

ZONING REGULATIONS
OF
THE CITY OF RILEY, KANSAS

Table of Contents

SECTION 1 – INTRODUCTION AND PURPOSE..... 3

SECTION 2 – DEFINITIONS 6

SECTION 3 – GENERAL REQUIREMENTS 13

SECTION 4 – A ZONES REGULATIONS..... 15

SECTION 5 – B ZONES REGULATIONS 17

SECTION 6 – C ZONES REGULATIONS 26

SECTION 7 – D ZONE REGULATIONS 31

SECTION 8 – G ZONE REGULATIONS 33

SECTION 9 – H ZONE REGULATIONS 35

SECTION 10 – PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS 38

SECTION 11 – USES NOT LISTED 51

SECTION 12 – ACCESSORY BUIDINGS AND USES 52

SECTION 13 – MINIMUM PARKING AND LOADING REQUIREMENTS 53

SECTION 14 – SIGNS 55

SECTION 15 – FENCES..... 58

SECTION 16 – EXCEPTIONS FOR AREAS AND HEIGHTS 60

SECTION 17 – NONCONFORMITIES..... 61

SECTION 18 – HOME OCCUPATIONS 63

SECTION 19 – UNIVERSAL NUMBERING REQUIRED 65

SECTION 20 – BOARD OF ZONING APPEALS..... 68

SECTION 21 – VARIANCES..... 69

SECTION 22 – SPECIAL USE PERMIT..... 71

SECTION 23 – ADMINISTRATION AND ENFORCEMENT 73

SECTION 24 – AMENDMENTS..... 75

SECTION 25 – REPEAL AND EFFECTIVE DATE..... 77

Appendix A – SUBDIVISION REGULATIONS..... 78

SECTION 1 – PURPOSE, AUTHORITY AND JURISDICTION..... 79

SECTION 2 – DEFINITIONS..... 81

SECTION 3 – GENERAL REQUIREMENTS 83

SECTION 4 – STANDARDS OF DESIGN 84

SECTION 5 – PROCEDURE FOR PLAT APPROVAL 87

SECTION 6 – LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS 90

SECTION 7 – REPEAL AND EFFECTIVE DATE..... 92

ZONING REGULATIONS
OF
THE CITY OF RILEY, KANSAS

SECTION 1 – INTRODUCTION AND PURPOSE

1. These regulations, including the City zoning district maps, made a part hereof, constitute and may be referred to as “The City of Riley Zoning Regulations.”
2. It is the purpose of these regulations to promote the health, safety, morals, economy and general welfare throughout the City of Riley, Kansas. Toward that purpose, these regulations divide the City into districts to regulate the height, number of stories, size of buildings and other structures; the parts of a lot that may be occupied; the size of yards, courts and other open spaces; the density of population; the preservation of features of historical significance, natural resources and agricultural lands; the location and use of buildings, structures and land for trade; industry and residence of other purpose; the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; and to conserve and protect property values throughout the City. These regulations shall not be used as or interpreted as building codes or other similar codes.
3. These regulations are made and adopted in accordance with Kansas Statutes Annotated, Section 12, Article 7 and Articles 4, 5, 6 and 6a for Plats, Additions, Improvements and Assessments and in accordance with the Land Use Plan of the City of Riley, Kansas and are designed to:
 - a. Lessen congestion in the streets
 - b. Secure safety from fire, panic and other dangers
 - c. Promote the general health and welfare
 - d. Provide adequate light and air
 - e. Avoid undue concentration of population
 - f. Facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public services and necessities
 - g. Minimize losses of life and property, health and safety hazards, disruption of services, extraordinary public expenditures and impairment of the tax base due to flooding.
4. For the purposes of these regulations, the City of Riley, Kansas, is divided into the following districts:
 - a. A Zones:
 - A-1 Single Family Residential District
 - b. B Zones:
 - B-1 Two Family Residential District
 - B-2 Multiple Family Residential District
 - B-3 Detached Multiple Family Residential District

c. C Zones:

- C-1 Restricted Business District
- C-2 General Business District
- C-3 Highway Business District

d. D Zones:

- D-1 Industrial and Manufacturing

e. G Zones:

- G-1 General Agriculture District

f. H Zones:

- H-1 General Floodplain District

g. Planned Unit Development Districts

- PUD-Planned Unit Development District

5. The zoning districts are bounded and defined as shown on maps entitled “Official City Zoning Maps” adopted by the City Council and included, by reference, as a part of these regulations. Such maps shall be kept and maintained by the City Clerk and shall be available for public examination and inspection at all times during the regular office hours of the City Clerk. Where uncertainty exists with respect to the boundaries of any of the aforesaid districts on the zoning maps, the following rules shall apply:

6. Where district boundary lines are indicated following streets, roads, alleys or railroads such boundaries shall be construed as following the centerlines thereof.

7. Where district boundary lines are indicated as approximately following lot lines, section lines, or other established land subdivision lines, such district boundaries shall be construed to be such lines.

8. Where a boundary of a district is shown as following a stream, lake or other body of water, such district boundaries shall be construed to be at the centerline of that stream, lake or body of water, unless otherwise specifically indicated.

9. Where a district boundary line is shown at locations other than those described above and no specific dimension or other definition is included, such boundary line shall be determined by using the appropriate scale for that map.

10. Except for agriculture uses which are exempt from the provisions of these regulations, and as otherwise provided herein, it shall be unlawful to use any land or building for any purpose other than what is permitted in the district in which such land or building is located unless a special use permit has been obtained. No building shall thereafter be erected, reconstructed, relocated or structurally altered to have a greater percentage of lot area covered, or have a greater number of facilities, or have narrower or small yards, courts or open spaces than permissible under the limitations set forth herein for the district in which such building is located.

11. Structures, improvements and uses which are exempt from these regulations include public roads and bridges, railroad facilities located on railroad rights-of-way (except buildings), public service wire and poles, utility pipes and valves; but not including substations, valve housings and similar facilities located above the surface of the ground. Such aboveground facilities are exempt from lot size and density requirements of these regulations.

12. Lands owned by the United States Government are exempt from the provisions of these regulations as provided by federal law.

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

14. Any person having an interest in property affected by these regulations may have their reasonableness determined by bringing an action in the District Court of the County against the City (reference K.S.A. 12-760).

SECTION 2 – DEFINITIONS

For the purpose of this resolution, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words used in the singular number include plural; and words used in the plural number include the singular; the word “building” includes the word “structure,” the word “shall” or the word “must” is mandatory and not directory; the word “lot” includes the word “plot” the term “used for” includes the meaning “designed for” or “intended for”.

ACCESSORY BUILDING: A subordinate building located on the lot occupied by the principal building. Metal shipping containers, truck boxes and/or trailers are prohibited from use as an accessory building in all zones.

ACCESSORY USE: A subordinate building located on the lot occupied in the principal building. Metal shipping containers, truck boxes and/or trailers are prohibited form use as an accessory building in all zones.

AGRICULTURE USES: The use of a tract of land as a principal business enterprise for growing farm crops in the open, the raising of such stock and poultry as are incidental to the farming operation, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures for carrying out farming operations and residences of the persons, and their families, who own or operate the farm. The term “Agriculture Use” shall not include the following:

- a. Commercial greenhouse, nurseries, and hydroponic farms.
- b. The raising of furbearing animals as a principal use.
- c. The operation of a Feed Lot as defined by the Statutes of the State of Kansas.

ALLEY: A public way which affords only a secondary means of access to abutting property.

APARTMENT: A room or suite of rooms within a structure arranged, intended, designed for, or used as the place of residence of a single family; such residence having a kitchen and/or one or more bathrooms for the exclusive use of the resident family.

APARTMENT HOUSE: A building arranged, intended, designed for, or occupied by more than two families; a multiple family dwelling.

BASEMENT: A story below the first story as hereafter defined. See the definition of “story”.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets.

BOARD OF ZONING APPEALS: The agency lawfully created and appointed by the City Governing Body charged with duties connected with the hearing and deciding of appeals regarding the application of these regulations in accordance with the requirements herein and in conformance with the provisions of Kansas Statutes.

BOARDING HOUSE OR LODGING HOUSE: A building other than a hotel, where lodging or meals are provided for persons for compensation, pursuant to previous arrangements on a weekly or monthly basis.

BUILDING SETBACK LINE: A twenty-five feet line measured horizontally from the front property line.

CENTRAL SEWERAGE SYSTEM: A facility which provides underground pipes for the collecting of wastes from a number of individual sources and the transporting of them to an off-site location for treatment and disposal.

CURB LEVEL: The main level of the curb in front of the lot, or in the case of a corner lot, along the abutting street where the main curb level is the highest.

DAY CARE HOME: A home in which care is given to multiple children, not related to the operator by close ties of blood, marriage, or legal adoption, outside their own home during any part of the day. Day Care Homes shall meet all requirements of the Kansas State Department of Health and Environment.

DOG KENNEL: Any place where five or more dogs are kept, maintained, boarded, and/or bred for a fee and/or offered for sale.

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

EASEMENT: A grant by a property owner for the specific use of a strip of land by others.

EXCEPTION: A use stated within these regulations which may (or may not) be permitted by the Planning and Zoning Board in accordance with the procedures and limitations established herein and by the Kansas Statutes.

FAMILY: Any number of individuals living together as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, fraternity or sorority house or hotel.

FARM STRUCTURE: Any structure necessary for normal farming operation or agriculture uses; such structures not being subject to the provisions of these regulations.

FLOODPLAIN: Land adjacent to a watercourse subject to inundation from a regulatory flood having a chance occurrence in any one year of one percent.

FRATERNITY OR SORORITY HOUSE: A building housing the members of a fraternity or sorority group living together under cooperative arrangements as distinguished from a boarding or lodging house or club.

FRONT LOT LINE: The boundary line which is opposite and most distant from the rear lot line.

FRONT YARD: An open space, unoccupied by buildings or structures (except as hereinafter provided) across the full width of the lot extending from the front line of the building to the front lot line.

GARAGE, COMMUNITY: Any building or premises other than a public, private or storage garage providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.

GARAGE, PRIVATE: An accessory building for storage and/or motor vehicles.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and line 5 feet from the building.

GROUP DAY CARE CENTERS: A day facility providing care for multiple children away from the home of the parent or legal guardian; and including full day group care, nursery schools, play groups, centers giving emphasis to special programming for children, kindergartens not accredited as a part of the public-school system and other establishments offering care to groups of children for parts or all of daytime hours. Such facility shall meet all of the requirements of and be licensed by the Kansas Department of Health and Environment.

HEIGHT OF BUILDING: The vertical distance above "Grade," defined above, to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining side- walk or ground surface within a 5-foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

HEIGHT OF YARD OR COURT: The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

HOME OCCUPATIONS: A business, profession, occupation or trade conducted for gain or support entirely within a residential building or within a structure that is accessory to a residential building by the residents thereof.

HOTEL: A building or a group of buildings which provides sleeping accommodations for individuals or groups of individuals.

INDIVIDUAL STORAGE FACILITY: One or more structures, each structure containing four or more compartments which are leased or rented for the purpose of storage by non-residents of the site upon which the structure is located; each storage compartment having its own exterior entrance and without interior passageways to other adjacent compartments. Such structure shall not be made up, in whole or in part, of a structure originally designed, built or intended for residential use, nor shall any structure be within 20 feet of any other structure. Individual Storage Facilities shall be limited to storage compartments having no more than 600 square feet of floor area per compartment.

LAND USE PLAN: A comprehensive plan indicates the general physical development of the City of Riley.

LOT; ZONING LOT: A parcel of land platted or described by metes and bounds all of which is to be used, developed or built upon as a unit under single ownership.

LOT OF RECORD: A lot which is a part of a recorded subdivision or a parcel of land the deed to which was recorded prior to the adoption of these regulations.

LOT, CORNER: A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Planning and Zoning Board.

LOT COVERAGE: The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, including projecting roof eaves.

LOT DEPTH: The main horizontal distance from the front lot line to the rear lot line measured from their mid-points.

LOT, INTERIOR: A lot whose side lines do not abut upon any street.

LOT, THROUGH: An interior lot having frontage on two streets.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTH: The main horizontal distance between side lines measured at right angles to the depth at the building setback line.

MAJOR TRAFFICWAY: A through street used primarily for the movement of traffic from one part of a large area to another and named as such on the Land Use Plan.

MANUFACTURED AND MOBILE HOME PARK: A planned area which rents space and/or facilities for the accommodation or location of manufactured homes or mobile homes on a temporary or permanent basis and is regulated by the provisions set out in Section 5 herein.

MANUFACTURED HOME: A factory-built residential structure which is (1) non-motorized and transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein, (2) subject to the Federal Manufactured Home Construction and Safety Standards Act of 1974 established pursuant to Title 42 U.S. Code 5403 and was produced after June 15, 1976, but which does not meet all specifications and requirements of a manufactured home (of) residential design. A manufactured home does not include a mobile home and shall be permitted only in a manufactured and mobile home park.

MANUFACTURED HOME, RESIDENTIAL DESIGN: A manufactured home on a permanent foundation which has (a) minimum dimensions of twenty-two (22) body feet in width, (b) a pitched roof, and (c) siding and roofing materials which are customarily used on site-built homes.

Residential Design Manufactured Homes shall be on a permanent-type, enclosed perimeter foundation, and comply with the following architectural or aesthetic standards so as to ensure compatibility with site-built housing:

- a. The roof must be predominantly double pitched and have a minimum vertical rise of 2.2 inches for every 12 inches of horizontal run and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum and corrugated fiberglass. The roof shall have a minimum eave projection and roof overhang on at least two sides of 10 inches which may include a gutter.
- b. Exterior siding shall be of a non-reflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. Siding material or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with building code standards.
- c. The home shall be installed in accordance with the recommended installation procedures of the manufacturer. A continuous, permanent-type foundation shall be installed under the perimeter of the home which is similar in material and appearance to a site-built house.
- d. At the main entrance door there shall be a landing that is a minimum of four feet by five feet which is constructed to meet building code standards.
- e. The moving hitch, axles, wheels and transporting lights must be removed at the time of installation of the home on the lot.
- f. The finished floor of the home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.
- g. Any attached addition to such a home shall comply with all construction requirements of building code standards, unless designed and constructed by a manufactured home factory.

MINOR TRAFFICWAY: Similar to Major Trafficway, except more local in nature, i.e., generally collects traffic from a particular area and connects to Major Trafficway.

MOBILE HOME: A factory-built residential structure which is (1) non-motorized and transportable in one or more sections, which in the traveling mode is 8 body feet or more in width and 36 body feet or more in length, and is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein; and (2) not subject to the Federal Manufactured Home Construction and Safety Standards Act of 1974 established pursuant to Title 42 U.S. Code 5403 and was produced prior to June 15, 1976. A mobile home shall be permitted only in a manufactured and mobile home park.

MODULAR HOME: A dwelling structure located on a permanent foundation with permanently connected utilities, consisting of pre-selected, prefabricated units, or modules designed to meet the requirements of the building code, and transported to and/or assembled on the site of its permanent foundation; as opposed to a dwelling structure which is custom built on the site of its permanent location; and also, as opposed to a manufactured home, either single-wide, double-wide, or of multiple width.

MOTEL: A group of buildings including either separate cabins or a row of connected cabins or rooms which contain sleeping accommodations for transient occupancy.

MULTIPLE FAMILY RESIDENCE: A building or portion thereof designed for or occupied as a home of three or more families or households living independently of each other.

NON-CONFORMING USE, BUILDING OR YARD: One that does not, by reason of design or use, conform to the regulations of the zone in which it is situated.

ON-SITE SEWERAGE SYSTEM: A facility which provides underground pipes, tanks and appurtenances for the collection and disposal of wastes from a single source; such facility being located on the same lot as the source.

PEDESTRIAN WALKWAY: A right of way across a block which provides access to streets on opposite sides of the block, provided exclusively for use by pedestrian traffic.

PERMITTED USE: A rightful use established by these regulations which cannot be denied nor refused within a zoning district where such use is established.

PLACE: An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

PLANNED UNIT DEVELOPMENT (PUD): An area of land controlled by a landowner to be developed as a single entity for a number of dwelling units, office uses, commercial uses, industrial uses or any combination thereof, if any, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established for any one or more of the other zoning districts in these regulations.

PLANNING AND ZONING BOARD: The agency lawfully created and appointed by the City Council charged with the duties of administering these regulations in accordance with the requirements herein and in conformance with the provisions of the Kansas Statutes.

PLAT: A detailed map of a subdivision.

PLAT, TENTATIVE: A sketch map of a subdivision, of sufficient accuracy to be used for the purpose of discussion and classification.

PLAT, PRELIMINARY: A map or chart of a proposed land subdivision showing the character and general details of the proposed development.

PLAT, FINAL: A map or chart of a proposed subdivision giving, in form suitable for filing in the Office of the County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a complete engineering description (including references to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.

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

PUBLIC WATER SUPPLY: A water supply that is used for domestic purposes by two or more families or is made available for domestic use by the general public.

PUBLIC SEWERAGE SYSTEM: A sewerage system that is used for domestic purposes by two or more families or is made available for domestic use by the general public.

REAR YARD: An open space, unoccupied (except as hereafter provided) between the side lot lines and extending from the rear line of the principal building to the rear lot line.

REAR LOT LINE: The boundary line which is opposite and most distant from the front lot line.

REAR YARD DEPTH: The minimum horizontal distance from the rear line of the principal building to the rear lot line.

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

REGULATORY FLOOD: A flood having a chance occurrence in any one year of one percent.

REVERSE FRONTAGE LOT: A corner lot of such size and shape that a building erected thereon might logically be designed to face on either adjoining street, thus causing it to rear on the side yard of an abutting lot.

SIDE LOT LINE: Any boundary line that is not a front or rear line thereof. A side line may be a part lot line, a line bordering on an alley or place or a side street line.

SIDE YARD: An open unoccupied space on the same lot with the building between the edge of the roof of the main building and the adjacent side line of the lot and extending from the front yard to the rear yard.

SINGLE FAMILY RESIDENCE: A building or portion thereof designed for or occupied as a home of one family or household.

SPECIAL USE: A use stated within these regulations which may (or may not) be permitted by the Zoning Regulations of The City of Riley.

SPECIAL USE PERMIT: A permit issued to allow an individual or entity to use a specific area for a specific use in addition to the present use as stated in the zoning regulations.

STABLE, PRIVATE: An accessory building with capacity for not more than two horses which are not for hire.

STABLE, PUBLIC: A stable other than a private stable as defined herein.

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

STREET: A public street or thoroughfare or place which affords principal means of access to property abutting thereon.

STREET LINE: A dividing line between the street and the abutting property.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected with a fixed location on the ground; including buildings, walls, signs, towers and bins.

SUBDIVIDING: The dividing or redividing of land into tracts, lots, sites or parcels, or the providing or vacating of public and private easements whether shown on a map or chart or described by metes and bounds.

SUBDIVISION: The dividing of any land into two or more lots or tracts either of which contains 5 acres or less.

TEMPORARY STRUCTURE: An accessory use building or a building located in a district for a limited period of time which must be removed from such zoning district at the conclusion of such period not to exceed six months. Temporary structures are not required to be situated on a permanent foundation and may not be located in the front yard.

TRAILER HOUSE: Same as Mobile Home.

TWO FAMILY RESIDENCE: A building or portion thereof designed for or occupied as a home of two families or households living independently of each other.

UNDUE RESTRICTION OF THE REGULATORY FLOOD: A restriction or blocking of the conveyance of floodwater on a floodplain created by structures or fill which, when coupled with an assumed equal conveyance reduction on the opposite side of the floodplain, results in an increase in the height of the Regulatory Flood of more than one foot.

VARIANCE: A modification to a certain specified part of these regulations which may (or may not) be granted by the Planning and Zoning Board in accordance with the procedures and limitations established herein and by the Kansas Statutes.

VISION CLEARANCE: An open triangular (unoccupied) space at the street corner or a corner lot, the space being defined by a setback line located by specified distances measured along the property lines from the street corner of the lot.

