

Zoning and Subdivision Regulations in Kansas: What They Are, How They Work, and Their Relationship to the Comprehensive Plan

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Introduction

Local governments in North America have felt pressure from urban growth almost from their very beginnings. Early on people learned that individual attempts to solve many problems of urban life were ineffective and began collective efforts to address them, often surrendering some personal freedoms to the government in exchange for protection from those problems. Planning, as we know it, came into being in the late nineteenth century. Herbert H. Smith defines it as “. . . a systematic means of problem prevention and problem solving for people in a democratic society, working together, through their government, for the institution of programmed governmental pre-action to direct and shape a desired, comprehensive, coordinated result in all aspects of the urban form and urban society.” Implied in Smith’s definition is the idea that the planning process must find ways to reach compromises between the social benefits of development, the use of natural resources, and protection of those resources. Planning decisions in the end consume natural resources, pollute the environment, create health hazards, and increase congestion. How much (or how little) damage results from these decisions is in part a function of the planning process.

Central to any definition of planning is the idea of some pre-determined set of goals and objectives that in theory form a framework for public and private decision-making, and are indispensable to the process. The comprehensive plan is the policy document that defines those goals and objectives. Having a plan is fine, but in order to achieve its goals, build its city of dreams, a community needs a set of tools with which to implement its plan. The two most important of those tools are zoning ordinances and subdivision regulations.

This paper looks briefly at the history and development of comprehensive planning. Next, the practice of zoning is reviewed, as well as how zoning ordinances and procedures are adopted and implemented in Kansas. Both traditional and more innovative methods of zoning are considered. Finally, subdivision regulations are defined, and their relationship to zoning and the comprehensive plan is discussed.

COMPREHENSIVE PLANNING

What Is Comprehensive Planning?

The comprehensive plan is an official policy document adopted by a local government to guide development decisions in the community. It provides a broad general vision of how the community wants to develop for the next twenty to thirty years. A comprehensive plan is the product of a multi-year process that defines the goals, characteristics, and policies of a community, and guides the type, location, and appearance of community growth and development. Once adopted, it becomes the

foundation for later decisions related to development or redevelopment, including rezonings, conditional use permits, changes to zoning and subdivision ordinances, utility extensions, parks, and roads.

Comprehensive planning, as we know it, began with Frederick Law Olmsted and Alfred Bettman. Olmsted described the plan as a piece of “. . . machinery for preparing, and keeping constantly up to date, a unified forecast and definition of all the important changes, additions, and extensions of the physical equipment . . . of the city . . .” Bettman referred to it as “. . . a master design for the physical development of the territory of the city.” Both men were members of the committee that prepared the Standard City Planning Enabling Act (SCPEA), published by the U. S. Department of Commerce in 1928. The Act was very influential in promoting city planning throughout the United States, and eventually was adopted by almost every state.

The SCPEA provided guidance in six areas:

- Organization and powers of planning commissions
- Contents of the master plan for the development of the community
- Provisions for the adoption of a master street plan
- Procedures for the approval of public improvements by the planning commission
- Control over the private subdivision of land
- Establishment of regional planning commissions and regional plans

Although the SCPEA was a major influence on the development of comprehensive plans for more than twenty years, it created confusion about the difference between the comprehensive plan and zoning regulations. This confusion, along with the rapid population growth of the 1950s and a new federal requirement that local governments requesting urban renewal assistance adopt long-range plans, persuaded T.J. Kent to develop a new definition of the comprehensive plan. Writing in *The Urban General Plan*, Kent defined the comprehensive plan as:

The official statement of a municipal legislative body which sets forth its major policies concerning desirable future physical development; the published general plan document must include a single, unified general physical design for the community, and it must attempt to clarify the relationships between physical-development policies and social and economic goals.

