on each side deemed necessary by the Planning Commission to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide safe parking space for such commercial or industrial districts.
- X. Centered Improvements: The improved portion of streets shall be centered within the right-of-way, except in cases where the Planning Commission may allow otherwise.
- Y. Vertical Curves: Vertical curves are required for changes in grade greater than one percent.
- Z. Reverse Curves: A tangent shall be provided between all reverse curves of a sufficient length, as related to the radius of the curves, so as to provide for a smooth flow of traffic.
- AA. Road Grades: No street grade shall be greater than five percent nor less than one half of one percent.
- BB. Street Names: Streets which are substantially in alignment with existing streets shall, unless otherwise illogical or due to severe directional change, bear the names of the existing streets. The names of such new streets shall be approved by the Planning Commission.
- CC. Street Surfacing: All streets shall be constructed according to the standards and specifications of the City as established by and on file with the City Engineer. Use of impervious surfaces is encouraged.

4.3 Alleys

- A. Alleys Required: Alleys shall be provided in commercial and industrial districts, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. Alleys may be required in residential areas to continue existing development patterns.



- B. Width: The minimum width of an alley right-of-way shall be 20 feet.
- C. Grade: All alleys shall be graded to slope to the center line.
- D. Dead-End Alleys: Dead-end alleys are prohibited.

4.4 Block Standards

- A. Lengths: Blocks shall be delineated by intersecting streets at such intervals as to sufficiently provide for cross traffic and to furnish access to existing streets adjoining the new subdivision. In residential districts, no block shall be longer than 900 feet between centerlines of streets, except variations may be allowed in instances where topography or other conditions prohibit compliance.
- B. Design: The configuration of blocks shall be determined with regard given to:
 - 1. Zoning requirements as to lot sizes and dimensions.
 - 2. Provision of adequate building sites suitable to the particular needs of the type of use intended.
 - 3. Topography as it affects storm water drainage and erosion.
 - 4. Need for convenient circulation, access, safety and control of vehicular, bicycle, and pedestrian traffic.
- C. Walkways and Bikeways: Pedestrian walkways and bikeways may be required where deemed necessary by the Planning Commission to provide convenient access to schools, parks, playgrounds or other public or private community facilities. Pedestrian crosswalks, not less than ten feet in width, shall be required where deemed essential by the Planning Commission to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation and other facilities.
- D. Pedestrian and Bicycle Easements: Pedestrian and bicycle easements not less than ten feet in width shall be dedicated to the public through blocks where deemed essential by the Planning Commission to provide pedestrian access to schools or other community facilities and attractions. These easements shall be provided with walkways and said walkways shall be constructed in a manner approved by the City Engineer.

**4.5 Lots**

- A. Frontage Requirements: Every lot shall have frontage on a street at least equal to the requirements of the zoning district in which it is located; except those lots fronting on the end of a cul-de-sac, which shall meet the frontage requirements as measured on a radius at the front yard setback line, and except those lots served by an approved travel easement and shared drives.
- B. Size: The size, width, depth, shape and orientation of lots and any minimum building setback lines shall be appropriate to provide safe and adequate building sites based upon the location of the subdivision and for the type of development and use intended. At a minimum, lots shall have dimensions and sizes and provide for space requirements no less than as required by the Greensburg Sustainable Zoning Ordinance.
- C. Side Lot Lines: All side lot lines shall be at right angles to straight street lines and radial to curved street lines where practicable.
- D. Commercial/Industrial Lots: Lots reserved or laid out for commercial and/or industrial purposes shall be of adequate size to provide for the off-street service and parking facilities required by the type of use, zoning district and development contemplated.
- E. Double Frontage: Double frontage lots shall be avoided for single-family residential dwellings except where the lots abut upon a limited access highway or arterial street, or where the topography of the land prevents reasonable subdivision into additional lots. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
- F. Major Streets: When possible, lots intended for residential use facing on major streets shall be avoided. It is preferable that the sides or backs of such lots adjoin major streets with the vehicular egress from such lots being oriented to a minor street.
- G. Corner Lots: Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both streets and to provide adequate corner visibility.
- H. Addressing of Lots: House numbers shall be assigned to each lot by the Zoning Administrator and shall be displayed and legible in accordance with City standards.



- I. Vistas: Due consideration will be given to protect significant vistas within residential subdivisions. See Section 4.13.

4.6 Easements

- A. Utility: Permanent easements shall be provided where necessary for the location and servicing of utility poles, wires, conduits, storm and sanitary sewers, water and gas mains and other public utilities. Utility easements located along rear lot lines shall measure at least 20 feet wide. Utility easements located along side lot lines shall measure at least 10 feet wide along such side lot lines; provided, whenever utility easements are located around the perimeter of the area to be subdivided, they shall be contained wholly within such area. Utility easements located along front lot lines shall measure at least 10 feet wide. No utilities shall be buried within the driving surface of the street unless a continuation of such.
- B. Drainage: A drainage easement may be required for a proposed subdivision which is traversed by a watercourse, drainage way, wetland, or drainage channel. Such easement shall conform substantially to the lines of such watercourse and shall be 100 feet to either side of the banks of an established watercourse or edge of a recognized wetland (or 50 feet beyond the established one percent flood hazard area). Drainage ways that are not established watercourses shall be of such width as necessary for proper drainage and control of runoff, and with such buffer as needed to control pollution of the surface and groundwater.
- C. Travel Easements/Shared Drives: Travel easements and shared drives may be required in accordance with the provisions of this Article. See Section 4.9 and Subsection 4.2.M.
- D. Pedestrian and Bicycle Easements: Pedestrian and bicycle easements may be required in accordance with the provisions of this Article.
- E. Aviation Easements and Other Restrictions: Land located within the vicinity of established flight paths and noise impact areas of public-owned or controlled airports, as determined by the Planning Commission, shall be required to grant a permanent aviation easement to the public. All aviation easements shall allow aircraft to operate within the "navigable airspace" as defined by the Federal Aviation Act of 1958, as amended. Consistent with FAA Regulations, the Planning Commission may disapprove a plat, or portion thereof, which could create a hazardous situation for air traffic and the general public resulting from development and construction of a project.