SECTION 3 – GENERAL REQUIREMENTS

1. No building or structure shall be erected, moved, reconstructed or structurally altered, nor shall any building, structure or land be used for any purpose other than is permitted in the zone in which such building, structure or land is situated. Only agriculture uses, as defined herein, are exempt from this requirement.
2. No building or structure shall be erected, moved, extended, enlarged, reconstructed, or structurally altered to exceed the height, size or density limit herein established for the zone in which such building or structure is situated.
3. Every building hereafter erected, enlarged or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one principal building on one lot.
4. No lot, held under one ownership, at the effective date of this regulation, shall be reduced in dimension or area in relation to any building thereon so as to be smaller than that required by this regulation; if already less, the dimensions or area shall not be further reduced.
5. Every dwelling, hotel, motel, apartment and every other building erected, reconstructed, relocated or structurally altered for human habitation and use shall be securely anchored to a foundation in such a manner as to be capable of withstanding the overturning or otherwise damaging effects of a minimum 70 mile per hour wind.
6. The use, occupancy or lease of a Manufactured Home, Mobile Home, RV or Trailer House, as defined herein, by any person, firm or corporation for living purposes is prohibited within the City of Riley except that such Manufactured Home, Mobile Home, RV or Trailer House is located within the confines of a Manufactured and Mobile Home Park or as specifically stated as a permitted use in the various zones herein.
7. No person, firm or corporation shall construct a basement or portion of a dwelling and occupy, or let to another for occupancy, said structure until said structure is completed except as specifically provided otherwise herein.
8. No building (except those for Agriculture Uses) shall be erected, reconstructed, relocated or structurally altered on any lot or parcel unless such lot or parcel has irrevocable access to a publicly dedicated street or right-of-way; except as otherwise specifically allowed in these regulations.
9. In all zones, a vision clearance triangle of ten (10) feet shall be provided on all corner lots, except that the triangular space provided may be occupied at a distance of twelve (12) feet above the sidewalk level by the structure projecting over and above the triangular space; and that portion of the structure may be supported by a supported member not over eighteen (18) inches in thickness.
10. No building or addition thereto shall be erected over or across any public sewer or utility line, or upon any platted or recorded easement unless permission is granted, in writing, by the utility or easement owner and subsequent approval is granted by the City.
11. Whenever any street, alley or other public way is vacated by official action of the City, the zoning districts adjoining each side of such vacated tract shall be extended to the center of the vacated tract and all areas included in such adjacent district shall then and thenceforth be subject to all regulations of the extended districts.
12. No land or structure shall be used for the keeping, feeding or maintenance of animals other than household pets except when that land or structure is located within a zoning district which specifically permits such use.

13. A building permit, approved by a majority of the Planning and Zoning Board members, is required to erect, move, extend or enlarge any structure within the City limits. The building permit must be obtained before such action above is taken. Furthermore, any such action must conform to any Planned Unit Development restrictions and covenants that may be applicable.

14. A building permit, approved by a majority of the Planning and Zoning Board members, is not required to erect, move, extend or enlarge any paved drive or uncovered patio; a structure that is or would be 120 square feet in area or less; reconstruct or structurally alter an existing structure so long as the structure is not extended horizontally or vertically in any manner AND all other requirements in the Zoning Regulations of the City of Riley are met.

SECTION 4 – A ZONES REGULATIONS

SINGLE FAMILY RESIDENTIAL DISTRICTS

The following regulations shall apply to every building, structure, lot and building site in the following zone and shall be subject to all of the general provisions of these regulations.

ZONE A-1 SINGLE FAMILY RESIDENTIAL DISTRICT:

1. PERMITTED USES:

- a. One single family dwelling, not including a Manufactured Home, Mobile Home or RV as defined in Section 2.
- b. Accessory buildings and uses.
- c. Temporary buildings for use incidental to construction and which shall be removed upon completion or abandonment of construction.
- d. Public parks, golf courses, playgrounds, swimming pools and public recreation buildings.
- e. Public utility facilities and structures but not including electric power substations.
- f. Public, parochial or private schools, attendance at which satisfies the requirements of the compulsory laws of the State of Kansas.
- g. Churches, synagogues, temples and chapels.
- h. Parking facilities as required in Section 13 herein.
- i. Home occupations.

2. CONDITIONAL USES: The following uses shall be permitted only when granted as an exception by the Planning and Zoning Board of Appeals as provided in Section 20 herein; and further provided that the location is first approved by the City Council.

- a. Group Day Care Centers
- b. Hospitals.
- c. Electric power substations
- d. Fire stations, police stations and public service buildings.
- e. Private non-profit clubs for golf, tennis, swimming, boating and similar activities; including a clubhouse and accessories, provided that the facilities are not open to the general public.

ZONE A-1 DENSITY REQUIREMENTS:

- 1. Minimum Lot Area for a single dwelling served by a central sewerage system: Zone A-1
10,000 square feet
- 2. Minimum Lot Area for other uses served by a central sewerage system: Zone A-1
10,000 square feet
- 3. Minimum Lot Width for single dwelling (measured at the building setback line): Zone A-1
75 feet
- 4. Minimum Lot Width for other uses: Zone A-1
75 feet
- 5. Maximum Building Height for all zones:
Dwellings 35 feet or 2 ½ stories
Other Uses 35 feet
- 6. Minimum Principal Building Width: Zone A-1
20 feet
- 7. Minimum Front Yard Depth, all permitted uses:
Zone A-1 25 feet; on all sides abutting a street
- 8. Minimum Side Yard on both sides of lot: Zone A-1:
Dwellings 10 feet
Accessory Buildings 5 feet except that accessory buildings shall be at least 10 feet away from a principal building on own or adjoining lot except that a detached garage may be 5 (five) feet
Other Uses 10 feet
Or as required per Section 12.
- 9. Minimum Rear Yard for all Zones:
All Uses 25 feet
Accessory buildings must be at least 5 feet from the rear property line.
- 10. Maximum lot coverages for all Zones 30 percent over 8,500 square feet.

Properties having less than 8,500 square feet in single family residential districts (A Zone), will be allowed 35% lot coverage.

SECTION 5 – B ZONES REGULATIONS

TWO FAMILY AND MULTIPLE FAMILY RESIDENTIAL DISTRICTS

The following regulations shall apply to every building, structure, lot and building site in the following zones and shall be subject to all of the general provisions of these regulations.

ZONE B-1 TWO FAMILY RESIDENTIAL DISTRICT:

1. PERMITTED USES:

- a. One two-family dwelling not including a Manufactured Home, Mobile Home or RV as defined in Section 2.
- b. One single family dwelling not including a Manufactured Home, Mobile Home or RV as defined in Section 2.
- c. Accessory buildings and uses.
- d. Temporary buildings for use incidental to construction and which will be removed upon completion or abandonment of construction.
- e. Public, parochial or private schools, attendance at which satisfies the requirements of the compulsory laws for the State of Kansas.
- f. Churches, synagogues, temples and chapels.
- g. Public parks, golf courses, playgrounds, swimming pools and public recreation buildings.
- h. Public utility facilities and structures but not including electric power substations.
- i. Parking facilities established to fulfill parking requirements of Section 13.
- j. Home occupations.

2. CONDITIONAL USES: The following uses shall be permitted only when granted as an exception by the Planning and Zoning Board of Appeals as provided in Section 20 herein; further provided that the location is first approved by the City Council.

- a. Hospitals.
- b. Electric power substations.
- c. Fire stations, police stations and public service buildings.
- d. Group Day Care Centers.
- e. Private non-profit clubs for golf, tennis, swimming, boating, and similar activities; including a clubhouse and accessories, provided that the facilities are not open to the general public.

ZONE B-2 MULTIPLE FAMILY RESIDENTIAL DISTRICTS:

1. PERMITTED USES:

- a. One multiple family dwelling.
- b. One single family dwelling or one two-family dwelling but not including a Manufactured home, Mobile Home or RV as defined in Section 2.
- c. Accessory buildings and uses.
- d. Temporary buildings for use incidental to construction and which will be removed upon completion or abandonment of construction.
- e. Public, parochial or private schools, attendance at which satisfies the requirements of the compulsory laws for the State of Kansas.
- f. Churches, synagogues, temples and chapels.
- g. Public parks, golf courses, playgrounds, swimming pools and public recreation buildings.
- h. Public utility facilities and structures but not including electric power substations.
- i. Parking facilities established to fulfill parking requirements of Section 13.
- j. Home occupations.
- k. Fraternity and sorority houses.
- l. Lodge halls, but not including those whose activities include the providing of services customarily carried on as a business, such as restaurants and private clubs.
- m. Private nurseries and Group Day Care Centers.
- n. Convalescent homes and housing for the aged.
- o. Room and boarding houses.
- p. Private non-profit clubs for golf, tennis, swimming, and similar activities; including a clubhouse and accessories, provided that the facilities are not open to the general public.

2. CONDITIONAL USES: The following uses shall be permitted only when granted as an exception by the Planning and Zoning Board of Appeals as provided in Section 20 herein; further provided that the location is first approved by the City Council.

- a. Hospitals.
- b. Electric power substations.
- c. Fire stations, police stations and public service buildings.
- d. Group Day Care Centers.
- e. Private non-profit clubs for golf, tennis, swimming, boating, and similar activities; including a clubhouse and accessories, provided that the facilities are not open to the general public.

ZONES B-1 AND B-2 DENSITY REQUIREMENTS:

1. Minimum Lot Area for a single dwelling served by a central sewerage system:

Zones B-1 and B-2	10,000 square feet for single family and two-family dwellings.
-------------------	--

2. Minimum Lot Area for other uses served by a central sewerage system:

Zones B-1 and B-2	10,000 square feet
-------------------	--------------------

3. Minimum Lot Width:

Zones B-1 and B-2	75 feet for single family and two-family dwellings. 75 feet for all other uses.
-------------------	--

4. Maximum Building Height for all zones:

Zones B-1 and B-2	35 feet or 2 ½ stories
-------------------	------------------------

5. Minimum Front Yard Depth:

Zones B-1 and B-2	25 feet on all side abutting a street
-------------------	---------------------------------------

6. Minimum Side Yard on both sides of lot

Zones B-1 and B-2:	
Dwellings	10 feet
Accessory Buildings	5 feet except that accessory buildings shall be at least 10 feet away from a principal building on own or adjoining lot except that a detached garage may be 5 (five) feet
Other Uses	10 feet or as required per Section 12

7. Minimum Rear Yard:

Zones B-1 and B-2	25 feet
Accessory buildings	must be at least 5 feet from the rear property line.

8. Maximum lot coverages for all Zones

Zone B-1	30%
Zone B-2	35%

ZONE B-3 DETACHED MULTIPLE FAMILY RESIDENTIAL DISTRICT: (Minimum lot area is 5 acres)

1. PERMITTED USES:

- a. The planning, development, improvement and use of a tract of land owned by a single individual, company or corporation for the purpose of providing space and utility service for two (2) or more Manufactured or Mobile Homes used for residential purposes. Such use is defined and commonly referred to as a Manufactured and Mobile Home Park and such term is used herein, following.
- b. Home occupations.
- c. Accessory buildings.

2. CONDITIONAL USES: The following uses shall be permitted only when granted as an exception by the Planning and Zoning Board of Appeals as provided in Section 20 herein; further provided that the location is first approved by the City Council.

- a. Group Day Care Centers.

3. USE LIMITATIONS AND SPECIAL REQUIREMENTS:

The planning, development, improvement, use and operation of a Manufactured and Mobile Home Park shall conform to the following special requirements in addition to all other general requirements contained within these regulations; except that in the case of any conflicting requirements, those within this section shall apply.

a. Building Permits

- No permit to construct, alter or extend any manufactured and mobile home park shall be issued by the City Clerk unless and until he/she is satisfied that the construction, alteration or extension shall be in compliance with a plan submitted to the Planning and Zoning Board at the time said manufactured and mobile home park site was rezoned and/or that all other requirements here are met.
- All applications for Buildings Permits shall contain the following:
 - Name and address of applicant.
 - Location and legal description of the manufactured and mobile home park.
 - Complete plans prepared by a Registered Professional Engineer of the proposed park showing, but not limited to, the following:
 - The legal description, area, and dimensions of the tract of land;
 - The location and size of all existing and proposed mobile home stands and their identification number;
 - The name, location, and width of existing and proposed roadways and walkways; The location of existing and proposed water and sewer lines and riser pipes;
 - Plans and specifications of the existing and proposed water supply and sewage disposal facilities along with written proof that such systems have been approved by the Kansas Department of Health and Environment;
 - Plans and specifications of all existing and proposed buildings within the park; The location and details of existing and proposed lighting and electrical systems; Plan for providing adequate fire safety;
 - Landscaping, screening and recreational areas.

- All applications for permits shall be accompanied by the payment of a permit fee as set by the City of Riley.
- Applications shall be on forms provided by the City Clerk.

b. Operating License

- It shall be unlawful for any person, company, or corporation to operate any Manufactured and Mobile Home Park within the limits of the City of Riley unless she/he holds a valid license issued annually by the City Clerk in the name of such operator for the specific mobile home park. All applications for licenses shall be made to the City Clerk, who shall issue a license upon compliance by the applicant with the provisions herein.
- Application for operating licenses shall be made on forms provided by the City Clerk. Such forms shall include but not be limited to:
 - The legal name and current mailing address of the owner, operator, and manager of the park;
 - The general location and legal description of the park;
- A statement certifying agreement by the owner that his/her manager will personally deliver, to each owner and/or occupant of a dwelling unit within the park, informational material and certification forms furnished by the City Clerk concerning blocking and tie-downs required by current State Statutes. The owner shall agree that such delivery shall be made to owners and/or occupants within seven days after the issuance of the first operating license and shall thereafter be made a part of the checking-in procedure for new owners and/or occupants moving into the park.
- A copy of the permit issued by the appropriate health control agency allowing the operation of the water and sewerage systems shall accompany the first license application for new manufactured and mobile home parks.
- A copy of the latest water quality test issued by the Kansas Department of Health and Environment shall accompany the annual application for operating license for all parks.
- A statement certifying agreement by the owner that he/she will notify the City Clerk in writing immediately upon any change in management or ownership of the park.

The first application for an operating license for a manufactured and mobile home park shall be accompanied by an accurately scaled drawing showing the location of an identifying system for streets and each manufactured and mobile home stand, the location and extent of the sewerage system and the location of water service lines and source of supply. The owner shall submit to the Planning and Zoning Board a revised drawing showing any changes made in any of the facilities originally known, within ten days after such change is made.

The application for an operating license shall be accompanied by the payment of a fee as set by the City of Riley. All license fees shall be for a calendar year or part thereof expiring on December 31 and there shall be no rebate of such fee if the operation of the park is terminated or transferred for any reason. A new owner acquiring a manufactured and mobile home park at any time during the life of a valid operating license may continue to operate under that license to the end of the calendar year provided that he certifies to and abides by all or any of the conditions contained in that license.

ENVIRONMENTAL, SAFETY, OPEN SPACE AND ACCESS REQUIREMENTS FOR NEW MANUFACTURE AND MOBILE HOME PARKS:

1. General Intent of Requirements – Condition of soil, ground water level, drainage and topography within a mobile home park shall not create hazards to the property nor to the health or safety of the occupants. The location, design, construction, and operation of a mobile home park shall not create damage or any detrimental effects to public property nor to the general public welfare.
2. Structural Stability and Safety – All mobile homes which are to be located within a manufactured and mobile home park for more than forty-eight hours shall be anchored to the ground. Permanent foundations with appropriate connections to the manufactured or mobile home may be provided in accordance with approved drawings and requirements on file in the office of the City Clerk; or in accordance with designs made by a Registered Professional Engineer.
3. In lieu of permanent foundations, blocking and tie-downs shall be provided in accordance with the requirements of current State Statutes; such requirements being on file in the office of the City Clerk. Manufactured and mobile homes not specifically included in the statutory definition shall be anchored in accordance with the above requirements.
4. Soil and Ground Cover Requirements – Exposed ground surfaces in all parts of every manufactured and mobile home park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth and comply with all City nuisance codes and regulations. It shall be the responsibility of the licensee of a manufactured and mobile home park to maintain such areas in a neat and sanitary manner acceptable to the City Council; as hereinafter specified.
5. Site Drainage Requirements – All areas of a manufactured and mobile home park shall be sloped and shaped to provide surface drainage which will prevent unsightly and unsanitary mud holes, excessive erosion and damage to any structures and improvements from accumulated surface water. All ditches, waterways, culverts, storm sewers, curbed roadways, and other drainage facilities shall be designed and constructed in accordance with established engineering criteria.
6. Usage of Manufactured and Mobile Home Park Site. No part of any park shall be used for non- residential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained herein shall be deemed as prohibiting the sale of a manufactured or mobile home located on a manufactured and mobile stand and connected to the pertinent utilities.
7. Density and Spacing Requirements. Manufactured and mobile homes shall be separated from each other and from other buildings and accessory structures by at least 20 feet provided that the mobile homes placed end to end may have a clearance of 15 feet where opposing rear walls are staggered. In no instance shall there be more than seven manufactured and mobile home stands per gross acre on the land remaining after deducting the recreational area, nor shall there be less than 4,000 square feet of usable area assigned as a “lot” for each dwelling. An accessory structure, such as an awning, cabana, storage box or shed, carport, windbreak, or porch which is attached or separate, shall be considered to be a part of the manufactured or mobile home. No accessory structure shall be permitted except those that are structurally and aesthetically compatible with the overall character of the park.
8. Required Recreation Areas. In all parks accommodating or designed to accommodate 25 or more manufactured and mobile homes, there shall be one or more recreational areas which shall be easily accessible to all park residents. The topography of the recreational area shall be suitable for such purposes. The size of such recreation areas shall be not less than 8% of the gross site area. Recreation areas shall be so located as to be free of traffic hazards and should,

where the topography permits, be centrally located. Maintenance of the recreational areas shall be the responsibility of the park owner.

9. Setbacks, Buffer Strips and Screening: All structures within a manufactured and mobile home park shall be located at least 25 feet from the right of way line of any public street. The clear distance between any structure and any other property line shall be at least 15 feet except that this distance shall be 25 feet where the adjacent property is in any Single Family Residential Zoning District (A Zones).

10. There shall be a minimum distance of 15 feet between any structure and an abutting park street. The Planning and Zoning Board may, as a condition for the granting of rezoning and for the purpose of protecting the privacy of existing development, require the installation of screening at the periphery of a manufactured and mobile home park. Such screening shall be made up of privacy fences or evergreen vegetation not less than six (6) feet in height. If fencing is used, it shall not exceed a height of eight (8) feet.

11. Street System, Parking, and Illumination. All manufactured and mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured and mobile home lot. Such access shall be provided by private streets, driveways or other means. No individual manufactured or mobile home shall have direct access to a public street. Entrances to manufactured and mobile home parks from public streets or roads shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 25 feet from the property line. Each street and lot shall be marked with a sign showing name, number, or other identification. Such sign shall be legible, conspicuous, and large enough to be easily read from adjacent trafficways within the park. Internal private roadways shall be located and designed in accordance with good engineering practice to provide for the safe and convenient movement of anticipated vehicular pedestrian traffic. The following minimum requirements for design and construction shall be observed:

- a. Streets with open ditch drainage shall have a minimum paved width of 28 feet except that streets which exclusively serve ten or less mobile homes may have a paved width of 22 feet.
- b. Streets with pavement and curbs shall have a minimum width of 30 feet back to back of curbs except that streets which exclusively serve ten or less mobile homes may have a width of 24 feet.
- c. Streets that are paralleled by continuous surfaced walkways may have widths four feet less than those dimensions stated above.
- d. All streets shall be paved with asphalt or concrete which is of sufficient depth to adequately carry the anticipated traffic. Other all-weather, dustless paving materials may be approved for use by the City.
- e. Off street parking or on-street parking lanes shall be provided for the use of park residents and their guests. The following minimum requirements for design and construction shall be observed. At least two car parking spaces shall be provided for each manufactured and mobile home stand either on or adjacent to the lot. All off-street parking spaces shall be paved with a minimum of 4" thick crushed stone aggregate base or asphalt or concrete. On-street parking lanes shall be provided by adding a minimum of seven feet to the street widths set out above.
- f. Roadways and walks within a manufactured and mobile home park shall be illuminated to provide for the safe movement of vehicles and pedestrians at night.

12. Walks. All manufactured and mobile home stands shall be connected by walks to a common walk system or to paved streets, or to paved driveways or parking spaces connected to a paved street. All walks shall be of asphalt or concrete construction. Walks serving an individual mobile home shall have a minimum width of two feet and those that are a part of a common walk system shall have a minimum wide of 3.5 feet. A common walk system parallel to streets should be provided but is not mandatory. Such a system should be arranged to be continuous on at least one side of each street.