Developing the Comprehensive Plan

Planning was essentially an elitist activity from its beginnings in the City Beautiful movement following the 1893 Columbian Exposition through the 1960s. This practice came under criticism during the 1960s and 1970s as American society changed, resulting in new approaches emphasizing grassroots advocacy, environmental protection, and growth management. This shift toward more citizen participation in the planning process led to new planning models such as policy planning, strategic community planning, and consensus building or vision planning.

The goal of **Policy planning** is to reconcile competing goals and values, and strengthen a plan’s legitimacy by emphasizing participation by as many residents, activists, politicians, administrators, and others as possible. **Strategic planning** considers a variety of policies and strategies to attain the political

and organizational knowledge needed to address threats and take advantage of opportunities. **Consensus building** focuses on the “. . . rational integration of diverse goals through shared deliberations.” It relies on the tacit norms that people use to communicate sincerely, honestly, and respectfully; requires that all interests be included in the process; and insists that consensus be reached through democratic deliberation. While other trends will no doubt influence planning in the future, several factors have emerged in recent years as key elements of successful planning. They are:

- Values driven: Comprehensive planning today is increasingly driven by issues and values expressed by citizens. It is becoming a process through which the collective values and aspirations of the community are expressed.
- Collaborative: There is a growing realization that meaningful citizen participation must be a part of the comprehensive planning process.
- Thematic: Plans historically were based on elements such as housing, land use, transportation, and community facilities. This often hides the interrelatedness of the plan’s elements. Today, plans are more often based on themes, like balanced growth, regionalism, environmental protection, and core area revitalization.
- Linking process and outcomes: In the past, comprehensive plans often ended up on the shelf, having little impact on a community’s development. Increasingly, plans are including specific goals and objectives, and action steps. Some plans even identify those responsible for performing certain tasks.
- Regional in focus: Comprehensive plans historically have demonstrated little consideration for surrounding areas. This is changing as communities realize that many issues do not recognize artificial governmental boundaries.
- Beyond paper: Information technology has changed how plans are prepared and presented. Plans are becoming more accessible to the public, and there has been a shift away from relying exclusively on text toward the use of diagrams and illustrations to communicate alternatives and outcomes.

Comprehensive Planning in Kansas

Legal authority for Kansas local governments to develop comprehensive plans, both individually and with other jurisdictions, is found at K.S.A 12-747 and K.S.A. 19-2958. K.S.A. 12-747 authorizes city planning commissions to develop comprehensive plans for their jurisdictions, and for any unincorporated territory outside the city that lies within the same county and forms part of the city’s overall community. The statute also authorizes county planning commissions to develop comprehensive plans for unincorporated areas, and for cities, where appropriate, by means of inter-local agreements. K.S.A. 19-2958 promotes efficiency and coordination, and discourages the duplication of planning efforts. It also authorizes local governments to develop and adopt joint comprehensive plans.

ZONING

The terms comprehensive planning and zoning are often used interchangeably, yet they are two separate and distinct concepts. The purpose of a comprehensive plan is to provide a vision of what the community will be like in the future. Zoning is a tool used to realize that vision.

Once the comprehensive plan is adopted, it must be implemented. This requires the imposition of legal controls on the use of private property. Zoning is not the only, but it may be the most important, legal device used by communities to implement their comprehensive plans.

Zoning is a system of controlling land uses to ensure they are appropriately situated in relation to one another. It allows local governments to manage development densities so they can provide adequate and appropriate infrastructure to each property; and it directs new growth into appropriate areas, thereby protecting existing property by assuring adequate light, air, and privacy for everyone living and working in the community.

Zoning divides the territory of a community into classifications or zones, and regulates land use within each of those zones. It defines the land uses envisioned by the comprehensive plan, and protects property from the effects of incompatible uses. Finally, zoning specifies the activities and intensity or density of use for each class, along with building size and setbacks.