4.7 *Drainage*

- A. Drainage Plans: The developer shall include a drainage plan, and shall design storm water facilities according to the Storm Drainage Master Plan for the City as applicable. Drainage plans shall include, but are not limited to:
1. A complete drainage-area map showing the natural drainage area boundaries, direction of surface flow, any large impervious areas, existing and proposed streets, man-made or natural obstructions to be avoided for storm drainage locations, runoff calculations for existing and for developed conditions, and proposed inlet locations.
 2. A grading design so that drainage from each lot should flow directly to a channel or retention/detention area without crossing more than four adjacent lots or 400 feet, whichever is less. Drainage easements will be indicated as appropriate.
 3. Retention/Detention Facilities: The developer shall install retention/detention facilities when determined necessary by the City Engineer in accordance with the Storm Drainage Master Plan for the City, as applicable. Retention facilities are preferred over detention measures. Retention facilities hold water for long periods of time while detention facilities are designed to slow the rate of runoff.
- C. Storm Sewers: The dedicated street right-of-way and dedicated drainage easements may be utilized for storm sewer facilities.
- D. Natural Drainage: Rain gardens, bioswales, and natural swales are preferred over storm sewers to control stormwater runoff.

4.8 *Water and Sewer Facilities*

- A. Water and Sewer:
1. All subdivisions located either within the City limits or in areas to be annexed by the City shall have water and sanitary sewer systems designed to the standards of the City Engineering Department. Proposed subdivisions within 500 feet of existing public systems shall connect to the systems.
 2. Subdivisions outside the City limits but within the jurisdiction of these regulations may have individual or private systems approved by Kiowa County and/or the Kansas Division of Health and Environment.



- B. Fire Hydrants: Fire hydrants shall be located on all streets at least every 400 feet when the development is being or is proposed to be served by City water. The Planning Commission may require the location of hydrants closer than 400 feet based on the recommendation of the Fire Chief.
- C. Location: Water and sanitary sewer systems may be located within the dedicated non-pavement street right-of-way.

4.9 Shared Drives & Ghost Platting

- A. Travel Easements & Shared Drives: When a proposed subdivision involves lots of one acre or more in area, and where streets are proposed without curbs, a travel easement will be provided for two adjoining lots to share one drive approach. No more than one driveway is allowed for each non-agricultural lot.
- B. Ghost Plats: When a proposed subdivision involves lots of one acre or more in area, a *ghost plat* for those lots will be drawn out and filed with the City. Consideration shall be given to the design and layout of the subdivision to any re-subdividing that might take place in the future, with proper provision being made for such street extensions and utility improvements as may be necessary.

4.10 Public Sites and Open Spaces

Where deemed necessary by the Planning Commission, upon consideration of the particular type of development proposed in the subdivision, the Planning Commission may require the dedication or reservation of such other areas or sites of a character, extent, and location suitable to the needs created by such development for schools, parks, and other public or open spaces. The requirement of the dedication of such public sites and open spaces by the Planning Commission shall not constitute an acceptance of the dedication by the City Council without following the process for such acceptance.

4.11 Bench Marks, Corner Monuments, and Other Markers

- A. Bench Marks:
 - a. All elevations shown on plats shall be based on USGS.
 - b. The permanent bench mark location and description that is used to extend datum to the project shall be noted on the Preliminary Plat and Final Plat.



- B. Monuments: Monuments shall be installed in the subdivision in accordance with the minimum standards established by the Kansas Society of Land Surveyors as adopted by Kansas statutes.
- C. U.S. Government Corners: Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a copy of the completed survey and references to the corner or accessory with the Department of Archives, Kansas State Historical Society and with the County Surveyor. Such survey shall be filed within 30 days of the date the references are made.
 - 1. Any altered, removed, damaged or destroyed corner shall be restored.
 - 2. Whenever such a corner or any related accessory is restored, re-established or replaced due to construction activities, a restoration report shall be filed with the Department of Archives, Kansas State Historical Society as specified in K.S.A. 21-3724, as amended.
- D. Existing Markers: At any time during construction of the subdivision, if a stone marker should be found, the developer shall establish and report appropriate reference ties to the stone to facilitate the location of the stone in the future.

4.12 Community Assets

In all subdivisions, due regard shall be given to the preservation of any historical sites, natural drainage courses, areas of particular aesthetic value, and large and/or valuable trees.

4.13 Vistas

Due consideration shall be given to views from residential lots. Views to be protected include natural topographic features such as hills, valleys, and watercourses. Views also include western Kansas sunsets. Staggered lot lines across the street from each other are a measure to protect vistas.