WATER SERVICE

1. General Requirements. An adequate, safe, and potable supply of water shall be provided in each manufactured and mobile home park. When an existing public supply of water of satisfactory quality, quantity and pressure is available at the site or at the boundary of the site, connection shall be made thereto. When a satisfactory existing water supply is not available, a water supply system may be developed and used as approved by the Kansas Department of Health and Environment; in all cases, such a system being considered a "Public Water System". Complete plans and specifications for all parts of the water supply and distribution system shall be reviewed and approved by Kansas Department of Health and Environment prior to issuance of a permit for construction. Such system shall be regularly inspected and tested by the appropriate health authority and shall be regularly certified as being safe for public use.

2. Water Distribution System. The water supply system of the manufactured and mobile home park shall be connected by underground pipes to all mobile homes, buildings, and other facilities requiring water. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and requirements and shall be of a type and in locations approved by Kansas Department of Health and Environment or local health authority. The water piping system shall not be connected with non-potable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage. The system shall be so designed and maintained as to provide a pressure of not less than 30 pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply.

3. Individual Water-Riser Pipes and Connections. Water service lines to individual manufactured and mobile home lots shall be of a type approved by the local authority or the Kansas Department of Health and Environment. Water riser pipes shall be installed so as to prevent contamination and freezing when a manufactured or mobile home does not occupy the lot. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from freezing and thawing action of the ground. Surface drainage shall be diverted from the location of the mobile home. Underground stop and waste valves shall not be installed on any water service.

SEWAGE DISPOSAL

1. General Requirements. An adequate and safe sewerage system shall be provided in all manufactured and mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with requirements of the Kansas Department of Health and Environment. Complete plans and specifications for the sewerage system shall be reviewed and approved by the appropriate agency prior to issuances of a permit for construction.

2. Individual Sewer Connections. Each manufactured and mobile home stand shall be provided with at least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured or mobile home drain outlet will approximate a vertical position. The sewer connection shall have a nominal inside diameter of at least four inches and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe line only, without any branch fittings. All joints shall be

watertight. All materials used for sewer connection shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

ELECTRICAL DISTRIBUTION SYSTEM

1. General Requirements. Every park shall contain an electrical wiring system consisting of wiring, fixture, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
2. Power distribution lines, individual electrical connections and required grounding will be installed according to all applicable codes.

SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES

1. General Requirements. Any service building and other facilities on permanent foundations shall comply with applicable building codes.
2. Barbecue Pits, Fireplaces, Stoves. Cooking shelters, barbecue pits, fireplaces and wood burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance.

REFUSE HANDLING

1. General Requirements. The storage, collection and disposal of refuse in the manufactured and mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

All refuse shall be stored in covered containers which shall be located not more than 150 feet from any manufactured and mobile home stand. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse. Such container stands shall be so designed as to prevent containers from being pitted, to minimize spillage and container deterioration and to facilitate cleaning around them. All refuse containing garbage shall be collected at least weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by transporting to a disposal site in accordance with local regulations. The use of incinerators is hereby prohibited.

FUEL STORAGE AND SUPPLY

1. Systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

SECTION 6 – C ZONES REGULATIONS

COMMERCIAL DISTRICTS

The following regulations shall apply to every building, structure, lot and building site in the following zones and shall be subject to all of the general provisions of these regulations.

ZONE C-1 RESTRICTED BUSINESS DISTRICT

1. PERMITTED USES:

- a. All permitted uses in Residential District Zones A-1, B-1, and B-2 provided all requirements specific within those districts shall be met.
- b. Bakeries and confectioneries.
- c. Barber shops and beauty parlors.
- d. Banks and financial institutions.
- e. Business and professional offices and medical clinics.
- f. Custom services such as dressmaking, millinery, tailoring and shoe repair.
- g. Self-service laundries.
- h. Drug stores.
- i. Florist shops.
- j. Package liquor stores.
- k. Photography shops and studios.
- l. Grocery and/or meat shops provided that there is no slaughtering done on the premises.
- m. Group Day Care Centers.
- n. Dry cleaning and pressing service.
- o. Hardware stores and bicycle shops.
- p. Restaurants.
- q. Mortuaries and funeral homes including crematories providing that such facility is completely enclosed and that no odor or noise is discernable outside of the structure.
- r. Theatres, indoor only.
- s. Private, fraternal and business clubs.
- t. Small animal veterinary clinics provided that no boarding of any animals, outdoor kennels or runs are on the premises.
- u. Accessory buildings and uses.

2. CONDITIONAL USES: The following uses shall be permitted only when granted as an exception by the Planning and Zoning Board of Appeals as provided in Section 20 herein; further provided that the location is first approved by the City Council.

- a. Fire stations, police stations and public service buildings.
- b. Electric power substations.

3. USE LIMITATIONS:

- a. All business, service, storage and display of goods shall be conducted within a completely enclosed structure.
- b. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential area and so that no glare is visible to any traffic on any public street.
- c. Screening by the use of fence or shrubs, not less than 6 feet in height, shall be provided along all lot lines that abut a residential district.

4. REQUIREMENTS:

- a. Parking facilities as required by Section 13.

ZONE C-2 GENERAL BUSINESS DISTRICT

1. PERMITTED USES:

- a. All permitted uses in Zone C-1 except residential uses.
- b. Retail or service businesses dealing directly with consumers.
- c. Restaurants.
- d. Drug stores.
- e. Outdoor food service.
- f. Automobile service stations.
- g. Bowling alleys, skating rinks, pool halls and other indoor recreation facility.
- h. Electric power substations.
- i. Fire stations, police stations and public service buildings.
- j. Wholesale outlets but not including warehousing.
- k. Sidewalk cafes.
- l. Bus, cab or railroad terminals.
- m. Sales and/or service of new and/or used automobiles, not including salvaging of any kind.
- n. Sales and/or service of boats, manufactured homes and mobile homes.

- o. Hotels and motels.
- p. Shops for custom work or the manufacture of articles to be sold provided such manufacture use is not noxious or offensive by reason of vibration, noise or the emission of odor, dust, smoke or gas.
- q. Accessory buildings and uses.

2. CONDITIONAL USES: None.

3. USE LIMITATIONS:

- a. All business, service, storage and display of goods shall be conducted within a completely enclosed structure.
- b. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential area and so that no glare is visible to any traffic on any public street.
- c. Screening by the use of fence or shrubs, not less than 6 feet in height, shall be provided along all lot lines that abut a residential district.

4. REQUIREMENTS:

- a. Parking facilities as required by Section 13.

ZONE C-3 HIGHWAY BUSINESS DISTRICT

1. PERMITTED USES:

- a. All permitted uses in Zone A-1 provided that all requirements specified within that district shall be met.
- b. Automobile and truck sales and/or service.
- c. Boat, manufactured home and mobile home sales and/or service.
- d. Campgrounds, including service buildings.
- e. Food and drug stores.
- f. Garden stores, greenhouses, nurseries and hydroponic farms.
- g. Gift and souvenir shops.
- h. Gun and archery ranges.
- i. Miniature golf and driving ranges.
- j. Motels and hotels.
- k. Package liquor stores.
- l. Private, fraternal and service clubs.
- m. Restaurants, including outdoor service to automobiles.
- n. Skating rinks, bowling alleys and other indoor recreation.

- o. Sporting goods stores.
- p. Theatres.
- q. Veterinary clinics and kennels.
- r. Individual storage facility.
- s. Accessory buildings and uses.
- t. Parking facilities required by Section 13.
- u. Automobile service stations.

2. **CONDITIONAL USES:** The following uses shall be permitted only when granted as an exception by the Planning and Zoning Board of Appeals as provided in Section 20 herein; further provided that the location is first approved by the City Council.

- a. Amusement parks.
- b. Motorized vehicle race tracks and riding trails.
- c. Wireless communication towers.

3. **USE LIMITATIONS:**

- a. Residential use shall be limited to a dwelling for the use of the owner or operator of the principal use located on the premises.
- b. Screening by the use of fences or shrubs, not less than 6 feet in height, shall be provided along all lot lines that abut a residential district.
- c. Exterior lighting fixtures shall be shaded so that no direct light is cast upon any property located in a residential area and so that no glare is visible to any traffic on any public street.
- d. Animals other than household pets shall not be kept within a dwelling or within 20 feet of a dwelling or within 60 feet of the front property line or within 10 feet of a side property line. Housing and caging of animals shall comply with requirements of City, County or State Sanitary Codes.

ZONES C-1, C-2 and C-3 DENSITY REQUIREMENTS

1. Minimum lot area for permitted uses:

Zone C-1 6,000 square feet

Zone C-2 4,000 square feet

Zone C-3 10,000 square feet

Permitted residential uses are the same requirements as Zone A-1

2. Minimum Lot Width:

Zone C-1 60 feet

Zone C-2 40 feet

Zone C-3 100 feet

Permitted residential uses are the same minimum as Zone A-1

3. Maximum Building Height:

Zone C-1 40 feet

Zone C-2 50 feet

Zone C-3 40 feet

4. Minimum front yard depth (all side abutting streets):

Zone C-1 25 feet

Zone C-2 No limitation

Zone C-3 25 feet

5. Minimum side yard on both sides of lot:

Zone C-1 15 feet except 10 feet for residential uses

Zone C-2 None required except 10 feet for residential uses and any use when abutting a residential use

Zone C-3 15 feet except 10 feet for residential uses

6. Minimum rear yard:

Zone C-1 25 feet

Zone C-2 None required except 25 feet for residential uses and any use when abutting a residential use

Zone C-3 25 feet

7. Maximum lot coverage:

Zone C-1 40%

Zone C-2 No limitation

Zone C-3 50%

SECTION 7 – D ZONE REGULATIONS

INDUSTRIAL AND MANUFACTURING DISTRICT

The following regulations shall apply to every building, structure, lot and building site in the following zones and shall be subject to all of the general provisions of these regulations.

ZONE D – 1

1. PERMITTED USES: The uses referred to in this Section shall be permitted providing that the entire operation is conducted within an enclosed building and/or an enclosed and landscaped yard. No portion of the land included within this Zoning District shall be used in such a manner as to create a nuisance to adjacent sites, such as, but not limited to vibration, sound, electromagnetic disturbance, radiation, air pollution, dust or emission of odorous, toxic, or noxious matter. All such activities which produce any of the aforementioned effects must be capable of containing these impacts within their own boundaries. Uses must comply with all City, State and Federal Statutes, laws and/or regulations regarding protection of the environment and the surrounding properties. Commercial outlets for products manufactured on the property shall be allowed in the D Zone. Uses permitted are:

- a. Those which are primarily engaged in the assembly, fabrication or manufacture of products.
- b. Those uses which are engaged in research, assembly, testing and repair of components, services, equipment and systems, and parts and components.
- c. Warehouses.
- d. Wholesale outlets.
- e. Retail outlets in conjunction with industrial use.
- f. Shipping facilities.
- g. Laboratories and businesses engaged in research and experimentation.
- h. Businesses engaged in waste or refuse transportation, storage or processing, provided that all cleaning operations and storage of salvageable items and equipment are contained within an enclosed building.
- i. Bottling facilities.
- j. Crematory.
- k. Activities involving the processing of textiles, fibers, footwear and wearing apparel of any kind.
- l. Accessory use buildings.
- m. Temporary structures incidental to construction work for permitted use but only for the period of such work.
- n. All uses permitted in a C-Zone.

2. **CONDITIONAL USES:** The following Conditional Uses may be permitted in a D-Zone after issuance of a Conditional Use Permit as provided in Section 20 and first approved by City Council:

- a. Kennels.
- b. Junk and/or salvage yard.
- c. Temporary structures.

3. **USE LIMITATIONS:**

- a. All activities and storage shall be wholly inside of a building or buildings unless the nearest point of such activity or storage is more than 200 feet from the boundary of any other zoning district other than G-1 except that storage may be maintained outside the building if such storage area is separated from public streets and other property by screening of not less than 6 feet in height.
- b. No retail sales or service shall be permitted except those incidental to a primary permitted use.
- c. Servicing and maintenance of vehicles shall be permitted only when such is necessary to the conduct of the permitted use.
- d. All premises shall have adequate all-weather surface drives, walks and parking areas.
- e. Lots adjoining any residential district shall be provided with screening sufficient to protect the privacy of the adjoining residential uses on a year-around basis.
- f. No building shall be used for residential purposes except that a watchman may reside on the premises.
- g. Exterior lighting shall be shaded so that no direct light is cast upon any property located in a residential district or upon any street where glare is visible to traffic.
- h. There shall be no emissions into the air or noise, odor or vibrations detectable beyond the property line.

ZONE D DENSITY REQUIREMENTS:

- a. Minimum lot area for permitted uses: 6,000 square feet
- b. Minimum Lot Width: 60 feet
- c. Maximum Building Height: 50 feet
- d. Minimum front yard depth (all sides abutting street): 25 feet
- e. Minimum side yard on both sides of lot: 20 feet
- f. Minimum Rear Yard: 20 feet
- g. Parking facilities as required by Section 13.

SECTION 8 – G ZONE REGULATIONS

AGRICULTURAL DISTRICT

The following regulations shall apply to every building, structure, lot, parcel, tract and building site in the following zones and shall be subject to all of the provisions of these regulations except that “Agriculture Uses”, as defined herein are exempt from the requirements of these regulations.

ZONE G-1 GENERAL AGRICULTURAL DISTRICT:

1. PERMITTED USES:

- a. Agricultural uses including all accessory buildings and including the dwellings of the persons and their families who own and operate the farm.
- b. Public, parochial or private schools, attendance at which satisfies the requirements of the compulsory laws of the State of Kansas.
- c. Fire stations and other public service buildings.
- d. Public parks, golf courses, playgrounds, swimming pools and public recreation buildings.
- e. Churches.
- f. Public utility facilities and structures.
- g. Roadside stands for seasonal sales limited to products grown on the tract upon which the stand is located and operated by the owner of the tract.
- h. Parking facilities as required in Section 13.
- i. Accessory building and uses.

2. **CONDITIONAL USES:** The following uses shall be permitted only when granted by the Planning and Zoning Board as provided in Section 20 herein and further provided that the location is first approved by the City Council.

- a. One single family dwelling, including a Manufactured or Mobile Home set on a foundation and anchored as specified herein.
- b. Hospitals and Sanitariums.
- c. Commercial feed lots as defined by Kansas Statutes.
- d. Sanitary landfills as regulated by local and State requirements.
- e. Riding stables.
- f. Airports.
- g. Temporary contractor’s office and materials and equipment storage yard for duration of a construction project.

- h. Commercial recreation areas, including campgrounds, miniature golf, golf driving ranges, motorized vehicle race tracks and amusement parks.
- i. Private facilities for golf, tennis, swimming, boating and similar activities including a clubhouse.
- j. Oil and gas exploration, drilling and production.
- k. Quarrying and mining.
- l. Sewage disposal facilities.
- m. Dog kennels.
- n. Cemeteries.
- o. Facilities for the maintenance of horses, cows, goats, cats, rabbits, pigeons, poultry and furbearing animals for recreational or commercial purposes.
- p. Livestock sale barns.

3. USE LIMITATION:

- a. Single family dwellings shall be located no closer than 200 feet from existing and new dwellings and other structures.
- b. Commercial feed lots, sanitary landfills and sewerage disposal facilities shall be located no closer than 1,000 feet from any dwelling and one mile from any residentially zoned area.
- c. When quarrying, mining, oil and gas exploration drilling and production, sanitary landfills, or amusement parks are abandoned or discontinued, the land shall be returned as nearly as practical to its original condition within 30 days following notification in writing by the City Clerk.
- d. Animals other than household pets shall not be kept within a dwelling or within 20 feet of a dwelling or within 60 feet of the front property line of the building site. Housing and caging of animals shall be adequate and in accordance to the requirements of the City, County or State Sanitary Codes.

ZONE G-1 DENSITY REQUIREMENTS:

- a. Minimum Lot Area for a single-family dwelling shall be one acre.
- b. Minimum Lot Area for other uses shall be one acre.
- c. Minimum Lot Width for all uses shall be 200 feet.
- d. Maximum Building Height for all uses shall be unlimited except as regulated by Federal, State and County agencies.
- e. Minimum Front Yard Depth for all uses shall be 130 feet measured from the center line of the right-of-way of the adjacent street or streets.
- f. Minimum Side Yard on both sides of tract or lot for all uses shall be 50 feet.
- g. Minimum Rear Yard for all uses shall be 35 feet.

SECTION 9 – H ZONE REGULATIONS

FLOODPLAIN DISTRICT

The special flood hazard areas of Riley, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated or otherwise unprotected from flood damages.

STATEMENT OF PURPOSE

The City of Riley has adopted an ordinance(s) to promote the public health, safety and general welfare, to minimize flood losses, to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CRF) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) and K.A.R. 5-44-4. Provisions of this ordinance(s) are to:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities.
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

GENERAL PROVISIONS

The ordinance(s) shall apply to all lands within the jurisdiction of the City of Riley identified as numbered and unnumbered A Zones, AE, AO, and AH Zones, on the Index Map dated March 16, 2015, of the Flood Insurance Rate Map (FIRM), and any future revisions thereto. In all areas covered by this ordinance(s), no development shall be permitted except through the issuance of a floodplain development permit, granted by the City of Riley or its duly designated representative under such safeguards and restrictions as the City of Riley or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community.

COMPLIANCE

No development located within the special flood hazard areas of this community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance(s) and other applicable regulations.

FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas to which the ordinance regarding Floodplain Management specifies. No person, firm, corporation, or unit of government shall initiate and develop or substantially improve or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.

DESIGNATION AND DUTES OF FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator is appointed by the City of Riley. The Floodplain Administrator's duties shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied.
2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law.
3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
4. Issue floodplain development permits for all approved applications.
5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse.
7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures.
8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed.
9. When floodproofing techniques are utilized for a particular non-residential structure, the floodplain administrator shall require certification from a registered professional engineer or architect.

APPLICATION FOR FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose with the Floodplain Administrator or at the City Clerk's office. Every floodplain development permit application shall include all pertinent information required.

ESTABLISHMENT OF APPEAL BOARD

The Riley City Council shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Appeal Board.

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

FURTHER APPEALS

Any person aggrieved by the decision of the Appeal Board or any taxpayer, may appeal such decision to the District Court as provided in K.S.A. 12-759 and 12-760.

AMENDMENTS

The regulations, restrictions, and boundaries set forth in the ordinance(s) may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties or interested citizens, shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Riley. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Regional VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

SECTION 10 – PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

PURPOSE AND OBJECTIVES: The following regulations adopted in accordance with K.S.A. 12-755 et seq., shall apply to land use and structures within a Planned Unit Development District which, when approved by the Planning and Zoning Board and authorized by the City Council, may differ in one or more respects from the regulations that are applicable in any of the other zoning districts, except the Floodplain District, established herein. The objectives of a Planned Unit Development District shall be the application of modern land development technology which will result in the efficient and best use of land and services; the providing of safe, clean, convenient and necessary residential, commercial and industrial facilities; the providing of pleasant, uncrowded open spaces for recreation and visual benefits and the providing of safe and convenient streets and trafficways; all of which will afford greater opportunities for better housing, recreation, shops and industrial plants for all citizens of the community.

DEFINITIONS: The following definitions shall be used in the construction and interpretation of the provisions of this Article:

1. “Common Open Space” or “Common Use Open Space” is a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a Planned Unit Development and designed and intended for the use or enjoyment of residents, occupants and owners of the Planned Unit Development. Common Open Space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents, occupants and owners of the Planned Unit Development.
2. “Land-Owner” or “Owner” shall mean the legal or beneficial owner or owners of all the land proposed to be included in a Planned Unit Development. The holder of a contract to purchase, or other person having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Article.
3. “Plan” shall mean the provisions for development of a Planned Unit Development, including such drawings as shall serve as a plat or subdivision, all covenants related to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the plan” shall mean the written and graphic materials referred to in this definition.
4. “Planned Unit Development” is an area of land controlled by a landowner to be developed as a single entity for a number of dwelling units, office uses, commercial uses, industrial uses or any combination thereof, if any, the plan for which does not correspond in lot size, bulk or type of dwelling or commercial or industrial use, density, lot coverage and required open space, to the regulations established for any one or more of the other zoning districts in these regulations. Terms such as “Planned Development District” and “Planned Development” used herein, shall be construed to have the same meaning as the full term, “Planned Unit Development.”
5. “Planning and Zoning Board” shall mean the legally constituted administrative body having jurisdiction over the area containing the proposed Planned Unit Development; such body being herein designated by the City Council to administer the provisions of this Article.