Zoning has a number of historical roots, but is generally considered to have originated in 1916 with New York City's adoption of an ordinance regulating the use and location of buildings. The success of New York's ordinance led, in part, to the U.S. Commerce Department's 1924 Standard State Zoning Enabling Act (SZEAA), which defined zoning as the division of a local government's territory into districts or "zones," and established regulations within those zones for (1) the height and bulk of structures; (2) the area of each lot that may be occupied by a structure(s); and the amount of open space required; (3) population density; and (4) the use of land and structures for residential, commercial, industrial, or other purposes.

Zoning and the Police Power

Zoning is an exercise of the community's police power to enact laws protecting the public health, safety, and welfare. Regulations contained in zoning ordinances must bear a reasonable relationship toward those ends, or run the risk of being found in violation of the "due process" clauses of the state and federal constitutions. The constitutionality of zoning as an exercise of the police power was established by the U.S. Supreme Court in *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926). Consequently, zoning decisions have generally been upheld by the courts as a valid exercise of the police power, even though they limit property owners' use of their land. The constitutionality of zoning in Kansas was established by the Kansas Supreme Court three years earlier, in 1923, in *Ware v. City of Wichita* 113 Kan. 153, 214 P. 99 (1923), which sustained Wichita's zoning regulation on the same grounds.

The standard for determining the reasonableness of zoning in Kansas was established in *Golden v. City of Overland Park* [224 Kan. 591, 584 P.2d 130 (1978)]. In this case, the Kansas Court identified six "Golden" factors the courts should consider when determining the reasonableness of a zoning decision. They are (1) the character of the neighborhood; (2) the zoning uses of nearby properties; (3) suitability of the property for the uses to which it is restricted; (4) the extent to which the change will detrimentally affect nearby property; (5) the length of time the property has been vacant as zoned; and (6) the gain to

the public health, safety and welfare made possible by the loss in value of the plaintiff's property compared to the hardship imposed on the plaintiff if his request were denied. While these factors have become the standard for determining the reasonableness of zoning decisions in Kansas, they are neither mandatory nor exclusive.

The scope of judicial review of zoning decisions in Kansas was further clarified in *Combined Investment Company v. Board of Butler County Commissioners*, 227 Kan. 17, 605 P.2d 533 (1980), when the Kansas Supreme Court, referring to *Golden v. City of Overland Park*, concluded that:

- The local zoning authority, and not the court, has the right to prescribe, change, or refuse to change, zoning.
- The district court's power is limited to determining (a) the lawfulness of the action taken, and (b) the reasonableness of such action.
- There is a presumption that the zoning authority acted reasonably.
- The landowner has the burden of proving unreasonableness by a preponderance of the evidence.
- A court may not substitute its judgment for that of the administrative body, and should not declare the action unreasonable unless clearly compelled to do so by the evidence.
- Action is unreasonable when it is so arbitrary that it can be said it was taken without regard to the benefit or harm involved to the community at large, including all interested parties, and was so wide of the mark that its unreasonableness lies outside the realm of fair debate.
- Whether action is reasonable or not is a question of law, to be determined upon the basis of the facts that were presented to the zoning authority.
- An appellate court must make the same review of the zoning authority's action, as did the district court.

The courts have not only tied the validity of zoning ordinances to the public health, safety and welfare, they have also emphasized the importance of the written record of evidence, and the factors relied upon by the governing body in making a zoning decision. In *Landau v. City Council of Overland Park*, 244 Kan. 257, 767 P.2d 1290 (1989), the Kansas Supreme Court concluded: "Our standard of review is reasonableness. In our view, cities and counties in Kansas are entitled to determine how they are to be zoned or rezoned . . . No court should substitute its judgment for the judgment of the elected governing body merely on the basis of a differing opinion as to what is a better policy in a specific zoning situation." However, the Court also ruled that if a local zoning decision lacks sufficient findings of fact vis-à-vis the "Golden" factors, it might return the case to the local governing body for further finding and conclusions.