4.14 Restrictive Covenants

A. Definitions

- 1. Covenant, Restrictive. Private contracts entered into between the developer and purchaser(s) which constitute a restriction on the use of all private property within a development for the benefit of property owners, and



provide a mutual protection against undesirable aspects of development which would tend to impair stability of values.

2. Deed Restriction. A private legal restriction on the use of land, attached in the deed to a property. A deed restriction is most commonly used in the establishments of a subdivision to restrict the use of all individual lots in the development to a certain types of uses (e.g., single-family dwellings).
 3. Homeowners Association. A community association, which is organized in a development such as a subdivision in which individual owners share common interests. Often a homeowners association will have policies, standards, and/or rules for exterior appearance of private properties and grounds.
- B. When Required. If there are any common grounds or facilities within a development, a homeowners association is required for their maintenance.
- C. Process. A copy of any proposed restrictive covenants, deed restrictions, and/or homeowners association policies, standards, and/or rules will be provided with a preliminary and final plat subdivision submittal. The City has no control over enforcement of such after plat approval.
- D. Mandatory Provisions. Proposed restrictive covenants, deed restrictions, and/or homeowners association documents will:
1. Allow the use of water conserving landscaping.
 2. Permit xeriscaping alternatives to turf grasses.
 3. Provide for water harvesting systems including rain barrels.
 4. Permit small scale horticulture.
 5. Allow small scale wind energy systems in compliance with adopted city codes.
 6. Allow small scale passive and active solar energy systems in compliance with adopted city codes.
 7. Address solar orientation and access to solar energy.
 8. Permit outdoor clothes drying in rear yards.
 9. Allow composting of waste in rear yards.

**ARTICLE 5 REQUIREMENTS FOR IMPROVEMENTS***(back to contents)***SECTIONS:**

- 5.1 *Applicability***
- 5.2 *Required Improvements***
- 5.3 *Financing***
- 5.4 *Relation To Plat Approval***
- 5.5 *Relocation Of Existing Facilities***
- 5.6 *Acceptance***
- 5.7 *Building Permits***
- 5.8 *Off-Site Improvements***

5.1 *Applicability*

Prior to and as a condition of approval of any final plat by the City Council, the developer shall have installed or agree to install or provide for the installation of certain improvements within the proposed subdivision. Such improvements installed by the developer shall comply with the standards and specifications of the City, utility company, or public agency having jurisdiction and shall be subject to any applicable surety requirements to guarantee their proper installation.

5.2 *Required Improvements*

Every developer shall install, or through the appropriate public agency and/or utility company provide, for the installation of the following improvements in accordance with the conditions and specifications required herein.

- A. City of Greensburg Utilities: When within 500 feet of existing City of Greensburg public utilities a development must connect to that utility.
 - 1. Water Supply:
 - a. For all projects, the developer shall contract with the City of Greensburg Water Department to make the water supply available for each lot within the subdivided area.
 - b. The developer shall contract with the City of Greensburg for the installation, maintenance, and operation of fire hydrants in accordance with the City requirements.



- c. All water supply plans and profiles shall be subject to the approval of the Kansas Department of Health and Environment.
- 2. Sanitary Sewer System:
 - a. All subdivisions within 500 feet of an existing City sanitary sewerage system shall connect to that system. All connections shall be subject to the approval of the City.
 - b. All sanitary sewer plans and profiles shall be subject to the approval of the Kansas Department of Health and Environment.
- 3. Electricity Distribution:
 - a. For all projects, the developer shall contract with the City of Greensburg Utilities Department to make the electric distribution available for each lot within the subdivided area. For areas outside the City's electric distribution, the subdivider shall contact that electricity provider.
 - b. The developer shall contract with the City of Greensburg (or the electricity provider when outside the City's area) for the installation, maintenance, and operation of the electric distribution system and street lights in accordance with the City requirements.
- B. Private Utilities

In unincorporated areas under the jurisdiction of these regulations private utility systems may be permitted when not within 500 feet of a public utility.

 - 1. Water Supply:
 - a. Individual wells are subject to approval by the Kiowa County Sanitarian.
 - b. Community water supply systems are subject to approval by the Kansas Department of Health and Environment. All water supply plans and profiles shall be subject to the approval of the Kansas Department of Health and Environment.
 - 2. Sanitary Sewer System:
 - a. Individual septic systems are subject to approval by the Kiowa County Sanitarian.



- b. Community sanitary sewer plans and profiles shall be subject to the approval of the Kansas Department of Health and Environment.
- C. Provision for Storm Drainage: The developer shall make adequate provision for the control and discharge of storm water from the platted area and in doing so shall give consideration to the alternatives and principles of storm water management. When necessary, the construction of storm sewers shall be properly integrated with any existing storm sewer system and shall provide for the anticipated extension of said system to serve additional areas. The storm drainage plan and subsequent installation of culverts, storm sewers, stabilization ditches, storm water detention or retention ponds and other improvements shall follow accepted engineering standards and principles of design and construction. All storm drainage plans shall be prepared by a registered engineer of the State of Kansas and shall bear the seal of said registered engineer and must receive approval of the City Engineer. Rain gardens, bio-swales, and detention facilities are preferred.
- D. Provisions for Streets: The developer shall provide for the improvement of all new streets within the platted area. Such street improvements should adequately reflect the classification of the particular street, its location and anticipated volume of traffic. All grades, drainage facilities and surfacing requirements shall be constructed according to the standards and specifications of the City. All street plans, profiles and specifications shall be submitted to and approved by the City Engineer. Final acceptance of the construction of said streets shall be made by the City Engineer.
- E. Inspections: All construction and installation shall be inspected by the City Engineer. The developer shall pay for inspection personnel furnished by the City, under the supervision of the City Engineer, on all improvements constructed by the developer as contractor or subcontractor.
- F. Installation of Utility Lines & Appurtenances: The developer shall be responsible for making the necessary arrangements with the appropriate utility companies for the installation of utility lines and appurtenances. The installation of such utilities shall be done in such a manner as to not interfere with other underground utilities and their installation shall be coordinated through the City Engineer. Underground utility lines which cross underneath the right-of-way of a street shall be installed prior to the improvement of any such street in order to reduce the damage caused by street cuts. Incidental appurtenances, such as transformer enclosures and meter boxes,