STANDARDS AND CRITERIA:

1. Established standards and criteria herein shall be used by the Planning and Zoning Board and City Council in the determination of the approval or disapproval of preliminary proposals for Planned Unit Development Districts. A development plan which is judged to be consistent with standards and criteria contained in this Article shall be considered to be qualified for preliminary approval.

2. All Planned Unit Development Districts shall be consistent with the following requirements, policies and considerations:

- a. The area to be included within the Planned Unit Development District shall contain a minimum of one-half acre.
- b. The application for a Planned Unit Development District shall be filed by the owner, or jointly by the owners of record of all land to be occupied by that district.
- c. The Planned Unit Development will not substantially injure or damage the use, value and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the Land Use Plan.
- d. The Planned Unit Development will not impose an undue burden on public services and facilities.
- e. The Planned Unit Development provides benefits and amenities that warrant any modification of the Zoning Regulations that would otherwise apply to the area.
- f. The Planned Unit Development provides design features and benefits that warrant any proposed modification of existing standards relating to public improvements, easements, and right-of-way's and service utilities.

3. The Planned Unit Development Plan includes recorded platting, easements or covenants, or a combination thereof, running in favor of the City Council for provisions of the plan relating to:

- a. the use of land and the use, bulk and location of buildings and structures
- b. the quality and location of common open space and,
- c. the intensity of use or the density of residential units

4. The Planned Unit Development provides for the location and arrangement of structures and other improvements such as parking areas, lighting, landscaping, etc. which are compatible with the surrounding land use.

5. The Planned Unit Development Proposal provides a time schedule for the completion of the development as a whole, or in stages, which is consistent with the evidence presented with the proposal as to the financial and physical resources of the landowner.

6. The development plan contains provisions for the formation of an agency to own and maintain common use lands and facilities within the district.

7. The Planned Unit Development includes provisions for the design, size and quality of construction of streets, drives, utility line and appurtenances, walks and other public use or common use facilities in accordance with the standards approved by the City and on file in the office of the City Clerk. Such standards being adopted pursuant to the authority granted in K.S.A. 12-705.

RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT: This district is designed to provide for flexibility in the size, location and type of dwelling units and compatible uses while setting aside perpetual common use open space and facilities for the residents of the district.

1. PERMITTED USES:

- a. Any permitted use or conditional use in any residential district except Group Day Care Centers and signs.
- b. Accessory buildings and uses.
- c. Signs as regulated by Section 14 herein and as further limited in paragraph D-5 below.

2. CONDITIONAL USES:

- a. Group Day Care Center

3. DENSITY REQUIREMENTS:

- a. The total ground area occupied by structures for principal uses and accessory uses shall not exceed 40 percent of the total ground area of the Planned Unit Development.
- b. Minimum distance from any structure to the district boundary line shall be 25 feet when the boundary abuts a public street and 8 feet otherwise.

4. USE LIMITATION:

- a. Common open space and other common use facilities shall be consistent with the planned function and located within the district so as to be convenient, readily accessible and visually attractive to all of the intended common users.
- b. Provisions for the continuity, preservation, care, conservation, and maintenance of all common open space and common use facilities shall be provided in the development plan in accordance with requirements within this Section 10.
- c. Common use recreational facilities such as playgrounds and swimming pools shall be of such size to adequately serve the population for which they are intended. Such adequacy shall be determined in accordance with some recognized national standard which shall be referred to within the development plan.
- d. Off-street parking and loading areas shall be provided for all uses within the district in accordance with the requirements of Section 13 of these regulations.
- e. The type and number of signs shall be limited to the following in accordance with the classifications and definitions stated in Section 14 herein:
 - One non-illuminated temporary construction sign of the ground sign structural type; such sign being limited to a gross surface area of 100 square feet with a height not exceeding 15 feet and a minimum setback of 15 feet.
 - One non-illuminated Real Estate sign of the ground sign structural type; such sign being limited to a gross surface area of 100 square feet with a height not exceeding 15 feet and a minimum setback of 15 feet. This sign shall be used only for the purpose of announcing the sale, lease or rent of residences within the Planned Unit Development and shall be left in place no more than two years without renewal of the sign permit.
 - One non-illuminated Real Estate sign of the ground sign structural type for each residential unit within the Planned Unit Development announcing the sale, lease, or rent of that unit. Such sign shall

be limited to a gross surface area of six square feet and a height of three feet and shall be left in place no more than six months.

- One indirectly illuminated, non-flashing and non-moving Identification sign of the ground sign structural type; such sign being limited to a maximum gross surface area of 100 square feet with a height of no more than 10 feet and a minimum setback of 15 feet. This sign shall be used only for the purpose of identifying the overall Planned Unit Development and shall not include the name, or a reference to, any landowner, developer or commercial establishment.

f. The development time schedule shall include provisions for:

- Completion of streets, drives, walks and minimum parking and loading facilities coincident with the completion of structures requiring such facilities.
- Completion of the landscaping and planting of common use and private areas coincident with the completion of structures adjacent to those areas.
- Completion of common use recreational facilities or at least 80% of their required proportional amount, consistent with the completion of residential structures creating the need for such facilities.

g. A development plan may provide for completion of facilities in stages and, in such case, the plan shall specifically state areas included in and the time schedule for such stages.

One stage of development may provide for up to 20% more area density than the minimum stated in paragraph C-1 above, provided that the following stage of development provides for a lesser density which will result in a density of the two stages combined which will meet the stated minimum; and further provided that the total time for completion of both such stages does not exceed five years. In such case, an easement, covenant, or other such legal instrument shall be executed in favor of the City setting aside the appropriate amount of open space within the area of the succeeding stage before approval will be granted to allow the start of development of the initial, or preceding stage.

PROCEDURE FOR PLANNED UNIT DEVELOPMENT DISTRICTS:

Preliminary Development Plan:

1. A landowner seeking the establishment of any Planned Unit Development District shall submit to the Planning and Zoning Board a Preliminary Development Plan; the application for approval of which shall constitute the filing of an application for the establishment of a Planned Unit Development District in the same manner as prescribed herein for the establishment of any zoning district.

2. The Preliminary Development Plan drawing shall be prepared so as to serve in lieu of a Preliminary Plat, as defined by the Subdivision Regulations of the City, and shall include all of the following:

- a. The name of the owner(s) and the licensed engineer, or surveyor, responsible for the survey of the boundary and topography.
- b. The location of boundary lines and their relation to established section lines and fractional section lines and the location of the city limits if falling within or immediately adjacent to the tract.
- c. The location and width of existing and proposed streets, roads, lots and alleys, building lines, parks and other features, and similar facts regarding property immediately adjacent to the proposal.

- d. A small-scale location map showing the names and location of all streets within 200 feet of the proposed development.
 - e. The location, size and type of sanitary and storm sewers, water mains, culverts, power and natural gas lines and other surface and subsurface structures and pipelines existing within or immediately adjacent to the proposed development.
 - f. An accurate drawing of the site of such scale as is necessary to adequately depict all drainage courses and prominent topographic features. Elevation contours shall be shown at such interval as is necessary to show the slope of the land as it relates to surface drainage and the construction of streets, utilities and structures in the proposed development.
 - g. Sketches of and preliminary calculations for the size and location of common use facilities, sanitary sewer lines, water lines and storm drainage lines and structures.
 - h. Clearly defined lines showing the boundaries of common open spaces which are proposed to be platted and recorded in accordance with the requirements of this Section 10.
 - i. Sketches showing approximate height, size and type of structures along with proposed landscaping and a statement of the use and density of use for the various parts of the site.
 - j. Clearly defined lines showing the boundaries of phases and stages of development, if any, that the landowner proposes as a part of the Planned Unit Development.
 - k. Clearly defined lines showing approximate size and location of buildings, signs, and other structures along with the location and size of any lots, easements or rights-of-ways for public streets and utilities proposed to be platted and the approximate size, type of construction and location of parking areas, private streets and drives.
 - l. A title block containing the words "Preliminary Plat and Preliminary Development Plan for ____", followed by the proposed name of the development.
 - m. A certificate stating "Approved by the Riley City Planning and Zoning Board this ____ day of ____" and signature lines for the Chairman and Secretary of the Planning and Zoning Board(s).
 - n. A certificate stating "Approved and established as a Planned Unit Development District by City Ordinance No. ____ dated ____ and placed on file in the office of the City Clerk," and a signature line for the Mayor.
 - o. A certificate stating "Received and placed on record this ____ day of ____," and a signature line for the City Clerk.
3. Preliminary Development Plan documents shall be prepared by the landowner and submitted along with the drawing as a part of the plan and application and shall include all of the following:
- a. A statement of the nature of the landowner, or landowner's interest in the land proposed to be developed.
 - b. A statement of why, in the landowner's opinion, the proposed district would be in the public interest and would be consistent with the stated objectives of the City with regard to Planned Development Districts.

- c. A statement of the substance of covenants or other restrictions proposed to be imposed upon the use of the land, buildings and structures and any other provisions which are proposed to run in favor of the residents and owners of the planned community.
- d. A statement of the substance of the covenants or other restrictions proposed to run in favor of the City beyond or in lieu of those proposed to be platted.
- e. In the case where a plan calls for development in phases or stages over a period of years, a schedule related to the boundary lines shown on the drawing, showing the proposed time and sequence within which the applications for final approval of all phases or stages of the Planned Unit Development are intended to be filed.
- f. A statement as to the form of agency proposed to own and maintain the common use open spaces and facilities, streets and parking areas shown as a part of the plan. The statement shall further include the acknowledgement of an agreement to the following conditions which shall be put into effect concerning common use open spaces and facilities as a part of the Final development Plan:

The agency owning and maintaining the common lands and facilities shall not be dissolved or permitted to dispose of any of the common lands and facilities without first offering to dedicate the same to the City or some other government agency.

The agency owning and maintaining the common lands and facilities shall provide care and management to prevent the loss of taxable value and avoid the creation of a public nuisance within the district. In the event of failure of that agency to fulfill its duties, the City shall have the right to serve notice on the agency demanding that specified deficiencies be remedied within a specified time limit and, upon failure of the agency to act upon the matters as specified, the City shall have the right to enter upon the property and repair the specified deficiencies; the cost of same being assessed against the properties within the district and becoming a tax lien on those properties.

4. At least thirty (30) days prior to the Planning and Zoning board meeting, the landowner shall submit copies of all drawings and documents constituting the Preliminary Development Plan to the City Clerk for review and transmittal to the Planning and Zoning Board.

Action by the Governing Body:

1. The Planning and Zoning Board, upon receipt of the application for the establishment of a Planned Unit Development District, shall review the preliminary development plan and determine its compliance with the applicable standards and criteria, the Planning and Zoning Board shall proceed with the publishing of a public notice for a public hearing before the Planning and Zoning Board as prescribed in Section 23 herein for the establishment of any zoning district. Upon a finding that the preliminary development plan is inconsistent with the standards and criteria or is otherwise not in compliance with the requirements herein, it shall be returned to the applicant along with a statement defining such inconsistencies or non-compliances.
2. The Planning and Zoning Board, following the published notice, shall proceed with public hearings and further considerations and deliberations concerning the application for the establishment of the Planned Unit Development District and shall subsequently report its findings to the City Council. Such actions by the Planning and Zoning Board shall be carried out in the manner and within the time limitations prescribed in Section 24 herein for the establishment of any zoning district.

3. The City Council shall consider and act upon the application in the manner prescribed in Section 24 herein for the establishment of any zoning district; such action commencing within thirty (30) days following receipt of the findings and recommendations from the Planning and Zoning Board.
4. In the case of the approval of the application by the City Council, an Ordinance shall be passed establishing the Planned Unit Development District. Such Ordinance shall specifically include the following:
 - a. Wording which incorporates into the Ordinance by reference all drawings and documents submitted as a part of the application or as revised by the owner in accordance with the requirements set forth by the Governing Body.
 - b. A description of the boundaries of the Planned Unit Development District.
 - c. A finding that the Planned Unit Development is in general conformity with the community land use plan and will not have a substantially adverse effect on the development of the neighborhood.
5. Immediately following the establishment of the Planned Unit Development District, the City Clerk shall notify the owner by letter of such action and shall therein advise the owner of the required action by him as set out in paragraph "C" herein following.
6. An Approved Preliminary Development Plan for a Planned Unit Development District established by Ordinance of the City Council shall not be substantially revised by the owner, the Planning and Zoning Board or City Council with regard to:
 - a. The use of land and the use, bulk and location of buildings, structures, streets, easements and parking areas.
 - b. The quality and location of common open space and;
 - c. The intensity of use or the density of residential units except by rehearing and reapproval of the revised plan in accordance with the provisions contained herein for the original action on the Preliminary Development Plan.

Action by the Owner:

1. Upon approval of the application and the establishment of the Planned Unit Development District by the City Council, the owner shall, within ten days after notification of such approval, file a statement with the County Register of Deeds containing all of the following:
 - a. The legal description of the Planned Unit Development District.
 - b. A statement that the Planned Unit Development District has been established and that the preliminary development plan is on file with the City Clerk.
 - c. A statement specifying the nature of the plan, the proposed density or intensity of land uses and other pertinent information sufficient to notify any prospective purchasers or users of the land of the existence of such a plan and binding successors and assigns to the plan.
2. Failure of the owner to comply with the requirements of paragraph C-1 above shall be deemed to be an abandonment of the Plan by the owner and after ten (10) days of inaction by the owner following a written notification to the owner by registered mail, the Planning and Zoning Board shall revoke its approval of the Preliminary

development Plan and shall institute action to rezone the land included in the Plan to the Zoning classification in effect prior to the establishment of the Planned Unit Development District.

Final Development Plan:

1. Before the issuance of a building permit or any development commences, the owner shall submit a Final Development Plan to the City Clerk for review and subsequent approval by the Planning and Zoning Board. Such plan shall be submitted within the time limits included as a part of the approved Preliminary Development Plan or the limits set out in the subsection entitled "Abandonment or Failure to Proceed" herein following.
2. A Final Development Plan may include all of the Planned Unit Development District or may include only those parts of the District set out as phases or stages in the approved Preliminary Development Plan.
3. A Final Development Plan drawing shall be prepared so as to serve in lieu of a Final Plat, as defined by the Subdivision Regulations of the City, except as provided in paragraph 4 below, and shall include all of the following.
 - a. An accurate boundary survey of the property, with bearings and distances, referenced to section corners, and showing (in dotted lines), the lines of all adjacent lands and the lines of adjacent streets and alleys, with their widths and names. The error of closure of the perimeter survey shall not exceed one (1) foot for each 5,000 feet of perimeter. The error of closure for all interior portions shall not exceed one (1) foot for each 3,000 feet of perimeter.
 - b. Location of lots, public streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet to the nearest one hundredth of a foot, with the length of radii and of arcs of all curves, and with all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.
 - c. The location of building lines on front and side streets, and the location of utility easements and easements for possible future public sidewalk construction.
 - d. The names of all public and private streets and the numbers of any platted lots.
 - e. Clearly defined and dimensioned boundary lines of common open spaces.
 - f. The following certificates prepared in accordance with the style recommended by the City Subdivision Regulations:
 - Owners description, certificate and dedication of all land intended for public use; signed and notarized.
 - Certificate of Survey, Seal and signature of engineer or surveyor.
 - Certificate of Planning and Zoning Board approval.
 - Certificate of City Attorney approval.
 - g. North point, graphic scale and date.
 - h. All figures and letters shown must be plain, distinct, and of a sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record.
 - i. The subdividers engineer or surveyor shall place sufficient permanent monuments along the boundaries of the property so that another engineer may retract his work with accuracy. Approved monument markers or

iron pins shall be placed at block corners, angle points on the streets, and the beginning and end of curves on streets. Iron pins shall not be less than two (2) feet in length and minimum one-half (1/2) inch in diameter.

j. Site development details including:

- The dimensioned location of private streets, drives, parking areas, signs, utility lines, buildings, walks, fire hydrants and all other physical improvements, structures and facilities.
- The width, type and quality specification of surfacing and curb and gutter for private streets, drives, parking areas and walks.
- The type, size and quality specification of utility lines and appurtenances, drainage structures, signs and other public use or common use facilities to be constructed or installed by the owner.

k. A title block containing the words “Final Plat and Final Development Plan, State (or Phase) of _” followed by the name of the development.

4. In the event that actual construction of buildings and structures will determine the final, precise location of lot lines or common use area boundaries, the owner shall prepare a Final Development Plan drawing and a separate Final Plat. The Final Development Plan drawing shall be submitted to the Planning and Zoning Board as a part of the application for approval of the Final Development Plan and shall include:

- a. All of the information listed in D-3 subparagraphs g, h, j and k above.
- b. Certificates of approval for the Planning and Zoning Board and City Council.
- c. Clearly defined and approximately dimensioned boundary lines, public street rights of way lines, lot lines and common open space boundary lines.

The Final Plat shall be prepared immediately following the completion of the necessary site construction and shall be submitted to the Planning and Zoning Board and City Council for approval and shall then be recorded in the Office of the County Register of Deeds. The Final Plat shall include:

- a. All of the information and requirements listed in D-3 subparagraphs a, b, c, d, e, f, g, h, and i above.
- b. Clearly defined and dimensioned boundary lines of common open spaces.

5. In addition to the Final Development Plan drawings, separate from those set out in paragraphs 3 and 4 above, there shall be prepared and submitted for informational purposes, drawings which shall include floor plans and elevation of all buildings along with landscaping plans. These drawings shall be in detail sufficient to show the general arrangement and numbers of dwelling units and approximate ground coverage, screening effect and height of plantings. This drawing, or drawings, shall be appropriately titled and noted so as to identify it as accompanying the Final Development Plan Submissions.

6. Final Development Plan Documents shall be prepared by the landowner and submitted along with the drawings as a part of the Plan and shall include all of the following:

- a. Covenants or other restrictions concerning the use of land, buildings and structures and other provisions running in favor of the residents and owners.

- b. Covenants, easements or other restrictions, other than those being platted, running in favor of the City, which are necessary to provide compliance with any requirement or condition of the approved Preliminary Development Plan.
- c. Applicable by-laws and other regulations for the agency which will own, manage and maintain the common use open space and facilities and proof that such an agency has been legally established. Such by-laws and regulations shall specifically provide:
 - That the agency owning and maintaining the common lands and facilities shall not be dissolved or permitted to dispose of any of the common lands and facilities without first offering to dedicate the same to the City or some other government agency; and that
 - The agency owning and maintaining the common lands and facilities shall provide care and management to prevent the loss of taxable value and avoid the creation of a public nuisance within the district. In the event of failure of that agency to fulfill its duties, the City shall have the right to serve notice on the agency demanding that specified deficiencies be remedied within a specified time limit and, upon failure of the agency to act upon the matters as specified, the City shall have the right to enter upon the property and repair the specified deficiencies; the cost of the same being assessed against the properties within the district and becoming a tax lien on those properties.

7. The landowner shall submit the drawings and documents as follows:

- a. Final development Plan and Final Plat, when appropriate:
- b. The drawings required in paragraph D-5.
- c. The documents required in paragraph D-6.

Such submittal shall be made to the City Clerk at least seven (7) days prior to the Planning and Zoning Board meeting where the Plan is to be considered.

8. The Planning and Zoning Board shall review the final development plan for conformity to any and all parts of the approved preliminary development plan. The final plan shall be deemed to be in substantial compliance with the preliminary plan if the final plan does not:

- a. Vary the proposed gross residential density or intensity of use by more than 5% or involve a reduction in the area set aside for common open space, nor the substantial relocation of such area nor,
- b. Increase by more than 10% of the floor area proposed for non-residential use; nor,
- c. Increase by more than 5% the total ground area covered by buildings nor involve a substantial change in the heights of buildings.

9. The Planning and Zoning Board is not required to hold public hearings in the process of evaluating final development plans which contain variances from the approved preliminary plan provided that the final plan meets the above standards for substantial compliance and/or the variances are concerned with the location and design of streets, drainage ways and utilities. However, the Planning and Zoning Board may require the owner to show good cause for any variations contained in the final plan and if, in the opinion of the Board, the variations are not in the public interest, the Board may require the owner to make satisfactory revisions to the final plan as a condition for the granting of approval.

10. A final development plan which contains no variations from the approved Preliminary Development Plan or is in substantial compliance with the preliminary plan and variations contained therein, are satisfactory to the Planning and Zoning Board, shall be approved by the Planning and Zoning Board within 45 days of the submission of the final development plan.