The *Landau* decision lessened somewhat the standard for determining reasonableness that was established in "Golden." Although the Court affirmed the reasonableness of the "Golden" factors, it allowed the substitution of a written record of the evidence considered by the local governing body for those factors. The Court concluded that the factors considered by the local government no longer had to be specified if they were apparent from a reading of the minutes of the planning commission or governing body.

Limits to the Police Power

Although zoning as an expression of a local government's police power has received constitutional sanction, at some point the reasonable exercise of that power must end, and the obligation to compensate a property owner for a taking must begin. That point is not permanent, nor is it absolute. Rather, it is open to interpretation. However, if a zoning decision fails to promote the public health, safety, and welfare, denies the property owner of virtually all economic benefit, or prohibits an otherwise legal and allowable activity, just compensation will likely be required.

In some instances, a zoning decision imposed by the government will not be considered a taking; in others, it will be. In *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992), the U.S. Supreme Court found that an owner of some beachfront property was entitled to compensation following the state's enactment of coastline regulations. The Court identified "... at least two discrete categories of regulatory action as compensable without case-specific inquiry into the public interest advanced in support of the restraint." The first occurs when a government regulation compels the property owner to suffer a physical invasion of his or her property. In this instance, the Court stated that "In general (at least with regard to permanent invasions), no matter how minute the intrusion, and no matter how weighty the public purpose behind it, we have required compensation." The second instance occurs when a regulation denies the owner all economically beneficial or productive use of land.

In *First English Evangelical Lutheran Church v. County of Los Angeles*, 482 U.S. 304 (1987), the U.S. Supreme Court declined to rule whether a taking had occurred, but it did establish that the invalidation of a zoning regulation may be insufficient; that an additional remedy for a temporary taking may be compensation for the period the taking was in effect. The Court also ruled that an owner must be deprived of all use of the property if compensation is to be paid, but that compensation did not have to be for the entire value of the property. This standard of total loss was echoed by the Court in *Keystone Bituminous Coal Association v. DeBenedictis*, 480 U.S. 470 (1987). In *Keystone*, the Supreme Court ruled that the loss of only a portion of the economic use of the property did not constitute a compensable taking. Quoting *Penn Central Transp. Co. v. New York City*, 438 U.S. 104 (1978), the Court stated that:

'Taking' jurisprudence does not divide a single parcel into discrete segments and attempt to determine whether rights in a particular segment have been entirely abrogated. In deciding whether a particular governmental action has effected a taking, this Court focuses rather both on the character of the action and on the nature and extent of the interference with rights in the parcel as a whole.

The relationship, or nexus, between the public need and the property owner's loss, particularly when the owner is asked to donate a portion of his or her property for public use, must be clear and reasonable. In *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), the U.S. Supreme Court ruled against a California Coastal Commission requirement that compelled the owners of some private property to provide public access to beaches in exchange for a building permit. The Court held that the Coastal Commission failed to establish any connection between the public easement and the building permit. Although the decisions in *First English*, *Keystone*, and *Nollan* upheld the right of local governments to exercise eminent domain, they also helped define the limits to which governments can freely regulate private property.

In *Dolan v. City of Tigard*, 512 U.S. 374 (1994), the U.S. Supreme Court reiterated the *Nollan* rule that there must be a nexus between the granting of a public easement and the issuance of a building permit. However, the Court also ruled that requiring a public easement as a condition to expand or build on an existing property is an unconstitutional taking unless the local government can demonstrate a “rough proportionality” between the taking and the harm or impact of the proposed development.

The Contents of Zoning Regulations

Zoning regulations typically have two parts—a text and a map. While ordinances vary from community to community and state to state, they generally contain the following elements: definitions, general provisions, zoning district regulations, special development standards, and administration and enforcement provisions.

General provisions include procedures for amending the zoning map and the text. In most cases, amending the zoning map begins with a petition by the property owner or some person with an interest in the property; however, occasionally a local government initiates a rezoning. Rezoning may include the entire community, or a specific parcel or parcels. Text amendments are made in the same manner as zoning district amendments; either by specific changes to the language or by complete reorganization of the document. Additional procedures may address conditional uses, site plans, and other elements, such as density bonuses.