shall be located so as not to be hazardous to the public and shall be approved by the City Engineer.

- G. Installation of Monuments: The developer shall install monuments within the area to be subdivided. Such monuments shall be installed in accordance with the minimum standards established by the Kansas Society of Land Surveyors as adopted by Kansas statutes.
- H. Exceptions: All improvement requirements as set out within this Article shall be provided for in all subdivisions with the following exceptions:
 - 1. Upon specific request from the developer and concurrence of the City Council, certain improvements may be waived. Such waiver may include, but not be limited to, instances where the proposed subdivision is a resubdivision and/or concerns an area presently having any or all the required improvements as set out in this Section 5.2 and where such improvements comply with the requirements of this Section and are in acceptable condition as determined by the City Engineer.
 - 2. The City Council may make other reasonable requirements for dedications or installations of public improvements or facilities deemed necessary to meet the public needs caused by the new subdivision. Such additional requirements may include, but not be limited to, the provision of park or open space land as is warranted by the reasonably foreseeable future population and use of the area as a result of the proposed subdivision.

5.3 Financing

In lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in these regulations prior to final plat approval, the City may: Accept a financial guarantee whereby the subdivider shall agree to complete all required improvements; or the City may establish a special benefit district to finance the subdivision improvements.

With a properly executed developer's agreement setting out financing of improvements by either above method, the developer may proceed to submit a final plat for approval.

- A. Benefit District Financing: A method for financing proposed improvements and a breakdown of anticipated costs shall be submitted after preliminary plat approval. This shall be



accomplished by filing a Developer's Agreement or a Benefit District Petition, and shall be required for all subdivisions of land except for Lot Splits which require no improvements. The City Council shall have sole responsibility to accept or reject the Developer's Agreement or Benefit District Petition. Financing methods may include, but are not limited to, the following guarantees.

1. Petition for Establishment of a Benefit District: The percentage split of costs shall be based on the policy and budget established by the city Council. The City may decide not to participate in Benefit Districts that do not comply with the Capital Improvements Program or those which are inconsistent with the Comprehensive Plan. The City may have limited funds for such benefit districts.
 2. Benefit District Surety Bonds: The developer shall provide the City Engineer with all calculations and information needed to check the cost estimates of said improvements. This cost shall be estimated by the developer and shall be verified by the City Engineer. The developer shall then be required to obtain a security bond from a surety bonding company authorized to do business in the State of Kansas. The bond shall be made payable to the City of Greensburg or Kiowa County, as appropriate, and shall be at least 35 percent of the total improvement costs, unless a higher percentage is recommended. Financial assurance in a form other than a bond may be accepted by the City Council. The duration of the bond shall be until such time as the improvements are completed, inspected and accepted by the City.
 3. Surety Bond Alternatives: Other financing methods may include cash or collateral, Escrow Accounts, Property Escrow Accounts, or any other guarantee the City Council shall deem acceptable.
- B. Developer's Agreement Financial Guarantee
- In lieu of requiring the completion, installation and inspection of all or any part of the required improvements as described in these regulations prior to final plat approval, the City may accept a financial guarantee whereby the subdivider shall agree to complete all required improvements. Once the security required herein is provided, the final plat may be approved if all other requirements of these regulations are met. To secure this procedure, the subdivider shall provide either of, or a combination of, the following guarantees to cover the costs of the proposed improvements:



1. The subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the City or in escrow with a financial institution. The use of any instrument other than cash shall be subject to the approval of the City. The amount of deposit shall be equal to 110 percent of the estimated cost, as approved by the Zoning Administrator, of installing all required improvements. The initial cost estimate shall be the responsibility of the subdivider and certified by his engineer, but the approval of the final cost estimate shall be made by the City Engineer and Zoning Administrator.
2. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the City an agreement between the financial institution and himself guaranteeing the following:
 - a. That said escrow account shall be held in trust until released by the City and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
 - b. That in the case of a failure on the part of the subdivider to complete said improvements within the time allotted, the financial institution shall, upon notification by the City and submission by the City to the financial institution of an estimate of the amount needed to complete the improvements, immediately either pay to the City the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the City any other instruments, readily convertible to cash, fully endorsed or otherwise made payable in full to the City.
3. The developer and City will execute a developer's agreement which will specify the financial responsibilities of each regarded the subdivision improvements.
4. Duration of Financial Guarantees.
 - a. The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed 24 months.