11. A Final Development Plan which is not in substantial compliance with the Preliminary Development Plan or contains variances which are judged by the Planning Zoning Board to not be in the public interest, shall not be approved by the Planning and Zoning Board and the owner shall be requested to meet with the Planning and Zoning Board to discuss remedies for the variances therein. If the owner does not agree to the remedies suggested by the Planning and Zoning Board or otherwise declines to revise the plan as submitted, the Planning and Zoning Board may, within 45 days of the original submission of the Final Development Plan, deny approval of the plan and return it to the owner with a written statement setting forth the reasons why one or more variances are not in the public interest.

12. Following the denial of approval of a Final Development Plan by the Planning and Zoning Board, the owner may choose to revise the plan in accordance with the recommendations of the Planning and Zoning Board and resubmit it for approval or may, within 45 days of receipt of notice of denial, choose to appeal the decision of the Planning and Zoning Board. In the case of such appeal, the Planning and Zoning Board shall conduct a public hearing on the matter in the same manner as required for a preliminary development plan and, following the public hearing, shall approve or deny the final development plan as submitted.

13. Following the public hearing and subsequent decision by the Planning and Zoning Board, the landowner may appeal the decision of the Planning and Zoning Board to the City Council within 30 days of the decision by the Planning and Zoning Board. The Governing Body shall approve or deny the Final Development Plan as originally submitted, and in the case of denial, shall notify the landowner in writing stating the reasons for denial by the Planning and Zoning board, as well as those of the Governing Body.

14. Following approval of a Final Development Plan by the Planning and Zoning Board, or approval upon appeal by the City Council, all required signatures shall be affixed to the original Plan drawing. Within ten (10) days thereafter, the City Clerk shall file the original Final Development Plan drawing and one copy of the documents required in paragraph D-6 with the County Register of Deeds. Immediately following the recording, the City Clerk shall obtain two copies of all recorded documents of the Final Development Plan drawing; one copy to be retained and the other to be made available to the landowner. The cost of all recording, reproducing and printing detailed above shall be borne by the landowner and shall be paid for in advance of the filing with the Register of Deeds.

15. For those cases where a Final Plan is required in addition to the other drawings and documents previously described, the preparation, approval, recording and filing of the plat shall be in accordance with the requirements of the City Subdivision Regulations.

16. Following completion of all requirements of the Final Development Plan, the landowner may apply for, and the Planning and Zoning Board may issue, a building permit; provided that all parts of the application for such permit are in full accord with the Final Development Plan.

ABANDONMENT OR FAILURE TO PROCEED:

1. If the owner chooses to abandon an approved preliminary development plan or an approved final development plan, he shall so notify the Planning and Zoning Board and City Council in writing. Upon receipt of such notice of abandonment by the owner, the Planning and Zoning Board shall forthwith undertake proceedings to rezone the Planned Unit Development area back to the zoning district classification which existed just prior to the application for

the Planned Unit Development district. The owner may, however, include with his letter stating the abandonment of the Planned Unit Development, an application for a rezoning to some other zoning district classification and the Planning and Zoning Board shall forthwith proceed to consider that application in the same manner as for any application for rezoning.

2. If the owner fails to submit a Final Development Plan or Plans to the Planning and Zoning Board within the time limits that are made a part of the Preliminary Plan or, in the absence of such time limits, within two years following the approval of a Preliminary Development Plan; or if he fails to substantially commence the construction included in an approved Final Development Plan within 18 months of the approval date of the Final Plan; and he has not applied for an extension to the above time limits from the Planning and Zoning Board, the Planning and Zoning Board shall revoke its approval of the Preliminary Plan or Final Plan and shall so notify the owner and the City Council in writing. If, within 30 days of receipt of the notice of such revocation, the owner does not present to the Planning and Zoning Board an application for reinstatement of the Preliminary Development Plan or Final Development Plan, the Planning and Zoning Board shall consider that the plan in question has been abandoned by the owner and shall proceed with the action prescribed in paragraph A above.

ENFORCEMENT AND MODIFICATIONS:

1. The provisions of the approved development plan, whether recorded by plat, covenant, easement or otherwise relating to:

- a. The use of land and the use, bulk and location of buildings and structures.
- b. The quality and location of common open space.
- c. The intensity of use or the density of residential units.

shall run in favor of the City Council and shall be enforceable in law or in equity by the City Council, without limitation on any powers or regulation otherwise granted the City Council by law.

2. All provisions of the Development Plan shall run in favor of the residents and owners of the planned community, but only to the extent expressly provided in the Plan and in accordance with the terms of the Plan, and to that extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced by law or equity by said residents and owners, acting individually, jointly or through an organization designated in the plan to act on their behalf. No provisions of the plan shall be implied to exist in favor of residents and owners of the Planned Unit Development except as to those portions of the Plan which have been finally approved and have been recorded.

3. All of those provisions of the Plan authorized to be enforced by the City Council under paragraph A of this section may be modified, removed or released by the City Council (except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility), subject to the following conditions:

- a. No such modification, removal or release of the provisions of the Plan by the Governing Body shall affect the rights of the residents and owners of the Planned Unit Development to maintain and enforce those provisions, at law or equity, as provided in paragraph B of this section.
- b. No modification, removal or release of the provisions of the plan by the Governing Body shall be permitted except upon a finding by the Planning Board and concurrence by the Governing Body, following a public hearing held in accordance with the provisions of Section 20 of these regulations, that the same is consistent with the efficient development and preservation of the entire Planned Unit Development, does

not adversely affect either the enjoyment of land abutting upon or across a street from the Planned Unit Development or the public interest, and is not granted solely to confer a special benefit upon any person.

4. Residents and owners of the Planned Unit Development may, to the extent and in the manner expressly authorized by the provisions of the Plan, modify, remove or release their rights to enforce the provisions of the Plan but no such action shall affect the right of the City Council to enforce the provisions of the Plan in accordance with the foregoing provisions of this section.

SECTION 11 – USES NOT LISTED

Whenever there is doubt as to the classification of a use not specifically listed or mentioned in this regulation, the determination shall be made by the Planning and Zoning Board. Application for such a determination shall be made in writing to the Planning and Zoning Board and such determination shall be made within 30 days following receipt of the application. The determination shall state the class or classes of districts in which such use will be added and whether it is a Permitted Use, or a Conditional Use. The determination shall become effective immediately and that use, as determined by the Planning and Zoning Board, shall have the same status as other uses listed and regulated herein.

SECTION 12 – ACCESSORY BUILDINGS AND USES

1. Accessory buildings, as defined and regulated herein, shall be permitted in any zoning district where the accessory use is located on the same lot as the principal use. In no case shall a business or commercial use be permitted as an accessory use in a residential district unless it is permitted as a home occupation. No accessory building shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
2. No detached accessory building shall occupy a required front yard. A detached accessory building can be located no closer to the front property line than 10 feet behind the front of the dwelling.
3. No detached accessory building shall be located within 10 feet of any dwelling existing or under construction on the building site, except that for a detached garage or carport the minimum distance may be 5 feet.
4. No accessory building shall be located closer than 5 feet to any lot line and in the case of a reversed corner lot, no accessory building shall project closer to the street side yard than the front yard abutting.
5. Any accessory building shall not exceed 1,500 square feet or the overall square footage of the main living floor of the principal structure and shall not result in exceeding thirty percent (30%) of the total coverage area of the lot, inclusive of all buildings in properties over 8,500 square feet. Properties having less than 8,500 square feet will be allowed 35% lot coverage.
6. Any detached accessory structure over 250 square feet in any residential zoning district. A roof with a minimum pitch of four (4) vertical inches for each twelve (12) horizontal increases (33% slope) need to have a one (1) foot overhang and siding material and color consistent with similar buildings in the residential neighborhood. Specifically prohibited are high-gloss exterior finishes, including silver or any other highly-reflective materials. These provisions are not applicable to fabricated storage buildings less than 120 square feet in size and detached carports, except that high-gloss and highly reflective finishes are prohibited.
7. Total roof height shall not exceed sixteen (16) feet measured from the lowest level interior floor.
8. Metal shipping containers, truck boxes and/or trailers are prohibited from use as an accessory building in all zones.

SECTION 13 – MINIMUM PARKING AND LOADING REQUIREMENTS

1. In any zoning district except Zone C-2, all structures built and uses established hereafter shall be provided with off-street parking in accordance with this regulation. When an existing structure or use is expanded, off-street parking shall be provided as specified herein for the total area or capacity of the whole structure or use as enlarged.
2. Required off-street parking facilities provided for the uses established herein shall be solely for the parking of motor vehicles in operating condition of patrons, occupants or employees of such use. No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking or loading facilities.
3. No parking or loading area shall be located closer to any lot line than the minimum front, side or rear yard distance specified for the zoning district; except that parking is permitted on a single-lane width driveway serving single and two-family dwellings. Driveway areas shall not be used in determining off-street parking areas except for single and two-family dwellings.
4. Each required off-street parking space shall open directly upon an aisle or driveway. Design of drives, aisles, island widths, ingress and egress shall be such that safe and efficient vehicular service is obtained. In any case, the minimum stall dimension for a passenger vehicle shall be 8'-6" x 19' and a well graded, all weather surface shall be provided.
5. All parking spaces required to serve buildings or uses shall be located on the same zoning lot or district. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each use.
6. Parking spaces required on an employee basis shall be computed on the maximum number of employees on the premise at any one time; whether at the time of the issuance of the building permit or at some later date.
7. When determining the required number of off-street parking spaces for multiple family dwellings, an occupant shall mean an individual separate and distinct from the immediate family of the owner, landlord or operator.
8. Off-street loading areas shall be provided for any business or industrial building, hospital, institution, hotel, motel or other like facility hereafter erected, converted or expanded in any zoning district. Such areas shall be of such size and design to provide safe and efficient loading and unloading of people, merchandise and goods without interfering with traffic on public streets and alleys.
9. Off-street parking spaces shall be provided for the various uses as specified following. For uses not listed, or unusual circumstances, the minimum requirements shall be determined by the Planning and Zoning Board:
 - a. Dwellings – two spaces for each dwelling unit in single family, two family and multiple family dwellings.
 - b. Clubs – one for every 200 square feet of floor area.
 - c. Elementary Schools – Two spaces per classroom.
 - d. High Schools – Ten spaces per classroom.
 - e. Hospitals and Clinics – One space for each doctor plus one space for each three employees plus one space for each 500 square feet of floor area.
 - f. Offices and Service Buildings – One space for each 400 square feet of floor area plus one for each full-time employee.

- g. Service Stations – Two spaces for each service bay plus one for each employee.
- h. Retail Stores – One space for each 250 square feet of floor area.
- i. Banks and Financial Institutions – One space for each 300 square feet of floor area plus one for each full-time employee.
- j. Churches – one space for each four seats based upon the maximum designed seating capacity.
- k. Restaurants and Taverns – one space for each three persons, based on maximum capacity of the establishment.
- l. Auto Sales – one space for each 400 square feet of enclosed floor area plus one space for each 3,000 square feet of open display area.
- m. Manufactured Home, Mobile Home, Trailer and Boat Sales – One space for each 3,000 square feet of open display area.
- n. Manufacturing and Production – One space for every three (3) employees.
- o. Bowling Alleys – Five spaces per alley plus such additional space as is required if other uses are conducted within the building.
- p. Theatres – One space for each four (4) seats.
- q. Hotels and Motels – One space for each rental unit plus such additional space as is required for meeting rooms, restaurant, club, etc. located within the building.
- r. Fraternities and Sororities – Three spaces for each four occupants with a minimum of 10 spaces.
- s. Warehouse, Storage, etc. – One space for each two (2) employees.
- t. Convalescent and Nursing Homes – One space for each three (3) patients plus one for each employee.
- u. All Places of Assembly – One space for each four (4) seats.
- v. Swimming Pools – One space for each 40 square feet of water area.

SECTION 14 – SIGNS

1. No sign, except those specifically exempted within this Section 14, shall be constructed, remodeled, enlarged or relocated on any land or structure without obtaining a permit from the Planning and Zoning Board. Application for sign permits shall be in the form of a letter in which the location, size, color and other details of the proposed sign are described and illustrated. Applications for sign permits shall be accompanied by letters, leases or other documented evidence showing that the applicant has permission or other established right to place the sign in the proposed location.
2. Signs not conforming to this regulation which were existing at the time of the adoption of this regulation and were permitted under previously issued sign permits or were a lawful non-conforming use may remain in existence as a lawful on-conforming use provided they are maintained in accordance with the provisions herein.
3. A lawful non-conforming sign which is damaged by any reason, beyond 50% of its assessed value, shall not be reconstructed until a new sign permit has been applied for and issued.
4. For the purpose of this regulation the following terms shall be used to identify and classify various types of signs.

Advertising Sign – A sign which directs attention to a business, product or service sold or offered at a location other than the lot or structure upon which the sign is located.

Bulletin Board Sign – A sign which gives the name of the institution or organization on whose premises it is located and which may include the names of persons associated with the institution or organization and announcements and messages pertaining to activities thereof.

Business Sign – A sign which directs attention to a business or service sold or offered at the location of the lot or structure upon which the sign is located.

Identification Sign – A sign denoting only the name and address of a building or establishment upon whose premises the sign is located or a sign denoting only the name of a neighborhood or development wherein the sign is located.

Nameplate Sign – A sign giving the name and address of the occupant of a building or premise on which it is located.

Real Estate Sign – A sign pertaining to the sale or lease of land or structures on which it is located.

5. All signs, whether new or existing, shall be kept adequately painted and in good structural repair at all times. The area under and adjacent to a post-mounted sign shall be kept neatly mowed and otherwise maintained. Non-compliance with these requirements may result in remedial action taken by the City.
6. No sign shall be so located, designed, colored or lighted so as to be confused with or obscure or obstruct any traffic control sign or otherwise tend to confuse or mislead traffic.
7. Illuminated signs shall have the light shaded so as to prevent the casting of direct light on any residential property or trafficway. No flashing, rotating or otherwise moving signs and no signs lighted in such a way as to create the illusion of movement, shall be located in any residential district. Any illuminated sign located within 150 feet of an existing dwelling or residential district shall not be lighted between the hours of 11:00 p.m. and 6:00 a.m.

8. The following signs shall be exempt from all regulations in this Section:
- a. Flags or emblems of a governmental, civic, philanthropic, educational or religious agency when displayed on private property.
 - b. Traffic, regulatory, instructional and safety signs of a governmental agency.
 - c. Address numerals and any other sign required by law or governmental regulation.
 - d. Information and directional signs not more than five (5) square feet in area used to direct the public to entrances, exits, parking lots, restrooms, etc. on private property.
 - e. Scoreboards on athletic fields.
9. The following signs may be erected without obtaining a sign permit but shall comply with all regulations herein:
- a. Nameplate signs not exceeding two (2) square feet in area accessory to single family or two-family dwellings.
 - b. Identification signs not exceeding 40 square feet in area accessory to a multiple family dwelling.
 - c. Bulletin board signs not exceeding 40 square feet in area accessory to churches, schools or public or non-profit institutions.
 - d. Business signs located on land used for agricultural purposes pertaining to the sale of products produced on that land.
 - e. Real estate signs and signs pertaining to a structure under construction, all of a temporary nature, located on private property. Maximum sign area shall be 40 square feet.
10. The following signs are permitted within the districts as stated below, subject to all requirements and regulations stated within this article 14 and further subject to all applicable State and Federal regulations and controls:

Residential Districts:

- a. One sign per lot or dwelling.
- b. Bulletin board sign, maximum 40 square feet
- c. Nameplate sign, maximum 8 square feet.
- d. Identification sign, maximum 40 square feet.
- e. Real estate sign.
- f. Temporary construction sign.
- g. Minimum setback from any lot line is 15 feet.
- h. No sign illumination except indirect lighting of bulletin board signs.

Commercial Districts:

- a. Two signs per lot or business.
- b. Any sign defined herein except Advertising Signs.
- c. Sign area shall not exceed one square foot per lineal foot of lot facing street or in shopping center district, 50 square feet.
- d. No minimum setback but sign must be located on private property.

Industrial Districts:

- a. Any sign defined herein.
- b. No maximum number of signs but a minimum of 400 feet shall be maintained between signs.
- c. Minimum setback from any lot line is 15 feet.

Agricultural and Floodplain Districts:

- a. Any sign defined herein.
- b. No maximum number of signs but a minimum of 400 feet shall be maintained between signs.
- c. Minimum setback from any lot line or right-of-way line is 15 feet.

Planned use Development Districts:

- a. All matters pertaining to signs shall be included in and approved as a part of the development plan.

SECTION 15 – FENCES

The following definitions apply:

1. A fence is a structure or barrier, constructed of wooden or metal parts, rails, boards, wire mesh, etc., and used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy, or confinement.
 - a. Decorative Fence: A structure, composed of wooden or metal parts, and used in a manner which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure or barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges, or sidewalks shall not be considered as decorative fences under this definition.
 - b. Privacy Fence. A structure constructed of wood or other materials which constitute a solid enclosure prohibiting not only physical access but visual contact and surveillance as well.
 - c. Wall. A masonry or wooden structure used as an enclosure, boundary marker or as a means of retention for either water or sliding earth.
2. Permit Required - No fence, wall, or decorative fence, either free-standing or attached to any building or structure, shall be erected, placed or constructed upon any lot unless the owner, contractor or duly authorized agent shall have first applied for, and received, a permit from the Planning and Zoning Board. A permit fee may be charged.
3. Fences Creating Safety Hazards Prohibited - No building permit pursuant to the above section shall be issued by the Planning and Zoning Board if the governing body finds that the fence, decorative fence, private fence or wall would create a safety hazard. It shall be unlawful for any person to erect, install or maintain a fence which obscures a clear view of traffic at intersections, alleys, or driveways or which in any other way creates a safety hazard to pedestrians, vehicular traffic, or the general public.
4. Erecting, Maintaining for Spite Prohibited - No person shall erect or maintain any fence, wall or hedge for the definite purpose of annoying any other person, or for the purpose of injuring another by obstructing the view, shutting out the sunshine, hindering ventilation or causing inconvenience in any other manner.
5. Regulations and Requirements
 - a. Location - Fences, decorative fences, privacy fences and walls shall not be located outside or beyond the property or lot lines of the lot upon which the improvement shall be placed, except that upon permission granted by the Planning and Zoning Board, the structure may be located outside the front lot line with the provision that in the event the city has need to reclaim or gain access to the property, they can do so with the city not being held liable for damage to the property or fence.
 - b. Fences on property that is at the intersection of two streets must allow for adequate sight distance. The sight distance triangle must be kept free of fences and hedges that would obstruct the motorist views of oncoming traffic.

6. Height.

- a. Fences and decorative fences shall not exceed 4 feet in height in the front yard and fences, decorative fences, privacy fences and walls shall not exceed 6 feet in rear and side yards in residential districts. Privacy fences and other solid fencing are not allowed in the front yard of residential districts. Fences, decorative fences, privacy fences and walls shall not exceed 10 feet in height in commercial, industrial and agricultural districts.

7. Design, Type, and Length Regulations.

- a. All fences shall be constructed with the finished side exposed, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- b. Decorative fences shall be constructed, by way of illustration, in a style similar to split-rail or wrought-iron fences. Decorative fences, although not restricted to these particular styles, must be designed so they are neither solid fences, opaque screens, or used to enclose a specific area.
- c. Barbed wire fences will be permitted in agricultural zoned districts.
- d. Razor ribbon or similar types of barbed wire assemblies shall be prohibited in all zoning districts.
- e. Electrically charged fences are only permitted in agricultural zoned districts.
- f. Temporary fencing such as plastic silt fence or safety fence is allowable and may be required for active construction projects. Temporary fencing is not to remain in place longer than is necessary to perform its function.
- g. Gates to fences must be at least three (3) feet wide to allow for passage of emergency personnel and equipment.
- h. Fences enclosing public and semi-public activities such as schools, golf courses, churches, community centers, etc. may be erected when necessary for the safety or restraint of the occupants thereof, or when necessary for the security of the premises within.

8. Maintenance.

- a. All fences must be maintained in good and sound condition, free of damage, breaks or missing structural members. All repairs shall blend in with the fence and be compatible therewith in color and material. Vegetation adjacent to the fence should be maintained in good condition or trimmed as appropriate.