The idea of zoning is to protect lower density (i.e., residential) uses from the nuisances related to more intensive higher density uses. Traditional zoning is rooted in the notion of assigning different zones or districts to different types of uses and structures. Zoning districts provide a hierarchy of uses ranging from higher or less intensive uses (i.e., single-family residential) to lower or more intensive uses (i.e., industrial). A typical zoning ordinance contains three basic classifications: residential, commercial, and industrial. Most local zoning ordinances today include several subtypes within these classifications.

Early zoning ordinances were cumulative; uses that were allowed in higher or less intensive classifications (single-family residential) were also allowed in lower or more intensive classifications (commercial). However, the reverse was not true. Higher intensity uses, such as manufacturing, were not allowed in lower density commercial or residential areas. Today, zoning ordinances are rarely cumulative. Modern zoning regulations are usually non-cumulative or exclusive in nature. Lower intensity uses such as single-family residences may be allowed in multi-family residential districts. However, residential uses are rarely allowed in commercial or industrial districts. This reduces the possibility of future conflicts between uses.

Zoning in Kansas

Legal authority for Kansas local governments to adopt and implement zoning regulations is found at K.S.A. 12-741, which provides “. . . for the enactment of planning and zoning laws and regulations by cities and counties for the protection of the public health, safety and welfare, and is not intended to prevent the enactment or enforcement of additional laws and regulations on the same subject which are not in conflict with the provisions of this act.” The components of local zoning ordinances are detailed at K.S.A. 12-753(a). They include, but are not limited to . . .

- Provisions for the adoption or amendment of zoning regulations

- The governing body may divide the territory subject to its jurisdiction into districts of such number, shape, area and of such different classes, according to the use of land and buildings and the intensity of such use, as may be deemed suited to carry out the purposes of this act
- Provisions restricting and regulating the height, number of stories and size of buildings
- The percentage of each lot that may be occupied; the size of yards, courts and other open spaces
- The density of population
- The location, use and appearance of buildings, structures and land for residential, commercial, industrial and other purposes
- The conservation of natural resources, including agricultural land; and the use of land located in areas designated as flood plains and other areas, including the distance of any buildings and structures from a street or highway

The statute also requires that local governments “. . . define the boundaries of zoning districts by description contained therein or by setting out such boundaries upon a map or maps incorporated and published as part of such regulations or by providing for the incorporation by reference . . . of an official map or maps upon which such boundaries shall be fixed.”

K.S.A. 12-755 provides authorization for local governments to include additional regulations that may include, but are not limited to provisions that:

- Provide for planned unit developments
- Permit the transfer of development rights
- Preserve structures and districts listed on the local, state or national historic registers
- Control the aesthetics of redevelopment or new development
- Provide for the issuance of special use or conditional use permits
- Establish overlay zones

K.S.A. 12-756 stipulates that no city or county in Kansas may establish any zone or district, or regulate or restrict the use of buildings or land until the planning commission recommends the nature and number of zones or districts to be used, and the boundaries and regulations to be enforced within each zone. Except as provided within the zoning ordinance, all regulations must be uniform within each class or type of building or land use within each district. However, the regulations for one district may differ from those in other districts or classifications; and special uses may be designated for each district, with conditions attached.

Public Hearing Requirements

K.S.A. 12-756(b) requires local planning commissions to conduct a public hearing before establishing any zoning regulation. The hearing requirements for the adoption of zoning regulations are the same as those for comprehensive plans, and include:

- Publication of a notice of hearing at least once in the official city newspaper in the case of a city or in the official county newspaper in the case of a county at least 20 days prior to the

date of the hearing

- In the case of a joint zoning board, notice of such hearing shall be published in the official city and official county newspapers
- The notice must fix the time and place for the hearing and describe the proposal in general terms
- The hearing may be adjourned from time to time and at its conclusion, the planning commission must prepare its recommendations and by an affirmative vote of a majority of the entire membership of the commission adopt those recommendations in the form of proposed zoning regulations and submit them, together with the written summary of the hearing thereon, to the governing body for consideration