- b. All developments for which public improvements are not completed and accepted at least thirty days prior to the expiration of the financial guarantee shall be considered to be in default, unless said guarantee is extended with the consent of the Zoning Administrator to a future date not to exceed 12 months.
- C. Default: The City Council may, upon advice of the City Engineer, find that the developer is in default of the Subdivision Improvements Agreement or Benefit District stipulations. Such finding shall occur at a regularly scheduled meeting of the City Council. Two weeks prior to such scheduled meeting, the developer shall be notified by registered mail of possible default proceedings. At the meeting the developer shall be given the opportunity to rebut findings of default.

Defaulting results from:

 - 1. Improper construction standards and specifications.
 - 2. Failure to install agreed upon improvements.
 - 3. Construction of improvements not according to agreed upon time schedule, allowing for unexpected or unavoidable delays.
 - 4. Other financial and/or contractual conditions which might lead to the developer being unable to complete the agreed upon improvements.
- D. Default Proceedings: The City Council may find the developer not in default, extend the time limit, or:
 - 1. Should the City Council find the Developer's Agreement to have been violated, it may liquidate the improvements guarantee, in whatever form it takes, and apply the proceeds of this guarantee to the construction of the improvements set out in the Developer's Agreement.
 - 2. Should the proceeds of the guarantee not be sufficient to cover the costs of said improvements, the City Council may assess to the developer, property owners, or both, the construction costs of the improvements that exceed the amount provided by the developer. This may take the form of a lien against the property covered in the Subdivision Improvements Agreement.
 - 3. Should the proceeds of the guarantee exceed the actual cost of the improvements, and any cost incurred in the



default procedures, the City shall return the unexpended balance to the individual named on the Developer's Agreement as the one having secured the guarantee.

- D. Guarantee release: When all improvements have been completed and have been inspected, approved and accepted, the city shall authorize the release of the guarantee. Partial releases may be made based on the amount of inspected work completed, with at least 15 percent held until final acceptance.

5.4 *Relation to Plat Approval*

- A. Adequate Public Facilities: Prior to approval of the Preliminary Plat, the Planning Commission shall find that sufficient public facilities and services are either available, shall be available within a reasonable time as programmed in the Capital Improvements Program, or shall be provided by the developer in accordance with the requirements of these regulations to adequately service the type of subdivision and development being proposed.
- B. Subdivision Improvements: When the construction or installation of street improvements, sidewalk improvements, public water supply, sanitary sewer systems, storm sewer systems or other drainage improvements, or other facilities is required to serve the proposed development within a subdivision, a prerequisite for the consideration of the Final Plat shall be the submission of a Benefit District Petition or a Developer's Agreement specifically setting forth the extent, time schedule, and method of financing such construction or installation as proposed by the owner or developer. The Benefit District Petition or the Developer's Agreement shall contain sufficient information to make a determination that the proposed construction or installation shall meet or exceed the standards set forth in the Subdivision Regulations herein. A phased construction time schedule may be recommended by the Planning Commission, subject to City Council approval, which is based on the owner's or developer's estimate of the pace at which development will proceed within the subdivision.
- C. Final Approval: Any approval required under this section does not obligate the Planning Commission to approve the proposed plat if the Planning Commission finds the overall development to be inconsistent with any established policies and plans.

**5.5 Relocation of Existing Facilities**

- A. Financial Obligations: Whenever any existing improvements and/or utilities are required to be relocated or upgraded due to the subdivision or construction of improvements required as a condition for approval of the subdivision plat, and in the event such was not known at the time of initial construction, the costs of such relocation or upgrading shall be the sole responsibility of the new subdivision. Franchise agreements between the City and private utilities in effect at the time of construction, may dictate the responsibility for absorbing costs associated with relocating or repairing utility lines. Responsibility may also depend on whether the relocation or repair is a private or public benefit.
- B. Duplication of Improvements: Where the proposed subdivision is a resubdivision or concerns an area presently having any or all required improvements as set out above, and where such improvements meet the requirements of these regulations and are in good condition as determined by the City Engineer, no further provision need be made by the developer to duplicate such improvements. The developer shall provide for the repair, correction or replacement of improvements so that all improvements will then meet the said requirements.
- C. Street Widening or Reduction: Where the proposed subdivision is a resubdivision or concerns an area presently abutting or containing any existing public street or less than the minimum required right-of-way width or roadway width, land shall be dedicated so as to provide a minimum street right-of-way width established by these regulations and/or City policy. The developer of such proposed subdivision shall provide an additional roadway pavement meeting the minimum standards set by these regulations and the City Engineer. The City Engineer shall determine what adjustment to make where the widenings merge with existing streets which are of smaller width at the boundary of such proposed subdivision. The City Engineer may approve reduction of the minimum roadway width, as required by these regulations, to match an existing roadway system where physical consideration warrants such action.

5.6 Acceptance

No improvements may be accepted until the City Engineer has inspected said improvements and certified that they meet the applicable standards.

**5.7 *Building Permits***

No building or other development permits may be granted until the Final Plat has been approved and recorded.

5.8 *Off-Site Improvements*

The Planning Commission may, upon advice and findings, require the developer to submit a Developer's Agreement or a Benefit District Petition, in accordance with the provisions of this Article, for the installation or upgrading of off-site improvements if such need is substantially created by a proposed subdivision. Off-site improvements should be within dedicated easements or rights-of-way and serve a public purpose. The financing of such improvements shall be handled as if they were on-site improvements. The City Council may require such subdivision to participate in the following facilities and improvements, or any other off-site improvements as recommended by the Planning Commission, if the need is created by a proposed subdivision:

- Special grading requirements;
- Street improvements;
- Drainage improvements; or,
- Traffic control devices.