SECTION 16 – EXCEPTIONS FOR AREAS AND HEIGHTS

1. In a residential district, a permitted building other than a dwelling or accessory building, may be built to a height greater than the limitation stated within the regulations for that district provided that the rear yard and side yard widths specified are increased one foot for every foot of height over the minimum height specified.
2. The height limitations specified in these regulations shall not apply to church spires, belfries, cupolas, penthouses and domes not used for human occupancy; not to chimneys, ventilators, skylights, water tanks, bulk heads and other similar features and necessary mechanical appurtenances usually carried above the roof level. A parapet wall or cornice, without windows, may be erected to a height not exceeding 5 feet above the height limitation specified for the district in which the structure is located.
3. In calculating the percentage of lot coverage or required yards for the purpose of applying the requirements of these regulations, the following features of a structure shall not be included as coverage nor be considered an infringement into the required yards:
 - a. Unenclosed steps, stairways, landings and stoops not extending above the ground floor level.
 - b. Unenclosed walks and driveways.
 - c. Retaining walls not more than one foot higher than the ground retained.
 - d. Flue or fireplace chimney attached to the principal building.
 - e. The outer three feet of cornices and canopies extending from a principal building.
 - f. Solid fences or walls serving as privacy screens provided that such structures do not exceed 6 feet in height and that in residential districts such structures are located only in rear yards.
 - g. Open fire escapes except that they shall not project into a required side yard more than one-half the width of that side yard.
 - h. Fire escapes, balconies and enclosed stairways located in rear yards only and provided that such facility extends not closer than 15 feet from the rear lot line.
4. Where the wall of a structure is not parallel to a side or a rear lot line, the required least dimension of the side yard or the rear yard along such line may be considered to be the average distance of said wall from said lot line, provided that such side yard shall not be less than 10 feet in width at any point and no such rear yard shall be less than 25 feet in depth at any point.
5. Where the frontage upon the same side of a street between two intersecting streets is occupied or partially occupied by structures with front yards which do not conform to the front yard provisions of these regulations, or where the configuration of the ground is such that conformity with such front yard provisions would create unusual problems and hardship, the Planning and Zoning Board may permit modification of front yard requirements in accordance with Section 20 herein.
6. On a corner lot, a structure may face either street; however, the front yard depth specified within these regulations shall apply along both of the intersecting streets regardless of whether that yard is actually a front yard or side yard for that specific structure.

SECTION 17 – NONCONFORMITIES

1. A single family dwelling may be erected in any residential district upon a lot that does not meet the minimum lot size requirements stated herein, provided that:

- a. The lot, tract or parcel is shown, by a recorded deed, to have been purchased by the present owner before the effective date of this regulation and was in compliance with the size requirement of the zoning district in which it was located at the time the tract was purchased; or,
- b. The deficiency in lot size is due exclusively to the condemnation of a portion thereof by any governmental agency, and
- c. All other applicable requirements within the zoning district are met and that a minimum of 10 feet is provided for side yards.

2. Buildings for permitted uses within districts other than residential districts may be created upon a lot that does not meet the minimum size requirements stated herein provided that conditions stated in 1.a, 1.b, and 1.c above are met and further provided that all other applicable requirements within the zoning district are met.

3. Any structure in existence prior to the effective date of this regulation, for a use which is permitted in the zoning district in which it is located but which is located on a lot which does not comply with the applicable size requirements, may continue in otherwise lawful use provided that:

- a. Any enlargement, maintenance or repair of the structure does not create any additional nonconformity, or increase the degree of existing nonconformity, of all or a part of the structure.
- b. In the event that such a structure is damaged by any means, to the extent of more than 50% of its structural value, it shall be restored only in a manner which obtains conformity with the applicable regulations of the district except as specifically exempted in paragraphs 1 or 2 above.
- c. Such a structure shall not be moved to any other location on the same or any other lot unless full conformity to all applicable regulations is obtained after such relocation.

4. Any structure or land use in existence, or for which a building permit has been issued, prior to the effective date of this regulation, for a use that does not conform to those permitted in the district in which it is located, shall be designated as a lawful nonconforming use and may continue in otherwise lawful use provided that:

- a. In no case shall such a structure or use be extended or enlarged so as to increase the area, extent or intensity of the nonconformity.
- b. Repairs, maintenance and reconstruction shall be limited to those items necessary to keep the structure in a sound condition.
- c. Any remodeling or reconstruction beyond that work included above shall be done only to accommodate a use permitted in the district in which it is located and shall result in a structure and use which conform to all requirements therein.
- d. In the event that such a structure is damaged, by any means, to an extent of more than 50% of its structural value, it shall not be restored except to accommodate a use permitted in the district in which it is located and such restoration shall result in a structure and use which conform to all requirements therein.

e. Such structure or use shall not be moved to any other location on the same or any other lot unless full conformity to all applicable regulations is obtained after such relocation.

5. When a lawful nonconforming use of a structure or any part of a structure, or lawful nonconforming use of any facility or part of a facility or nonconforming use of any land is discontinued for any reason, for a period of 12 consecutive months, such nonconforming use shall not be reestablished or resumed and any subsequent use shall conform to all of the requirements of the district in which it is located.

6. No lawful nonconforming use of any structure or facility or land shall be changed to any other use except one which is permitted in the district in which that use is located and after such a change is made, a return to the nonconforming use shall not be permitted.

SECTION 18 – HOME OCCUPATIONS

1. A home occupation shall be defined as a business, profession, occupation or trade conducted for gain or support entirely within a residential building or within a structure that is accessory to a residential building by the residents thereof.
2. Any home occupation that is customarily incidental to the use of a building as a dwelling shall be permitted to be carried on within that dwelling in districts where “Home Occupations” is included as a permitted use.
3. In addition to all of the Use Limitations list for the district in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

In Residential Districts

- a. No person other than a member of the immediate family in residence shall be employed unless approved by the city on an annual basis.
- b. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage accessory thereto.
- c. No sign shall advertise the presence or conduct of the home occupation nor shall there be any sign on the premises other than those permitted within a residential district in Section 14 herein.
- d. No manufacturing or processing of any kind shall be done unless approved by the city on an annual basis.

In Any District

- a. No alteration of the dwelling, grounds or accessory buildings shall be done so as to make the premises recognizable as serving a nonresidential purpose.
 - b. No more than 25 percent of the dwelling floor space shall be devoted to the occupation, provided that rooms let to roomers are not subject to this limitation.
 - c. No mechanical equipment which makes any loud or unusual noise or otherwise annoys, disturbs or endangers the peace and safety of others shall be used indoors or out in connection with the occupation.
 - d. No equipment or materials used in the occupation shall be stored outdoors.
4. Customary home occupations include but are not limited to the following provided that each listed occupation shall be subject to the definitions in paragraph 1 above:
- a. Dressmaking, sewing, tailoring.
 - b. Music teaching, provided the instruction is limited to one pupil at a time except for occasional groups.
 - c. Writing, painting, sculpting and composing.
 - d. Ministerial services and duties.
 - e. Administrative duties related to sales and services provided that no exchange of goods is made on the premises.

- f. Model making, cabinet making, rug weaving and similar crafts provided that such activities do not require equipment and machinery beyond that which would customarily be required if such activity were a hobby or non-profit avocation.
- g. Day Care homes.
- h. Barbering and beautician services.

5. Occupations that are not permitted as home occupations in residential districts are:

- a. Dancing schools.
- b. Funeral Homes.
- c. Nursery schools and group day care centers, except in districts where they are a listed permitted use.
- d. Restaurants.
- e. Stables, kennels or animal hospitals.
- f. Rental of tools and equipment of any kind.
- g. Medical or dental clinics or hospitals.

SECTION 19 – UNIVERSAL NUMBERING REQUIRED

There is hereby established a uniform numbering system for numbering the property frontage on all streets, avenues and public and private ways in the City. The numbering system will assist in uniformly assigning, maintaining and identifying addresses which will aide in promoting continuity as well as citizen safety.

All businesses, public buildings, commercial, industrial and office buildings, house and residences fronting on the streets, avenues or alleys of the City shall be numbered in conformity with the provisions of this article.

1. DESIGNATION OF BASE STREETS. Kansas Avenue shall constitute the baseline for numbering buildings along all streets running northerly and southerly. Broadway shall constitute the baseline for numbering buildings along all streets running easterly and westerly.

- a. Each building north or south of Kansas Avenue and facing a street running in a northerly or southerly direction shall carry a number and address indicating its location north or south of such base street.
- b. Each building east or west of Broadway and facing a street running in an easterly or westerly direction shall carry a number and address indicating its location east or west of such base street.

2. NUMBERING BASE.

- a. Block Numbers: The numbering of buildings on each street shall be based on its block number. The block numbering for each street shall have begun at the baseline.
- b. The block numbers shall get larger the father away from the base street. The numbers 100, 200, 300 and continuing shall be reserved for the intersection of said street(s).
- c. Building Numbers. All buildings on the north or east side of streets shall be even numbered. All buildings on the south or west side of streets shall be odd numbered.

3. STREETS NOT EXTENDING TO BASELINE: NUMBERING. All buildings facing streets not extending through to the baseline shall be assigned the same relative block numbers derived from the block grid system as if the street had extended to the baseline.

4. UNIFORM STREET NAMING SYSTEM

- a. Same direction. Streets, avenues and other public and private ways running in the same direction and having an angular deviation of not more than 90 degrees for a distance not exceeding 300 feet, shall carry the same name unless special circumstances make such a plan impracticable or not feasible.
- b. Change in direction. When a street changes direction by more than 90 degrees for a length of 300 feet or more between the beginning and ending of the street, the street name should change at the curve of said street to reflect the orientation with a different baseline.
- c. Name duplication. Street names shall not be duplicated within the City.
- d. Naming or renaming streets. The City Council, by resolution, may change, rename or name an existing or newly established street within the City limits or that continues a city street outside of the city limits.

5. ASSIGNMENT OF NUMBERS.

- a. The Planning and Zoning Board shall assign to each house or other residential, commercial, industrial or public building on or gaining access to any street, avenue or public or private way, its respective number under the uniform system provided for in this article. Addresses should not be assigned to structures that are simply accessory to another building or insubstantial in nature, i.e., a detached garage to a single-family residence.
- b. The Planning and Zoning Board may seek input from the City Council, city public works and/or local emergency service entities when determining an address assignment or change to include new construction and reconstruction.
- c. Addresses shall be reviewed on all building permit applications within the city limits. Discrepancies to the uniform numbering system shall be corrected prior to approval of said permit.
- d. Just as the block numbers increase as the distance from the baseline increases, so shall the building numbers. Corner lots shall reserve both address numbers correlating to the address range of each street in order to accommodate which direction the building will face. Numbering of adjoining properties must consider the corner lot numbering.
- e. The building number and street name address shall be reflective of the street to which the building fronts. If an existing property addressed fronting one street is reconstructed to front another street, it shall be readdressed in conformity with the universal numbering and addressing contained within this article.
- f. Where a single building has multiple exterior entrances for separate tenant spaces or separate residential units, a separate address number shall be assigned to each such exterior door. Use of a suffix letter after the number may be necessary in an established block with pre-existing addresses assigned to adjoining properties. Where a single building has multiple doors leading to a shared hallway or lobby, only one address shall be assigned. Each interior door may be assigned a suite or apartment number. A directory shall be posted inside the main entrance and on each floor of a multi-story building.
- g. Individual apartment buildings and group projects shall have one address number. Individual dwellings within the apartment buildings shall be assigned suffix letters or numerals by the apartment building management. A directory shall be posted inside the main entrance and on each floor of a multi-story building.
- h. In business and industrial districts, each building facing the roadway shall have its own designated address number.
- i. Duplex buildings shall have separate house numbers assigned to each entrance.
- j. The owner, occupant or agent of each affected building shall place or cause to be placed upon such building, the number assigned under the address system as provided in this article.
- k. Such number shall be placed on existing buildings within 30 days from the date of letter notification by the City or within two (10) days after completion or occupancy thereof. The applicant is encouraged to post a temporary sign displaying the assigned address number at the construction site until such time as the permanent number can be displayed.

6. SIZE AND PLACEMENT OF NUMBERS

- a. The address numbers assigned to each primary structure shall be displayed on the side of the building fronting the street for which the address was derived. These numbers shall not be less than four (4) inches in height and should be in a contrasting color from the material or surface to which the numbers are attached.
- b. If the primary structure cannot be seen from the roadway because of its distance from the street or because the view is obstructed by trees, shrubs, or another structure, the building number shall also be displayed on a sign or attached to a tree, fence or post within ten (10) feet of a driveway and not more than 20 feet from the street. These numbers shall not be less than four (4) inches in height and should be in a contrasting color from the material or surface to which the numbers are attached.

7. ENFORCEMENT

A person who violates any provision of this article shall be punishable by a fine of not more than \$50.00. Each day that a violation occurs shall be deemed a separate offense. Procedures to enforce this system may not begin sooner than 30 days after written notice is given. Assessed fines that are not paid otherwise after 30 days can be assessed to water and sewer bills.

SECTION 20 – BOARD OF ZONING APPEALS

1. The City of Riley Board of Zoning Appeals is hereby established for the purpose of hearing and determining appeals from decisions and actions taken by the Planning and Zoning Board. The Board of Zoning Appeals shall be comprised of two members of the Planning and Zoning Board and three members of the City Council, all of whom must reside within the City Limits.
2. The Board of Zoning Appeals shall fix a reasonable time for a public hearing on any matter referred to it. Notice of the time, place and subject of such hearing shall be published once in the official City newspaper at least 20 days prior to the date of the hearing. A copy of such notice shall be mailed to each party to the matter to be heard and to the Planning and Zoning Board. Minutes of the hearing shall be kept showing the evidence presented, findings of fact by the Board of Zoning Appeals, decisions of the Board of Zoning Appeals, and the vote upon each question. A record of all official action taken by the Board of Zoning Appeals shall be filed in the office of the City Clerk. In connection with the proceedings of a public hearing, the chairman of the Board of Zoning Appeals may administer oaths and compel the attendance of witnesses. A decision of the Board of Zoning Appeals becomes effective 30 days after the date of passage. Every decision by the Board of Zoning Appeals shall be made in writing and such decision along with a full record of the findings of the Board of Zoning Appeals, together with all documents pertaining thereto, shall be placed on file in the office of the City Clerk. The Board of Zoning Appeals shall notify the City Council and the Planning and Zoning Board of any action or decision of the Board of Zoning Appeals.
3. All hearings, deliberations and decisions in connection with matters coming before the Board of Zoning Appeals shall be conducted and transacted only in public meetings attended by more than one-half of the total membership of the Board of Zoning Appeals. Decisions of the Board of Zoning Appeals shall be determined according to the majority of the votes cast by the Board of Zoning Appeals members in attendance.
4. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the City or any governmental agency or body affected by any decision of the Planning and Zoning Board. All appeals shall be submitted in writing explaining the grievance to the City Clerk. The Board of Zoning Appeals shall, in accordance with procedural policies established by the Board of Zoning Appeals, hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made in the enforcement of these regulations.

In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Planning and Zoning Board from whom the appeal is taken and may attach appropriate conditions and may issue or direct the issuance of a permit.

SECTION 21 – VARIANCES

The Planning and Zoning Board may grant variances from the specific terms of these regulations where it is shown that such variance will not be contrary to the public interest and where, because of special conditions, a literal enforcement of the regulations will result in unnecessary hardship in an individual case. Such variance shall not violate the spirit of these regulations nor permit any use not permitted by the regulations for any zoning district. Before granting a variance, the Planning and Zoning Board must find that all of the following conditions are met:

- a. The variance requested arises from conditions which are unique to the property in question and which are not ordinarily found in the same zone or district and that such conditions are not created by an action of the owner or applicant.
- b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
- c. The strict application of the provisions of the zoning regulations from which the variance is requested will constitute unnecessary hardship upon the property owner or applicant.
- d. The variance requested will not adversely affect public health, safety and welfare.
- e. The granting of the variance will not be opposed to the general spirit and intent of the regulations.

Variances may be granted only:

- a. to reduce the specified minimum lot depth, lot width and/or yard width not more than 20 percent.
- b. to reduce the minimum lot area for a single family or two-family dwelling not more than 20 percent.
- c. to reduce the minimum lot area per dwelling unit for multiple family dwellings not more than an amount which will permit the addition of one more dwelling unit to the number permitted by a strict application of the minimum lot area requirement.
- d. to increase the maximum building height not more than 25 percent.
- e. to reduce the minimum front and rear yard width.
- f. to reduce minimum off-street parking requirements.
- g. to permit the reconstruction or repair of and the continued nonconforming use of a structure that has been damaged by up to 100% of its structural value; provided that the use of the structure is not changed nor its size increased.
- h. to permit the reconstruction of a damaged or destroyed nonconforming structure in a Floodplain District provided that such structure is located in a developed area; and provided that the land area included in the granting of such variance does not exceed one half acre; and provided that the use of the structure is not changed nor its floor area increased; and further provided that the degree or intensity of nonconformity is not increased.
- i. to modify requirements relating to signs.

Application for the granting of a variance by the Planning and Zoning Board shall be in the form of a letter stating the legal description of the land to be considered, the nature and details of the requested variance and the property owner(s) reasons for requesting the variance. Such letter shall be delivered to the City Clerk who shall forthwith notify the chairman of the Planning and Zoning Board of the receipt of the application. The Chairman shall call for a hearing, in the manner prescribed in Section 20, paragraph 2, not more than 30 days after receipt of such notice.

1. The Planning and Zoning Board may also grant exceptions to the provisions of the zoning regulations in those instances where the Board is specifically authorized to grant such exceptions and only under the terms of such regulation. In no event shall exceptions to the provisions of the regulations be granted where the use or exception contemplated is not specifically listed as a Conditional use in such regulations. Further, under no condition, shall the Planning and Zoning Board have the power to grant an exception where conditions of the exception, as established in the zoning regulations, are not found to be present. Application for the granting of an exception shall be in the same form and manner as that for a request for a variance, as specified above.
2. Any person, official or governmental agency dissatisfied with any order or determination of the Planning and Zoning Board may, within 15 days after such order or determination, bring action in the District Court of the County to determine the reasonableness of any such order or determination.
3. A fee for the filing of an application for matters to be brought before the Planning and Zoning Board shall be established by the City Council and such fee shall be paid by the applicant at the time of filing of the application.

SECTION 22 – SPECIAL USE PERMIT

DEFINITION: SPECIAL USE PERMIT

A permit issued to allow an individual or entity to use a specific area for a specific use in addition to the present use as stated in the zoning regulations.

LIMITATIONS: Permit is only valid for whom it has been issued and for the specific purpose that permit has been issued for. If such permit is issued, it would expire if the use the permit is issued for is terminated, upon death of the individual to whom the permit is issued, or upon termination of the entity to which the permit is issued. The use will then return to the original zone as stated in the zoning regulations. In the event the property ceases to be used for the purpose the permit has been issued for, for a thirty (30) day consecutive period, the permit shall be deemed terminated. The permit, if issued, is nontransferable.

1. Applications for special use permits shall include, but not be limited to the following:
 - a. A plot plan showing dimensions of the lot or tract of land along with location, size and height of all present and proposed structures and buildings. Existing and proposed streets, rights-of-way, easements and drainage, shall also be shown accurately to scale.
 - b. An area map showing existing zoning.
 - c. An accurate legal description of the land proposed and names and addresses of owners of the land.
 - d. A list of the owners of all property located within 200 feet of the boundaries of the property to be affected by the proposal.
 - e. Statement as to the proposed use.
 - f. Pay the applicable fee(s) as established by City Council.
2. Any application shall be submitted to the City Clerk at least 30 days prior to the Planning and Zoning Board meeting at which time the proposal is to be presented at a public hearing. Upon determining that the application is in order, the City Clerk shall prepare a notice of public hearing and cause such notice to appear in the official city newspaper; the publication date being at least twenty (20) days prior to the public hearing date. The public notice shall include the following:
 - a. Date, time and place of hearing.
 - b. A definite and clear statement of the proposed special use permit requested.
 - c. A legal description of the property affected by the proposal and a statement as to its approximate location, such as a street address or other term generally recognizable to the public.
3. Written notice of the hearing shall be mailed to the owner or owners of the properties within 200 feet of the boundaries thereof by certified mail. This mailed notice shall be in addition to the published notice prescribed above.
4. The Planning and Zoning Board shall conduct one or more public hearings on the proposed special use permitting in accordance with the requirements previously set forth herein and in the procedural manner established as a policy by the Planning and Zoning Board. Following the official closing of the public hearing, the Planning and Zoning Board shall deliberate the matter and subsequently vote to determine the decision of the Board. A vote either for or against the

proposed special use permit by a majority of the Board members present constitutes a recommendation of the Board; whereas a vote either for or against the proposal by less than a majority of the board members present constitutes a “failure to recommend.” The decision of the Planning and Zoning Board, along with a complete record of the proceedings of the public hearing, shall be forwarded to the City Council for further action as prescribed below.