Only a majority of the planning commission present and voting at the public hearing is required to recommend approval or denial of changes or revisions to the zoning regulations; and the failure of the planning commission to make any recommendation regarding a zoning request is deemed a recommendation of denial to the governing body. No plan, amendment, or change can take effect unless the governing body:

- Approves the plan and adopts it by ordinance or resolution
- Overrides the planning commission's recommendation by a 2/3 vote
- Returns the recommendation to the planning commission for additional consideration, together with a statement specifying the reasons for the governing body's failure to approve or disapprove

If a recommendation is returned to the planning commission for reconsideration, the commission may resubmit the original proposal, or submit a new or modified proposal to the governing body for consideration. Failure to submit any recommendation is considered a resubmission of the original proposal. The governing body must then either adopt the recommendation; or by simple majority revise or amend and adopt it by ordinance or resolution, or the governing body may take no further action. The plan and its amendments take effect upon their publication in the official government publication of record.

Regardless of whether the planning commission approves or disapproves a zoning amendment, if a protest petition signed by 20% or more of the owners of any of the real property proposed for rezoning; or 20% of the owners of property that must be notified of the public hearing is filed in the clerk's office within fourteen days after the public hearing, the governing body can adopt an ordinance or resolution amending the zoning by no less than a ¾ vote of all members of the governing body.

The Board of Zoning Appeals (BZA)

There are times when the enforcement of the zoning ordinance may cause unnecessary hardship for a property owner. Most zoning ordinances or enabling acts contain provisions for the establishment of a board of zoning appeals (BZA) to (1) hear appeals of decisions or interpretations made by zoning staff, and (2) grant conditional uses or special exceptions that are listed in the zoning ordinance. In Kansas, any local government that enacts a zoning ordinance or resolution must establish a board of zoning appeals as specified in K.S.A. 12-759.

The BZA is a quasi-judicial body whose functions fall into three basic categories: (1) interpretation of the zoning ordinance; (2) granting of special use permits or special exceptions; and (3) granting of variances. The BZA's role in interpreting the zoning regulations is similar to that of a court. It consists of hearing an appeal of the zoning regulations, determining the facts of the case, and reaching a judgment.

Special use or special exception permits may be granted for uses that are considered necessary in some zoning districts, but are deemed detrimental to neighbors, if safeguards are not imposed. The usual method for granting an exception is to do so provided the owner complies with certain conditions imposed by the board to protect the surrounding neighborhood and the community. Exceptions must be specifically listed in the zoning ordinances, and address such issues as reductions in the width of side yards, and the extension of height limits.

Occasionally, special situations arise that cannot be resolved within the zoning regulations. Variances are authorizations to engage in activities that are prohibited by the zoning regulations. They are of two types. The first, area or bulk variances, allows deviations from yard and height requirements, including sign and parking standards. The second type, use variances, authorizes uses that are not permitted in the zoning regulations either expressly or by implication. Kansas law does not permit the granting of use variances, only bulk variances are permitted. The conditions giving rise to a variance must be the result of the particular characteristic of the property, and have nothing to do with the plight of the property owner.

Land Use

Permitted uses are specific activities that are allowed in a zoning district without review by the planning commission or the governing body. When a particular proposed use is not included in the zoning ordinance, the existing descriptions and kinds of uses permitted within each district must be reviewed to determine where the desired use might best be located.

Conditional uses are exceptions to the zoning regulations that require discretionary review because of their scale, location, or potential safety issues. Like permitted uses, they are specified in the local zoning ordinances; but unlike permitted uses, in Kansas they are subject to a public hearing. Any conditions imposed by the planning commission or board of zoning appeals must be objective, clear, and enforceable, and the decision to approve the use must be supported by the written record.