**ARTICLE 6 CONSERVATION SUBDIVISIONS***(back to contents)***SECTIONS:**

- 6.1 Purposes**
- 6.2 General Regulations**
- 6.3 Application Requirements**
- 6.4 Open Space**

6.1 PURPOSES

- A. To provide for the preservation of open space as a nonstructural stormwater runoff and watershed protection measure.
- B. To provide a residential setting that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- C. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- D. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- F. To promote interconnected greenways and corridors throughout the community.
- G. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- H. To encourage street designs that reduce traffic speeds and reliance on main arterial streets.
- I. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.



- J. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and view of open space.
- K. To preserve important historic and archaeological sites.

6.2. General Regulations

Applicability of Regulations. Conservation Subdivisions are available in the following zoning districts as a use by right in the R-1A and R-1B Single Family Residential districts. The applicant shall comply with all other provisions of the Sustainable Land Development Code and all other applicable laws, except those that are incompatible with the provisions contained herein

- A. Ownership of Development Site. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownerships. If held in multiple ownerships, however, the site shall be developed according to a single plan with common authority and common responsibility.
- B. Housing Density Determination. The maximum number of lots in a Conservation Subdivision shall be determined using the following calculation method:

Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the net acreage of the parcel:

- a. slopes over 5 percent of at least 5,000 square feet contiguous area;
- b. the 100-year floodplain
- c. bodies of open water over 5,000 square feet contiguous area;
- d. wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or
- e. anticipated right-of-way needs for roads and utilities.



C. Development Standards.

Minimum Tract Size	10 Acres
Minimum Lot Size	5,000 sq. ft.
Minimum Front Yard Setback	25 ft.
Minimum Side Yard Setback	6 ft.
Minimum Rear Yard Setback	20 ft.
Minimum Lot Width	50 ft.
Minimum Access Easement to Open Space	10 ft.
Minimum Open Space Area Required	40% of the Gross Land Area

6.3 Application Requirements

A. Site Analysis Map Required. Concurrent with the submission of a site concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary site plan shall include the following features:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours of no less than 2-foot intervals;
4. All Conservation Areas labeled by type, as described in Section 6.4 of this Article;
5. General vegetation characteristics;
6. General soil types;
7. The planned location of protected open space;
8. Existing roads and structures; and,
9. Potential connections with existing and proposed open space and trails.

B. Open Space Management Plan Required. An open space management plan, as described in Section 6.4, shall be



prepared and submitted prior to the issuance of a land disturbance permit.

- C. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 6.4, shall be placed on the Open Space concurrent with the issuance of a land development permit.
- D. Other Requirements. The application proposal shall adhere to all other applicable requirements of the zoning district and the subdivision ordinance.

6.4 Open Space

Definition. Open space within a conservation subdivision is the portion of the land that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.

- A. Standards to Determine Open Space.
 - 1. The minimum restricted open space shall comprise at least 40% of the gross tract area.
 - 2. The following are considered Primary Conservation Areas and are required to be included within the open space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article.
 - a. The regulatory 100-year floodplain and at least a 50 foot buffer zone;
 - b. Buffer zones of at least 100 ft width along all perennial and intermittent streams;
 - c. At least a 100 foot buffer around wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
 - d. Populations of endangered or threatened species, or habitat for such species;
 - e. Historical sites, archaeological sites, cemeteries and burial grounds;
 - f. Other significant natural features and scenic viewsheds such as ridge lines, sand hills, peaks and rock outcroppings, particularly those that can be seen from public roads;



- g. Prime agricultural lands of at least ten acres contiguous area; and
 - h. Existing and proposed trails that connect to neighboring areas.
- 3. Above-ground utility rights-of-way and small area of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
- 4. At least 50 percent of the Open Space shall be in a contiguous tract. The Open Space should adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
- 5. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
- C. Permitted Uses of Open Space. Uses of open space may include the following:
 - 1. Conservation of natural, archaeological or historical resources.
 - 2. Meadows, wetlands, wildlife corridors, game preserves, or similar conservation oriented areas.
 - 3. Walking or bicycle trails, provided at least 50% are constructed of pervious paving materials.
 - 4. Passive recreation areas.
 - 5. Active recreation areas, provided that they are limited to no more that 10 percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.



6. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts.
 7. Nonstructural stormwater management practices.
 8. Easements for drainage, access, and underground utility lines.
 9. Other conservation-oriented uses compatible with the purposes of this Article.
- D. Prohibited uses of Open Space.
1. Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections; and
 2. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
- E. Ownership and Management of Open Space.
1. Ownership of Open Space. The applicant will identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
 2. Management Plan. The applicant shall submit a Plan for Management of open space and common facilities ("Plan") that:
 - a. allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - b. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;



- c. provides that any changes to the Plan be approved by the Planning Commission and City Council; and,
 - d. provides for enforcement of the Plan.
 - 3. Enforcement. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City Council may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- F. Legal Instrument for Permanent Protection.
- The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
- 1. A permanent conservation easement in favor of either:
 - a. a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - b. a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Greensburg or Kiowa County, then a third right of enforcement favoring the City of Greensburg or Kiowa County shall be included in the easement;
 - 2. A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,
 - 3. An equivalent approved legal tool that provides permanent protection.
 - 4. The instrument for permanent protection shall include clear restrictions on the use of the Open Space.



These restrictions shall include all restriction contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.