5. Not less than fourteen (14) days following the conclusion of the public hearing conducted by the Planning and Zoning Board, the proposed special use permit shall be taken up and deliberated by the City Council. When the proposal is submitted with a recommendation for approval or disapproval from the Planning and Zoning Board, the City Council, if it concurs with the recommendation, will either issue the special use permit or take no further action thereon, as appropriate. In the event that the Planning and Zoning Board submits a proposal with a “failure to recommend”, the City Council may take such action as it deems appropriate. Upon receipt of a recommendation from the Planning and Zoning Board which the City Council disapproves, the City Council shall return such recommendation to the Planning and Zoning Board with a statement specifying the reasons for such disapproval. Following such action, the Planning Zoning Board shall again consider the matter and may return the same or revised recommendation to the City Council. Upon receipt of this final recommendation from the Planning and Zoning Board, the City Council may adopt such recommendation by ordinance, or it needs no further action thereon. If the Planning and Zoning Board fails to deliver its recommendation to the City Council within ten days after receipt of the City Council’s statement specifying disapproval, the City Council shall consider such inaction as resubmission of the original Planning and Zoning Board recommendation and proceed accordingly.

6. Regardless of whether or not the Planning and Zoning Board approves or disapproves the request for the special use permit or “fails to recommend”, if a protest against such special use permit is filed in the office of the City Clerk within fourteen (14) days after the date of the closing of the public hearing by twenty (20) percent or more of the owners of the property for which the special use permit will be issued or by twenty (20) percent of the land area located within 200 feet of the boundary of the property for which the special use permit is requested, the special use permit shall not be issued unless at least three-fourths of all of the members of the City Council vote in favor of issuing the special use permit.

7. FEE: The applicable fees will be paid upon filing the application to the City Clerk. The application will be considered incomplete until the fee is paid. This fee is nonrefundable, even if the application is terminated by the application.

8. SIGNS: All signs will be subject to section 14 of the Zoning Regulations.

SECTION 23 – ADMINISTRATION AND ENFORCEMENT

1. The City of Riley Planning and Zoning Board is hereby established for the purposes of carrying out the provisions of these regulations.

- a. The members of the Planning and Zoning Board shall meet at such time and place as they may fix by resolution and all records and proceedings of meetings shall be kept in the office of the City Clerk. The Planning and Zoning Board shall make, or cause to be made, and adopt an official comprehensive plan, or Land Use Plan, for the coordinated development of the City in accordance with the present and future needs and to conserve the natural resources of the City, insure efficient expenditures of public funds and promote the health, safety, convenience, prosperity and the general welfare of the inhabitants. The Planning and Zoning Board shall annually review the plan for the purpose of determining if any portion of the plan has become obsolete.
- b. All hearings, deliberations and decisions in connection with matters coming before the Planning and Zoning Board shall be conducted and transacted only in public meetings attended by more than one-half of the total membership of the Board.

2. The Planning and Zoning Board shall administer and enforce the provisions of these regulations. The Board, or its authorized representative, shall carry out the following duties and others that may be prescribed from time to time by the Planning and Zoning Board or City Council in the furtherance of obtaining compliance with the requirements contained within these regulations:

- a. Receive and review applications for building permits, certificates of occupancy and sign permits and, upon finding that such applications are in compliance with the regulations herein, issue such permits and make and maintain records thereof. Upon a finding that such application does not meet all of the requirements herein, the Planning and Zoning Board shall deny such application and notify the applicant as to the cause for such denial.
- b. Receive and review applications for platting, rezoning and other matters.
- c. Maintain permanent and current records of all proceedings of the Planning and Zoning Board; maintain and update the city zoning maps and land use plan; maintain and update the zoning and subdivision regulations and provide for a supply of updated regulations and maps for distribution to the public.
- d. Institute appropriate action or proceedings to prevent, restrain, correct or abate unlawful development, construction, use or occupancy of buildings, structures or land.
- e. Receive and file all records of appeals and applications for exceptions and variances.
- f. Present an annual report to the City Council, on or before the first day of May, containing a compilation of all revisions to the zoning district boundaries adopted throughout the preceding year and an evaluation as to the currency of the land use plan.
- g. Provide assistance as may be required by the Board of Zoning Appeals and other public boards and officials in the exercising of their duties relating to these regulations.

3. A building permit shall be obtained from the City Clerk prior to the beginning of any construction, building, moving, remodeling or reconstruction of any structure except for interior alterations where no enlargement of the structure is concerned or other conditions specifically exempted by the provisions of these regulations. A building permit shall be obtained prior to the improvement of land preliminary to any use of such land. Any building permit issued in conflict with the provisions of these regulations shall be null and void. Applications for building permits shall include, but not be limited to the following:

- a. A plot plan showing the dimensions of the lot or tract of land along with location, streets, rights-of-way, easements, drainage courses and streams shall also be shown accurately to scale.
- b. A statement as to the present and/or proposed use or uses of land and structures.

4. An application for a building permit shall be submitted to the City Clerk's office no later than five (5) business days before the scheduled Planning and Zoning Board meeting to be considered for approval. An approved building permit may be revoked by the Planning and Zoning Board if there is a departure from the conditions and requirements of the terms of such building permit or if it is found that any provisions of these or other regulations pertaining to land use are being violated. The absence of an approved building permit or other violation shall be cause for the issuance of a "stop order" by the Planning and Zoning Board or other authorized City official concerning any construction, development or use and ignoring the "stop order", or any continuing violation, shall be cause for the institution of legal proceedings, to obtain compliance with the provisions of these regulations. An approved building permit shall cease to be valid if, within six months after the permit has been issued, the development, construction or use specified in the permit has not been started. A fee for the issuance of a building permit shall be established by the City Council and such fee shall be paid by the applicant at the time of initial submission of the application for the permit.

5. A permit shall be obtained from the City Clerk prior to the construction, remodeling, enlarging or relocating of any sign in accordance with the provisions and regulations of Section 14 herein. A fee for the issuance of a permit shall be established by the City Council and such fee shall be paid by the applicant at the time of the submission of the application for the permit.

6. Any violation of any provision of these regulations shall be deemed to be a misdemeanor and punishable by a fine of not to exceed \$500.00 for each offense and each day's violation shall constitute a separate offense. The proper City official or any person, the value or use of whose property is or may be affected by such violation, may have the authority to maintain suits or actions in any court of competent jurisdiction to enforce these regulations and to abate nuisances maintained in violation thereof.

SECTION 24 – AMENDMENTS

1. The City Council may supplement, change or generally revise any of the regulations herein and may revise the boundary of any established zoning district; provided that any such supplement, change or revision shall have first been submitted to the City Planning and Zoning Board for public hearing, recommendation and report.
2. A proposal for an amendment to the regulations or change of the boundary of any zoning district may be initiated by the City Council, the Planning and Zoning Board or the owners of property affected by the proposed amendment or change. A landowner may initiate such proposed amendment or change by filing with the City Clerk an application for same in accordance with the requirements set forth below and upon payment of an application fee as established by the City Council.
3. An application for an amendment to the regulations shall consist of a typewritten text of the proposed amendment along with a statement as to the reason for the request for the amendment.
4. An application for a change in the boundary of a zoning district shall be made in the form established by the Planning and Zoning Board and shall include, but not be limited to, the following:
 - a. An area map showing existing zoning, land and building uses, streets, utilities and other significant features within one-half mile of the area proposed to be rezoned.
 - b. An accurate legal description of the land proposed to be rezoned and the names and addresses of the owners of the land.
 - c. A drawing of the land proposed to be rezoned showing approximate location and size of proposed structures, streets and other development and improvement and a statement defining the proposed uses thereon. If the area proposed to be rezoned is also proposed to be subdivided into lots and streets, the drawing shall also show approximate lot and public rights-of-way lines and the size of the proposed lots.
 - d. A list of the owners of all property located within 200 feet of the boundaries of the property affected by the proposal.
5. Any application shall be submitted to the City Clerk at least thirty days prior to the Planning and Zoning Board meeting at which time the proposal is to be presented at a public hearing. Upon determining that the application is in order, the City Clerk shall prepare a notice of public hearing and cause such notice to appear in the official City newspaper; the publication date being at least twenty days prior to the public hearing date. The published public notice shall include at least the following information:
 - a. Date, time and place of hearing.
 - b. A definite and clear statement of the proposed rezoning.
 - c. A legal description of property affected by the proposal and a statement as to its approximate location; such as the street address or other term generally recognizable to the public.
6. When the proposal will affect the zoning classification of specific property, a written notice of the hearing thereon shall be mailed to the owner or owners of the property affected and to the owners of all property within 200 feet of the boundaries thereof. This mailed notice shall be in addition to the published notice prescribed above.

7. The Planning and Zoning Board shall conduct one or more public hearings on the proposed amendment or change in accordance with the requirements previously set forth herein and in the procedural manner established as a policy by the Board. Following the official closing of the public hearing, the Planning and Zoning board shall deliberate the matter and subsequently vote to determine the decision of the Board. A vote either for or against the proposed amendment or change by a majority of the Board members present constitutes a recommendation of the Board; whereas a vote either for or against the proposed amendment or change by less than a majority of the Board members present constitutes a “failure to recommend.” The decision of the Planning and Zoning Board along with a complete record of the proceedings of the public hearing shall be forwarded to the City Council for further action as prescribed below.

8. Not less than thirty (30) days following the conclusion of the public hearing conducted by the Planning and Zoning Board, the proposed amendment or change shall be taken up and deliberated by the City Council. When the proposal is submitted with recommendation for approval or disapproval from the Planning and Zoning Board, the City Council, if it concurs with the recommendation, may either adopt such proposal by ordinance or take no further action thereon, as appropriate. In the event that the Planning and Zoning Board submits a proposal with a “failure to recommend,” the City Council may take such action as it deems appropriate. Upon receipt of a recommendation from the Planning and Zoning Board which the City Council disapproves, the City Council shall return such recommendation to the Planning and Zoning Board with a statement specifying the reasons for such disapproval. Following such action, the Planning and Zoning Board shall again consider the matter and may return the same or a revised recommendation to the City Council. Upon receipt of this final recommendation from the Planning and Zoning Board, the City Council may adopt or may revise or amend and adopt such recommendation by ordinance, or it need take no further action thereon. If the Planning and Zoning Board fails to deliver its recommendation to the City Council within thirty (30) days after receipt of the City Council’s statement specifying disapproval, the City Council shall consider such inaction as a resubmission of the original Planning and Zoning Board recommendation and proceed accordingly.

9. Regardless of whether or not the Planning and Zoning Board approves or disapproves a proposed change or amendment or “fails to recommend”, if a protest against such amendment is filed in the Office of the City Clerk within fourteen days after the date of the closing of the public hearing by 20 percent or more of the owners of the property to be rezoned or by the owners of 20 percent of the land area located within 200 feet of the boundary of the property to be rezoned, the ordinance adopting such amendment shall not be passed unless at least three-fourths of all members of the City Council vote in favor of such adoption.

SECTION 25 – REPEAL AND EFFECTIVE DATE

1. Ordinance No. 837 and all other ordinances adopted by the City of Riley which conflict with these regulations are hereby repealed.
2. These regulations shall take effect and be in full force upon their adoption by the City Council of the City of Riley, Kansas.
3. These regulations adopted by Ordinance No. 1657 of the City of Riley, Kansas, dated October 22, 2019.

Appendix A – SUBDIVISION REGULATIONS

SUBDIVISION REGULATIONS

OF

THE CITY OF RILEY, KANSAS

OFFICIAL COPY

AS INCORPORATED BY ORDINANCE NO. 836

Recommended by City Planning Board On May 17, 1977 and Adopted

By the City Council on June 7, 1977

Rewritten and recommended by City Planning Board October, 2019 and

Adopted by the City Council on October 22, 2019

SUBDIVISION REGULATIONS OF
THE CITY OF RILEY, KANSAS

SECTION 1 – PURPOSE, AUTHORITY AND JURISDICTION

1. These regulations constitute and may be referred to as “The City of Riley Subdivision Regulations.”
2. It is the purpose of these regulations to set forth minimum standards and requirements for the division of real property in the City of Riley so that each subdivision shall be coordinated with the overall community street, utility and development plan. These regulations shall be considered to be the minimum requirement for efficient and adequate public services, safe streets and highways, a sound and balanced development of the area and a wholesome community environment.
3. These regulations are made and adopted in accordance with Kansas Statutes Annotated, Sections 12-749 and 12-750 and provide that the owner or owners of any land located within the jurisdiction of these regulations:
 - a. When subdividing that land into lots and blocks or tracts or parcels for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels; or
 - b. When establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto; shall cause a plat to be made which shall accurately describe the subdivision, lots, tracts or parcels of land giving the location and dimensions thereof or the location and dimensions of all streets, alleys, parks or other property intended to be dedicated to public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto; and every such plat shall be duly acknowledged by the owner or owners thereof. Such plat shall be submitted to the Planning and Zoning Board and other regulatory agencies and governing bodies as prescribed in these regulations which shall determine if the same conforms to the provisions of the subdivision regulations.
4. No plat shall be filed by the County Register of Deeds unless such plat has been approved and bears the endorsement of the regulatory agencies and governing bodies as specified in these regulations.
5. No building permit shall be issued for the construction of any structure upon any lot, tract or parcel of land within the City of Riley that has been subdivided, re-subdivided or replatted unless such subdividing, re-subdividing and replatting conforms to the requirements herein, has received the required approvals and has been filed in the office of the County Register of Deeds; except that one previously platted lot may be divided into no more than two tracts without replatting when the two resulting tracts meet all requirements of the zoning district in which they are located and the requirements for necessary rights of way and easements can be satisfied.
6. These regulations administered by the Planning and Zoning Board and the City Governing Body shall govern the subdividing of land within the City of Riley in accordance with the specific requirements contained herein and shall apply to:
 - a. The dividing of any lot or tract of land into two or more lots or tracts either of which contains 5 acres or less, for any purpose except “Agriculture Uses” as defined in Section 2 herein; and as specifically exempted in paragraph 5 above.
 - b. The dedication, relocation or vacating of any street, alley or public way.

- c. The dedication or vacating of a park or other property intended for public use.
 - d. The dedication, vacating or reserving of any easement for the use of any private or public utility company.
7. Lands owned by the United States Government are exempt from the provisions of these regulations as prescribed by federal law.
8. Should any section, subsection, sentence, clause or provision of these regulations be determined to be unconstitutional or invalid by a court of competent jurisdiction, the same shall not affect the validity of the regulations as a whole or any part thereof other than the part so determined to be unconstitutional or invalid.
9. Any person having an interest in property affected by these regulations may have their reasonableness determined by bringing action in the District Court of the County against the City Governing Body.

SECTION 2 – DEFINITIONS

Reference Section 2 of the City of Riley Planning and Zoning Regulations for additional definitions.

For the purpose of these regulations, the following words and terms as used herein are defined to mean the following:

Agriculture Uses: The use of a tract of land as a principal business enterprise for growing farm crops in the open, the raising of such stock and poultry as are incidental to the farming operation, dairying, pasturage, horticulture, floriculture, and necessary accessory uses, including the structures for carrying out farming operations and the residences of the persons and their families who own or operate the farm. The term “Agriculture Use” shall not include the following:

- a. Commercial greenhouses, nurseries and hydroponic farms.
- b. The operation of a feed lot as defined by the Statutes of the State of Kansas.
- c. Those lands which are used for recreational purposes.

Alley: A public way which affords only a secondary means of access to abutting property.

Block: A place or parcel of land entirely surrounded by public highways or streets, other than alleys.

Building Setback line: A line on a plat which designates a limit beyond which no portion of a building or garage shall extend in the direction of the adjacent street.

Central Sewerage System: A facility which provides underground pipes for the collecting of wastes from a number of individual sources and the transporting of them to an off-site location for treatment and disposal.

Easement: A grant by a property owner for the specific use of a strip of land by others.

Land Use Plan: A comprehensive plan developed to indicate the general physical development of the City of Riley.

Lot (Zoning Lot): A parcel of land platted or described by metes and bounds all of which is to be used, developed or built upon as a unit under single ownership.

Lot of Record: A lot which is a part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of these regulations.

Lot, Corner: A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by Planning and Zoning Board.

Lot, Depth: The main horizontal distance from the front street to the rear line measured from their mid- points.

Lot, Interior: A lot whose side lines do not abut upon any street.

Lot, Through: An interior lot having frontage on two streets.

Lot Lines: The lines bounding a lot as defined herein.

Lot Width: The main horizontal distance between side lines measured at right angles to the depth at the building setback line.

Major Trafficway: A through street used primarily for the movement of traffic from one part of a large area to another and named as such on the Land Use Plan.

Minor Trafficway: Similar to Major Trafficway, except more local in nature (i.e., generally collects traffic from a particular area and connects to a Major Trafficway).

On-Site Sewerage System: A facility which provides underground pipes, tanks and appurtenances for the collection and disposal of wastes from a single source, such facility being located on the same lot as the source.

Pedestrian Walkway: A right of way across a block which provides access to streets on opposite sides of the block, provided exclusively for use by pedestrian traffic.

Planning and Zoning Board: The agency lawfully created and appointed by the Governing Body of the City of Riley, charged with the duties of administering these regulations in accordance with the requirements herein and in conformance with the provisions of the Kansas Statutes.

Plat: A detailed map of a subdivision.

Plat, Tentative: A sketch map of a subdivision, of sufficient accuracy to be used for the purpose of discussion and classification.

Plat, Preliminary: A map or chart of a proposed land subdivision showing the character and general details of the proposed development.

Plat, Final: A map or chart of a proposed subdivision, giving in a form suitable for filing in the Office of the County Register of Deeds, necessary affidavits, dedications and acceptances, and containing a complete engineering description (including references to field markers) sufficient to locate on the ground all streets, alleys, blocks, lots and other divisions of the subdivision.

Reverse Frontage Lot: A corner lot of such size and shape that a building erected thereon might logically be designed to face on either adjoining street, thus causing it to rear on the side yard of an abutting lot.

Street: A public thoroughfare which affords principle means of access to property abutting thereon, whether named or designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, lane or place, or however otherwise designated.

Street Line: The dividing line between the street and the abutting property.

Subdividing: The dividing or redividing of land into tracts, lots, sites or parcels, or the providing or vacating of public and private easements whether shown on a map or chart or described by metes and bounds.

Subdivision: The dividing of any land into two or more lots or tracts either of which contains 5 acres or less.

SECTION 3 – GENERAL REQUIREMENTS

1. Applications for subdividing, as defined herein, shall be filed with the City Clerk in the manner and at the times prescribed herein. Such fees for subdividing, as may be established by the City Governing Body, shall be paid by the owner at the time of submission of the preliminary plat.
2. A prerequisite for the approval of any Final Plat shall be the placing of the subdivision into the zoning district appropriate to the intended use in accordance with the requirements and procedures of the Zoning Regulations. The subdivision shall comply with the lot size, width and all other characteristics set forth in those Zoning Regulations.
3. A prerequisite for the approval of a Final Plat shall be the submission of a copy of a certificate of title and a statement showing that all due taxes have been paid in full for all parts of the proposed subdivision.
4. A prerequisite for the approval of a Final Plat shall be the submission of statements from utility companies and the U.S. Postal Service indicating approval of utility easements, street rights of ways and street names shown on the proposed plat.
5. The City Governing Body may refuse to approve a plat of subdivision unless it is evident that proper water and sewer facilities can be supplied within a reasonable time. Permission shall not be granted for the connection of utilities to the various city systems nor shall any city-owned utility system be extended to serve a subdivision until the final plat of the subdivision has been approved by the City Governing Body.
6. When the construction or installation of street improvements, public water supply, central sanitary sewer system, storm sewer system, or other drainage improvements are required to serve the proposed development within a subdivision, a prerequisite for the consideration of the Final Plat shall be the submission of a plan specifically setting forth the extent, time schedule and method of financing such construction or installation as proposed by the owner or developer. The plan shall show the quantity, quality, and geometric details of the proposed construction or installation which shall meet or exceed the standards set forth in the Subdivision Regulations herein. A phased construction time schedule may be approved by the City Governing Body which is based on the owners estimate of the pace at which development will proceed within the subdivision; however, the initial phase of such construction shall be not less than that required to serve development that can reasonably be expected to occur within two years following the approval of the Final Plat. The initial construction phase, as approved by the City Governing Body, shall be constructed by the owner prior to the approval and acceptance of the Final Plat; except that in lieu of such actual construction, the owner may submit a corporate surety bond, cashier's check, escrow account, or other like security in an amount approved by the City Governing Body conditioned upon the actual construction of the initial phase construction within a time specified by the owner and approved by the City Governing Body. Such security shall also be submitted by the owner and accepted by the City Governing Body for the future phases of construction as contained in the phased construction plan approved by the City Governing Body, prior to the approval and acceptance of the Final Plat.
7. When on-site sewerage and/or water systems are proposed to be used in a subdivision, a prerequisite for the approval of a Final Plat shall be a plan of such systems bearing the signed approval of the city Utilities Superintendent and a representative from Kansas Department of Health and Environment. Such approved plan shall be presented to the City Clerk along with the submission of the Final Plat.
8. All costs connected with rezoning, preparation of engineering studies and plans, surveying, preparation of "petitions," etc. required as a part of these regulations shall be paid for by the owner and in no case shall any part or requirement of these regulations imply any obligation of the City of Riley to expend any funds.