Local governments are allowed to supplement, change, and revise the boundaries or regulations in their zoning ordinances. Changes may be initiated by the planning commission, governing body, or by the owner of the property affected; and any amendment, if in accord with the community's land use plan or comprehensive plan, will be deemed reasonable by the State.

Proposed changes must first be considered by the planning commission, and are subject to the public hearing requirements of K.S.A. 12-757(b). Property owners who wish to rezone their property from a less restrictive to a more restrictive zoning classification are also subject to the provisions of this statute, with two exceptions: (1) written notification of hearing is not required and (2) the change of zoning is not subject to protest petition as provided in 12-757(f). This is not the case when a local government initiates a rezoning from a less restrictive to a more restrictive classification; cities and counties are subject to all the requirements of K.S.A. 12-757(b) and K.S.A. 12-757(f).

One issue of special importance is how to zone areas subject to flooding. Kansas local

governments are authorized by statute to “. . . establish flood plain zones and districts and restrict the use of land therein . . . to lands . . . subject to floods of a lesser magnitude than that having a chance occurrence in any one year of 1 percent.” Local regulations must comply with the National Flood Insurance Act of 1968, as amended (42 U.S.C. §4001 *et seq.*), and any rules and regulations adopted pursuant to K.S.A. 12-766. The local government must also receive approval from the chief engineer of the division of water resources. Designating a flood plain can raise the issue of whether a compensable taking has occurred, or whether the governing body has simply exercised its police power. Therefore, it is important that cities and counties coordinate floodplain zoning with the requirements of the National Flood Insurance Act of 1968, and state rules and regulations.

Historic preservation is another important issue. Historic preservation is a declared policy of the State of Kansas; and K.S.A. 12-755(a)(3) provides local governments the authority they need to adopt zoning regulations to preserve structures listed on local, state, or national historic registers. However, local governments cannot “. . . undertake any project which will encroach upon, damage or destroy any historic property included in the national register of historic places or the state register of historic places or the environs of such property until the state historic preservation officer has been given notice, as provided herein, and an opportunity to investigate and comment upon the proposed project.”

There has existed for many years a bias against mobile homes in many communities. Many, if not most local governments in Kansas have adopted some form of regulation for the location of mobile homes that restricts them to specific zoning classifications. Although restrictions on the location of mobile homes have been challenged, the Kansas Supreme Court in *City of Colby v. Hurtt*, [212 Kan. 113, 509 P.2d 1142 (1973)] upheld them on the ground that they are a reasonable exercise of the city’s police power. Having said this, the issue is not necessarily settled. Many communities in Kansas allow the placement of mobile homes on permanent foundations, which acknowledges that many of these homes meet all local building code requirements. Requiring mobile homes that have been placed on permanent foundations and lost all of their mobility to be located in a separate mobile home park raises constitutional questions not addressed in *City of Colby*.

Contrary to mobile homes, K.S.A. 12-763(a) prohibits the exclusion of manufactured homes from single-family residential districts solely because they are manufactured homes. However, this prohibition does not prevent the establishment of architectural or aesthetic standards applicable to manufactured housing that make it compatible with site-built housing in the same zoning district; nor does it preclude or supersede restrictive covenants running with the land.

Other zoning issues include the protection of agricultural land and activities from urbanization and residential development, and the control of airport hazards. K.S.A. 12-755(a) (6) authorizes local governments to establish overlay zones, and this is one method regularly used to impose land use controls in and around airports.

Criticisms of Zoning

A number of criticisms have been leveled at zoning over the years. They can be grouped into four broad categories:

- Zoning can be exclusionary, often reflecting narrow interests who wish to exclude certain types of development at the expense of broader concerns. This is usually reflected in policies prohibiting or discouraging construction of affordable housing.