**ARTICLE 7 ADMINISTRATION***(back to contents)***SECTIONS:**

- 7.1 *Rule Exceptions***
- 7.2 *Appeals***
- 7.3 *Penalty for Violations, Actions***
- 7.4 *Validity***
- 7.5 *Accrued Rights and Liabilities Saved***
- 7.6 *Severability***
- 7.7 *Effective Date***
- 7.8 *Repealing Clause***

7.1 *Rule Exceptions*

The standards and procedures required in these regulations shall be interpreted and applied literally in the case of all subdivision plats submitted after the date of the adoption of these regulations. In case, however, of hardship caused by size, location or configuration of land, topography or other factors which affect a specific tract or subdivision or portion thereof, the applicant may request a rule exception from one or more of the requirements contained herein. A rule exception may be requested, on forms provided, at the time of filing of the preliminary or final plat application. A rule exception may be approved by the City Council upon recommendation of the Planning Commission, provided, that in its judgment, such action will not violate the public interest, unnecessarily burden the City, or will annul the intent and purpose of these regulations.

7.2 *Appeals*

Any decision of the Planning Commission or the Zoning Administrator on matters contained herein may be appealed to the City Council who may reverse or affirm such decision.

7-3 *Penalty for Violations, Actions*

The violation of any provision of these regulations shall be deemed a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed \$500.00 or imprisonment for not more than six months. Each day of violation shall constitute a separate offense. The City Council shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of these regulations and to abate nuisances maintained in violation thereof; and in addition to other remedies,



institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of any building, structure or land.

7.4 *Validity*

If any section, paragraph, subdivision, clause, phrase, or provision of these regulations shall be ruled invalid or held unconstitutional, the same shall not affect the validity of these regulations as a whole or any part or provision thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

7.5 *Accrued Rights and Liabilities Saved*

The repeal of ordinances provided in Section 7.8 herein, shall not affect any rights accrued, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances below repealed are hereby continued in force and effect, after the passage, approval and publication of these regulations, for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

7.6 *Severability*

Each article, section, and subdivision of a section of these regulations is hereby declared to be independent of every other article, section, or subdivision of a section, so far as inducement for the passage of these regulations is concerned.

7.7 *Effective Date*

These regulations, being designated as the "Sustainable Subdivision Regulations of Greensburg, Kansas", shall be in full force and effect from and after its passage and publication in accordance with K.S.A 12-3009 through 12-3012.

7.8 *Repealing Clause*

These regulations repeal all previous Subdivision Regulations of Greensburg, Kansas, in their entirety.

**ARTICLE 8 DEFINITIONS**[\(back to contents\)](#)

For the purpose of these regulations, certain terms and words are hereby defined. Words used in the present tense shall include both the past and the future, and words used in the future tense shall include the present. Words in the singular number shall include the plural and words in the plural number shall include the singular. The word *building* shall include the word *structure*; the word *dwelling* shall include the word *residence*; the word *lot* shall include the word *plot*; the word *person* shall include individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities. The words *shall* and *will* are mandatory and not directory while the word *may* is permissive. The phrase *used for* shall include the phrases *arranged for*, *designed for*, *intended for*, *maintained for*, and *occupied for*. Words or terms not herein defined shall have their ordinary and customary meaning in relation to the context.

ACCESS: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

ADMINISTRATIVE OFFICER: See ZONING ADMINISTRATOR.

ALLEY: A public or private thoroughfare which provides only a secondary means of access to abutting property.

APPLICANT: The owner of a tract of land, or his duly designated representative, for which an action has been requested.

ARTERIAL STREET: A thoroughfare which primarily serves as a transportation link for vehicular traffic and discourages direct access from residential lots.

BIKEWAY: A path for the provision of bicyclists. Under certain conditions in these regulations, a bikeway and walkway may be combined.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads, rights-of-way, shoreline or waterways, or boundary lines of municipalities.

BOND: Any form of security including cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City of Greensburg, Kansas. All bonds shall be approved by the City of Greensburg, Kansas, whenever a bond is required by these regulations.

BOUNDARY SHIFT: A change in the boundary between adjoining lots, tracts or parcels of land that does not create an additional building site; provided such transaction, when completed, shall result in tracts of land or lots which comply with the design requirements for



lots of these Regulations and with applicable provisions of the Greensburg Land Development Code.

CITY: The City of Greensburg, Kansas, or its delegated staff, boards or agencies.

CITY ATTORNEY: The City Attorney, or such licensed attorney designated by the City or the City Attorney, responsible for the prosecution of all violations of these regulations in accordance with the provisions contained herein, and as established by law.

CITY COUNCIL: The elected governing body of the City of Greensburg, Kansas.

CITY ENGINEER: The City Engineer, or such licensed engineer designated by the City or the City Engineer, to provide engineering assistance in administering these and other ordinances and regulations governing areas of normal responsibilities assigned to the City Engineer.

COLLECTOR STREET: A street intended to move traffic from local streets to arterial streets.

CONSERVATION SUBDIVISION: A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

CORNER LOT: A lot abutting upon two or more streets at their intersection.

COUNTY: The Board of County Commissioners of Kiowa County, Kansas, or its delegated staff, boards or agencies.

COUNTY HEALTH OFFICER: The Director of the Kiowa County Health Department, or such person designated to administer the health regulations of Kiowa County, Kansas.

COUNTY SANITARIAN: The officer appointed by the Kiowa County Commission to inspect wells and septic systems in Kiowa County.