SECTION 4 – STANDARDS OF DESIGN

1. The location and width of all streets and roads shall conform to the Land Use Plan or other standards adopted by the Planning and Zoning Board and the City Governing Body. Unless otherwise approved by the City Governing Body, provisions must be made for the extension of main thoroughfares and secondary streets to provide free circulation within the subdivision.
2. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided), insofar as they may be deemed necessary by the City Governing Body for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley (if included) arrangement must also be such as to cause no hardships to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of those existing streets. In no case shall the name of proposed streets duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, place or court. The owner shall contact the U.S. Postal Service for advice and approval concerning the naming of proposed streets.
3. Streets, alleys and easements within the subdivision shall be arranged for the most advantageous development of the tract and in harmony with existing or potential development of adjoining tracts. Streets should be laid out so as to intersect as nearly as possible at right angles, and no street should intersect any other street at less than sixty (60) degrees. Street jogs with centerline offsets of less than one hundred fifty (150') feet should be avoided.
4. Except in unusual cases, no dead-end streets, other than cul-de-sac treatments, will be approved unless such dead-end streets are provided to connect with future streets in adjacent land. There shall be no private streets platted in any subdivision. Every subdivision shall be served from a publicly dedicated street. There shall be no reserve strips controlling access to streets.
5. A cul-de-sac, court or similar type street may be permitted where size, locations, or topography of the tract do not permit a normal street pattern. A cul-de-sac should be as level as possible and not more than five hundred feet (500') in length. It shall be provided with a turnaround having a diameter of one hundred feet (100') right-of-way, except in rough terrain where a minimum diameter of seventy feet (70') may be allowed.
6. Rights-of-way for streets shall be dedicated not less than the following:

Major trafficways	100 feet
Minor trafficways	80 feet
Service Streets	60 feet
7. Subdivisions that adjoin or contain existing roads and streets shall dedicate additional right-of-way to meet the above listed minimum street width requirements.
 - a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of an existing road or street.
 - b. When the subdivision is located on only one side of an existing street, one-half of the required right-of-way, measured from the center line of the existing roadway, shall be provided.

8. Half-streets shall be prohibited, except where essential to the reasonable development of a subdivision in conformity with the other requirements of these regulations, and where the City Governing Body finds it will be desirable to require dedication of the other half when adjoining property is subdivided. However, the owner shall show to the City Governing Body evidence that he has made reasonable effort to obtain agreement and permission from the owner of the adjacent tract to plat the full required right-of-way as a part of his subdivision.

9. Service streets and/or entrances serving any use except "Agriculture Uses" shall not intersect major trafficways or minor trafficways at intervals less than 1,000 feet except when the owner can show that such restriction denies reasonable access to a part or parts of the subdivision. When a subdivision abuts on or contains an existing or proposed major or minor trafficway, the City Governing Body may require marginal access streets, reverse frontage with screen planting contained in non-access reservation along the rear property line, deep lots with rear service alley, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local street traffic.

10. Where any street deflects an angle of ten (10) degrees or more, a horizontal curve having a minimum radius of three hundred feet (300') for major streets and one hundred fifty feet (150') for minor streets shall be required.

11. Service access should be provided at the rear of all business lots and shall be at least thirty feet (30') in width. Alleys are not recommended in residential areas but when provided shall not be less than twenty feet (20') in width. At the intersection of two (2) alleys, the corners of the abutting property shall be provided with a property line in return having a radius of ten feet (10'). Dead end alleys should be avoided wherever possible, but if unavoidable, shall be provided with adequate turn around facilities at the dead end.

12. When alleys are not provided, easements of not less than eight feet (8') in width shall be provided along each rear lot line, and alongside lot lines where necessary, for use by public and private utilities. Easements of greater widths may be required along or across lots where necessary for the extension of main storm and sanitary sewers and other utilities and where water and sewer lines are located on the same easements. Where necessary, aerial easements may be required for use by surface utilities. Easements shall connect with existing easements in adjoining property. Local utility companies shall be contacted by the owner for advice and approval of proposed utility easements.

13. Intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing street or customary subdivision practice in the neighborhood. Where no existing plats control, the blocks should not exceed 1,000 feet in length, except that in outlying subdivisions a greater length may be permitted where topography or other conditions, in the opinion of the City Governing Body, justify such lengths.

14. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except where prevented by topographical conditions or size of the property, in which case the City Governing Body may approve a single tier of lot of minimum depth.

- a. For division into business lots, block depth shall be adjusted to allow for off street parking as required in the zoning regulations.
- b. Proper access shall be provided for all lots abutting all platted streets. Where grade separation structures or similar traffic regulators are, or may later be needed, the blocks shall be arranged to provide adequately for such structures or improvements.

15. All lots shall have the side lines as nearly as practicable at right angles to the street on which the lots face. Lots with double frontage are undesirable and should be avoided whenever possible. The size and orientation of the lots shall be appropriate for the proposed use and in no case shall they be smaller or otherwise conflict with the requirements of the zoning regulations.

16. Building lines or “setback” for lots shall conform to the requirements set forth in the Zoning Regulations.

17. Suitable sites for parks, schools, playgrounds, recreational areas, or other public requirements should be carefully considered and indicated on the preliminary plat, so it can be determined which of such sites should be indicated on the final plat and where and in what manner such areas may be acquired for such use. Attention is called to the advantages, on a large tract, of dedicating a reasonable percent of the property for such use.

18. In all subdivisions, due regard shall be shown for all natural features such as large trees, water courses, historical areas and similar community assets which, if preserved, will add attractiveness and value to the property.

19. Whenever any stream or important surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate easement along each side of the stream for the purpose of future widening, deepening, sloping, improving or protecting the stream; or for drainage, parkway or recreational use.

20. The city zoning regulations provide for the establishment of Planned Unit Development Districts in which some deviation from a strict application of lot size requirement, street location, etc. is allowed. However, the requirements and procedures stated within the Zoning Regulations must be strictly adhered to and the City Governing Body is not authorized to grant deviations from the provisions therein.

21. The City Zoning Regulations provide for some deviation from a strict application of some requirements of those regulations.

22. The City Governing Body shall not approve the subdivision of land, if from adequate investigations conducted by all public agencies concerned, it has been determined that the best interests of the public are not being served, and that the site, as presented, is subject to flooding or is otherwise not suitable for platting and development purposes of the kind proposed.

23. When the owner can show that a provision of these Standards of Design would cause unnecessary hardship if strictly adhere to, and where, because of topographical or other conditions peculiar to the site or the subdivision design, in the opinion of the Planning and Zoning Board, a departure may be made without destroying the intent of such provisions, the Planning and Zoning Board may authorize a variance. Any variance thus authorized shall be stated in writing in the minutes of the Planning and Zoning Board along with the reasons for the variance.

SECTION 5 – PROCEDURE FOR PLAT APPROVAL

1. A tentative plan showing only the information necessary for discussion and classification may be presented to the City Clerk and/or the City Governing Body for advice and comment prior to the preparation and submission of a preliminary plat.

2. PRELIMINARY PLAT:

- a. At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit to the City Clerk for review and transmittal to the City Governing Body, two (2) copies of the preliminary plat plan of the proposed subdivision drawn to a scale of not less than one inch equals one hundred feet (1" = 100') on an appropriately sized sheet. If a tract contains 160 acres or more, the drawing may be made to the scale of one-inch equals two hundred feet (1" = 200') on an appropriately sized sheet.
- b. The preliminary plat plan shall meet the minimum standards of design and the general requirements as set forth herein and shall be prepared to include the following:
 - An accurate topographic map with a maximum of five-foot (5') contour intervals referenced to sea level datum showing the location of existing property lines, streets, buildings, water courses, floodwater depth and other physical features within the area to be subdivided, as well as similar facts regarding existing conditions in property immediately adjacent, unless waived by the Planning and Zoning Board.
 - The location of proposed lots, streets, alleys and building lines with their approximate dimensions.
 - The location of boundary lines and their relation to established section lines and corners and fractional section lines and corners.
 - Any proposed restrictions and/or covenants.
 - The name under which the proposed subdivision is to be recorded.
 - The name and address of the subdivider or subdividers and the professional engineer or land surveyor platting the tract.
 - The true north point, scale and date.
 - A small-scale location map showing highways, major streets, subdivision, etc. for a minimum of one mile from the proposed subdivision.
 - The approximate grades and gradients of streets.
 - A designation of the proposed uses of land within the subdivision; that is the type of residential use, location of business, or industrial sites, and sites for churches, schools, parks or other special uses, subject to the provisions of the Zoning Regulations.
 - The location and type of proposed storm sewers, drainage structures, street construction, power and gas facilities and all other structures and improvements.
- c. The Planning and Zoning Board and the City Governing Body shall approve, approve conditionally or disapprove the plat within sixty (60) days of its submission by the applicant. If the preliminary plat is disapproved or approved conditionally, the reason for such action shall be stated in writing, a copy of which, signed by the Secretary of Planning and Zoning Board, shall be attached to one (1) copy of the preliminary plats and transmitted to the applicant. If no action is taken by the Planning and Zoning Board and the City Governing Body at the end of sixty (60) days after submission, the plat shall be deemed to have been approved.

- d. One (1) copy of the preliminary plat plan will remain in the City Clerk's office and the other will be returned to the subdivider with any notations specified at the time of approval or disapproval and any specified changes required.
- e. The approval of the preliminary plat by the Planning and Zoning Board does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat.
- f. The approval of the preliminary plat plan shall lapse unless a final plat plan based thereon is submitted within one (1) year from the date of such approval unless an extension of time is applied for and granted by the Planning and Zoning Board.

3. FINAL PLAT:

- a. After the preliminary plat has been approved by the Planning and Zoning Board, a final plat in the form of a record plat shall be prepared and submitted to the City Clerk for review and submitted to the Planning and Zoning Board for recommendations of that body and for consideration of the City Governing Body. This final plat shall conform substantially to the preliminary plat as approved.
- b. The boundary lines, streets, blocks and lots shall be accurately surveyed and marked by a professional engineer or land surveyor licensed to practice in the State of Kansas. Sufficient permanent monuments shall be placed along the boundaries of the tract so that the lines may be re-established in the future with accuracy. Iron pins not less than two feet in length and at least one-half inch in diameter shall be placed at all lot corners, street intersections, points of deflection and curvature and other important control points. At least one permanent bench mark referenced to sea level datum shall be set within the subdivision limits and shall be adequately described on the plat.
- c. At least five (5) days prior to the meeting of the Planning and Zoning Board at which it is to be considered, the subdivider shall submit to the City Clerk, the original drawing on mylar in India ink and three (3) copies (prints) together with any other plans or reports that are required by the Planning and Zoning Board.
- d. The final plat shall be drawn to a scale of not less than one-inch equals one hundred feet (1" = 100') on an appropriately sized sheet. If the tract contains 160 acres or more, the drawing may be made to a scale of one-inch equals two hundred feet (1" = 200') on an appropriately sized sheet. On the first sheet of every plat there shall be a key map showing the location of the subdivision referenced to government survey section lines and corners as well as major streets. If more than two sheets are required for the plat, the key map shall show the number of the sheet for each area.
- e. The Final Plat shall show:
 - The name of the subdivision and adjacent subdivisions, the names of streets and numbers of lots and blocks, in accordance with a systematic arrangement. In the case of branching streets, the lines of departure shall be indicated.
 - A written legal description of the tract.
 - An accurate boundary survey of the property, with bearings and distances, referenced to section corners, and showing (in dotted lines) the lines of all adjacent lands and the lines of adjacent streets and alleys, with their widths and names.
 - The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet, with the length of radii and of arcs for all curves, and with

all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points and points of curve to lot lines.

- The location of building lines on front and side streets and the location of utility easements, easements for possible future construction, and easements for drainage purposes.
 - Duly acknowledged certificates of dedication of all streets, public highways, alleys, parks and other land intended for public use, together with restrictions which are to apply to any lot or lots.
 - Owner's certificate and dedication, signed.
 - Certificate of Survey showing signature and Kansas seal of registration of the Professional Engineer or Land Surveyor who prepared the plat.
 - Certificate of Planning and Zoning Board approval.
 - Certificate of City Governing Body approval; including approval by City Attorney and attest by City Clerk.
 - True North point, graphic scale and date.
 - All figures and letters plain and distinct, of a sufficient size to be easily read, and of sufficient density to make a lasting and permanent record.
- f. The City Governing Body and the Planning and Zoning Board shall act upon the final plat within sixty (60) days after it has been submitted for final approval, and this approval shall be shown on the plat with the date of such approval and over the signature of the Planning and Zoning Board Chairman and a majority of the members of the City Governing Body. Unless stipulation for additional time is agreed to by the applicant and if no action is taken by the City Governing Body and the Planning and Zoning Board at the end of sixty days after submission, the plat shall be deemed to have been approved. A certificate by the City Governing Body and Planning and Zoning Board as to date of submission of the plat for final approval and failure of the City Governing Body and Planning and Zoning Board to act within such specified time shall be sufficient in lieu of the written approval specified above.
- g. After final approval of the plat and the affixing of all required signatures on the original tracing, the subdivider shall provide the City Governing Body with one (1) dark line print thereof to be filed with the City Clerk to be retained in the permanent file of the City Governing Body. The applicant shall file the original tracing with the County Register of Deeds of Riley County, Kansas and shall also file a copy of the plat with the County Clerk of Riley County, Kansas. Failure to file the plat, as specified, within 2 years after final approval shall be cause for all approvals to be null and void.

SECTION 6 – LOT SPLITS AND BOUNDARY LINE ADJUSTMENTS

LOT SPLITS

A request seeking to divide a lot (or lots) into additional lots may be approved if the original lot (or lots) has never been previously split, and both new lots conform to the requirements of the zoning regulations of the City of Riley and all ordinances of the City of Riley, Kansas. If in the opinion of the Planning and Zoning Board, a split is requested that seeks to make more than two lots out of one lot, then the Planning and Zoning Board may, at its discretion, approve such lot split, if in the Planning and Zoning Board's opinion, the proposed split does not create lots that are out of character with the original subdivision, and the new lots conform to all requirements of the City of Riley.

No lot split shall be approved if:

- a. A vacation, modification, or addition, or streets, alleys, setback lines, access control of easement is required or proposed;
- b. An installation of public facility is required or proposed;
- c. The lot split will result in a lot without access to a street or to adequate services or which cannot meet the floodplain requirements;
- d. A substandard sized lot will be created according to applicable zoning regulations or sanitary code;
- e. A newly created lot will not comply with these regulations;
- f. Any newly created lot will be in violation of any applicable restrictive covenants filed of record. (The Planning and Zoning Board shall be entitled to rely upon the information provided by the applicant regarding the existence or nonexistence of such covenants); or
- g. Any other factor which, in the opinion of the Planning and Zoning Board, fails to comply with the intent and purpose of existing land development regulations and the policies of the Governing Body or the City of Riley, Kansas.

Upon approval of a Lot Split by the Planning and Zoning Board, the applicant shall prepare a Lot Split Survey and pay the applicable fee as set by the City. The Lot Split Survey shall be prepared in accordance with the approval of the application. The Lot Split Survey shall indicate, as a title, that it is a Lot Split of Lot ___ of __ subdivision. The Lot Split Survey shall be prepared in the same manner with all of the same information, where applicable, as a Final Plat. In addition, all documents required to be submitted with a Final Plat shall also be submitted with a Lot Split Survey. The Lot Split Survey shall contain the following.

- a. A surveyor's certification indicating that such person is duly licensed by the applicable authority and that the property was surveyed by such person in accordance with all applicable rules and laws, duly acknowledged by a notary public, and in a form approved by the Planning and Zoning Board.
- b. A certification by the Chairman, or designee, of the Planning and Zoning Board indicating that it has been submitted to, and approved by, such Planning and Zoning Board pursuant to these regulations, in a form approved by the Planning and Zoning Board.

The applicant shall then be responsible for submitting the final package, including all of the above, as well as the certificate of the Planning and Zoning Board, to the Riley County Register of Deeds, who shall then cause the

appropriate records to be filed in the Office of the Register of Deeds. The application shall then be required to submit copies of the duly filed documents to the City Clerk of the City of Riley, to confirm that said lot split has been officially recognized by the Register of Deeds. Until such duly filed documents have been received by the City Clerk, the process will not be deemed completed. If such requirements have not been met within one (1) year of the approval of the Lot Split, the approval shall have been deemed to have been withdrawn and the Lot Split Survey shall not be filed without a reapproval by the Planning and Zoning Board.

No building permit shall be sought or issued for a lot created by a lot split until the lot split has been approved by the Planning and Zoning Board and filed in the Office of the Register of Deeds.

BOUNDARY LINE ADJUSTMENTS

Boundary line adjustments have to meet the same requirements as described above for lot splits.

Upon approval of a Boundary Line Adjustment by the Planning and Zoning Board, the applicant shall prepare a Boundary Line Adjustment Survey and pay the applicable fee as set by the City. The Boundary Line Adjustment Survey shall be prepared in accordance with the approval of the application. The Boundary Line Adjustment Survey shall indicate, as a title, that it is a Boundary Line Adjustment of Lot ____ and Lot _ of _ subdivision. The Boundary Line Adjustment Survey shall be prepared in the same manner, with all of the same information, where applicable, as a Final Plat. In addition, all documents required to be submitted with a Final Plat shall also be submitted with a Boundary Line Adjustment Survey. The Boundary Line Adjustment Survey shall contain the following:

- a. A surveyor's certification indicating that such person is duly licensed by the applicable authority and that the property was surveyed by such person in accordance with all applicable rules and laws, duly acknowledged by a notary public, and in a form approved by the Planning and Zoning Board.
- b. A certification by the Chairman, or designee, of the Planning and Zoning Board indicating that it has been submitted to, and approved by, such Planning and Zoning Board pursuant to these regulations, in a form approved by the Planning and Zoning Board.

The applicant shall then be responsible for submitting the final package, including all of the above, as well as the certificate of the Planning and Zoning Board, to the Riley County Register of Deeds, who shall then cause the appropriate records to be filed in the Office of the Register of Deeds. The applicant shall then be required to submit copies of the duly filed documents to the City Clerk of the City of Riley, to confirm that said Boundary Line Adjustment has been officially recognized by the Register of Deeds.

Until such duly filed documents have been received by the City Clerk, the process will not be deemed completed. If such requirements have not been met within one (1) year of the approval of the Boundary Line Adjustment, the approval shall have been deemed to have been withdrawn and the Boundary Line Adjustment survey shall not be filed without a reapproval by the Planning and Zoning Board.

SECTION 7 – REPEAL AND EFFECTIVE DATE

1. All ordinances and other regulations established by the City Governing Body and Planning and Zoning Board which conflict with the requirements of these regulations are hereby repealed.
2. These regulations shall take effect and be in full force upon their adoption by the Governing Body of the City of Riley, Kansas.
3. These regulations approved by ordinance of the Governing Body of the City of Riley, Kansas, dated June 7, 1977 (Ordinance No. 836).
4. These regulations rewritten by the city Planning Board and approved by ordinance #1658 of the Governing Body of the City of Riley, Kansas, dated October 22, 2019.