CUL-DE-SAC: A local street with only one outlet and having a circular turnaround for the safe and convenient reversal of traffic movement.

DEAD END STREET: A street having only one outlet.

DEVELOPER: The owner, or any other person, firm or corporation authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of subdividing land.

DOUBLE FRONTAGE: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.



EASEMENT: A grant by a property owner to specific persons or the public to use land for a specific purpose or purposes. Also, a right acquired by prescription.

FINAL PLAT: The map, plan or record of a subdivision and any accompanying materials, as described in these regulations. The final plat is the instrument to be recorded with the Kiowa County Register of Deeds as the subdivision plat.

FLAG LOT: A lot, tract or parcel of land that provides minimum frontage to a road or street by a narrow strip of land and whose main body of land lies to the rear of the property.

FRONTAGE:

A. STREET FRONTAGE: All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

B. LOT FRONTAGE: The distance for which the front boundary line of the lot and the right-of-way the street are coincident.

FRONTAGE ROAD: A secondary road parallel to a major road providing access to properties without direct access to the major road.

GOVERNING BODY: The City Council of Greensburg, Kansas.

GRADE: The slope of a road, street or other public way (rise/run), specified in percent (%).

HALF STREET: A street at the edge of a subdivision plat of which only one half of the required right-of-way is indicated; the other one-half to be improved and dedicated when adjacent land is subdivided.

IMPROVEMENTS: All facilities constructed or erected by the developer and/or public entity within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, commercial or industrial use.

LOCAL STREET: A street intended to provide access to other roads from individual properties.

LOT, ZONING: A portion of a subdivision or other parcel of land intended as a unit of ownership and occupied or intended to be occupied by one main building and an accessory building or a complex of buildings, including the open spaces and parking required by these regulations and/or the Greensburg Land Development Code. A zoning lot may be more than one lot of record or may be a metes-and-bounds described tract having its principal frontage upon a street.



LOT OF RECORD: A lot that is part of a duly and legally recorded plat prior to the adoption of these regulations.

LOT SPLIT: The dividing of a lot in a recorded plat into not more than two new building sites or parcels for non-industrial lots; and two or more new building sites for industrial lots which meet the requirements of these Regulations and the Greensburg Sustainable Land Development Code.

MARGINAL ACCESS ROAD: A public or private roadway, generally paralleling and contiguous to a street or highway as a *frontage* road, and generally paralleling rear property lines as a *backage* road, providing access to abutting properties. A marginal access road is designed to promote safety by eliminating unlimited ingress and egress to the principal street or highway by providing points of access at generally uniformly spaced intervals.

MAJOR STREET: An arterial or thoroughfare which primarily serves as a transportation link for vehicular traffic and discourages direct access from residential lots.

METES AND BOUNDS: A method of describing the boundaries of land by directions and distances from a known point of reference.

MINOR PLAT: A map or drawing of a proposed subdivision containing four lots or less giving, in form suitable for filing with the Kiowa County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a complete legal description (including references to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.

MONUMENT: The device, usually a metallic bar or tube, used to mark and identify the corners in the boundaries of subdivisions or lots.

NEXT AVAILABLE MEETING: Items for the Planning Commission and City Council are placed on the next available agenda when all public notice requirements can be met and when city administrative procedures can be followed, in the shortest possible time.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in a tract of land.

OFFSET STREET: A continuous street whose centerline is not tangent through an intersection.

PRELIMINARY PLAT: Drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision.



RESERVE: An area of property within a subdivision which is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities and drainage, floodway, etc. Typically, future ownership and maintenance responsibilities for a reserve is set forth by a restrictive covenant which provides that a homeowners or lot owners association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sales to a public body for a public facility.

RESTRICTIVE COVENANT: A restriction on the use of land traditionally set forth in a deed. Restrictions are also placed of record by separate instruments including homeowner association agreements. The restrictive covenant usually runs with the land.

RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout shown on such map, any area reserved thereon for public use, or if it affects any map or plan legally recorded prior to the adoption of any ordinances or regulations controlling subdivisions. Tract or lot splitting may be allowed as specified within these regulations. A resubdivision is also known as a "replat".

REVERSE FRONTAGE LOT: A lot with front and rear street frontages. See DOUBLE FRONTAGE.

RIGHT-OF-WAY: A strip of land dedicated or reserved for use as a public way, which normally includes streets, sidewalks, or other public utility or service areas.

SETBACK: The distance between a building and the lot line, or road right-of-way line, whichever provides the desired minimum distance.

SIDEWALK: A paved walkway located along the side of a street.

STREET: An easement or right-of-way, other than an alley, which provides principal access to adjacent properties.

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offering same for sale, lease or development, either on an installment plan or upon any and all plans, terms and conditions, including resubdivision. A subdivision includes the division or development of residential and non-residential zoned land, whether by deed, metes-and-bounds description, map, plat or other recorded instrument.



SUBDIVISION, NON-RESIDENTIAL: A subdivision which is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

TRACT OR LOT SPLIT: The dividing or redividing of a lot or tract of land into not more than two tracts or lots, subject to the criteria within these regulations.

TRAVEL EASEMENT: An easement for private vehicular access such as with shared driveways.

WALKWAY: Any pathway surfaced or otherwise, intended for pedestrian use only.

ZONING ADMINISTRATOR: The person or persons authorized and empowered by the City to administer the provisions and requirements of these regulations.