- Zoning decisions are often made at the expense of regional interests. Local governments often fail to consider the impact of their zoning decisions on neighboring jurisdictions, ignoring the adverse impacts of congestion, pollution, and the loss of natural resources.
- Zoning is often done outside the planning framework. That is, the relationship between zoning and the comprehensive plan is often overlooked or ignored.
- Zoning has often been overly bureaucratic, detail-oriented, and resistant to change.

Exclusionary zoning refers to zoning that excludes certain types of development that is usually associated with racial, economic, or social minorities. Although it can be discriminatory, exclusionary zoning has received court sanction. The U.S. Supreme Court in *Village of Belle Terre v. Boraas*, 416 U.S. 1 (1974), upheld a local zoning ordinance restricting land use to single-family dwellings. The Court noted, “We deal with economic and social legislation where legislatures have historically drawn lines which we respect against the charge of violation of the Equal Protection Clause if the law be ‘reasonable, not arbitrary’ and bears ‘a rational relationship to a [permissible] state objective.’”

The criticism that zoning is often overly bureaucratic, detail-oriented, and resistant to change has convinced many to conclude that traditional zoning, with its emphasis on lots and blocks, and minimum setbacks and lot sizes, is ineffective in dealing with contemporary land use issues. This conclusion has in turn led to a number of more flexible zoning and land use practices.

Innovative or Specialized Zoning Practices

The need for more flexibility in planning and zoning in Kansas has been recognized, but is addressed only in part by statute. However, K.S.A. 12-741(a) does allow local governments to enact and enforce additional laws and regulations, as long as they are not in conflict with the act. K.S.A. 12-755 authorizes specific zoning regulations, but does not restrict local governments to those regulations alone. Those provisions (1) Provide for planned unit developments; (2) Permit the transfer of development rights; (3) Preserve structures and districts listed on the local, state or national historic register; (4) Control the aesthetics of redevelopment or new development; (5) Provide for the issuance of special use or conditional use permits; and (6) Establish overlay zones.

Planned unit development (PUD) zoning is more flexible than conventional zoning. PUDs allow mixed uses, and flexibility in the application of development regulations. They also can improve site design, preserve open space, and lower the costs of public improvements. Two of the most important characteristics of PUDs are their shift in emphasis from minimum lot sizes to the control of development density, and the preservation of green space. In Kansas, PUDs are authorized in K.S.A. 12-755, and like other zoning regulations, must comply with the conditions of K.S.A. 12-753.

The PUD process generally is a consolidation of the zoning, platting, special use permitting, and site development processes. The final PUD plan will contain information found on a conventional plat, along with the uses permitted, and a site plan. The application, enforcement, and amendment requirements for a PUD classification are the same as those for any other zoning classification.

K.S.A. 75-755(a) (5) authorizes local governments to “. . . provide for the issuance of **special use or conditional use permits.**” These permits allow certain uses and activities that may be necessary or desirable, but do not fit well or are not allowed by right within a zoning district because they are incompatible with other uses in the district. Special uses include halfway houses, public facilities, cemeteries, bed and breakfast facilities, and animal hospitals. A special use permit is granted only for a

use specifically defined as an allowed special use in a zoning district. Governing bodies may attach conditions to the issuance of a special use permit, as long as those conditions promote the general welfare of the community. Special use permits should not be confused with variances, which allow a property owner to engage in an activity that is prohibited by the zoning regulations; nor are they the same as exceptions, which allow a property owner to deviate from the zoning regulations only when the deviation is specifically permitted by the regulation.

Other types of flexible zoning practices include floating zones; clustering; overlay zones; inclusionary zoning; mixed-use zoning; density zoning; contract and conditional zoning; and transferable development rights.

Unlike other zoning classifications, **floating zones** have no defined boundaries. Floating zones allow uses that would not otherwise be permitted on a given piece of property; but they also impose specific conditions to make the development more compatible with surrounding developments. Kansas statute requires that the boundaries of zoning districts be defined, thus making it difficult for local governments in Kansas to defend the use of floating zones.

Clustering is a form of PUD that entails the grouping together of buildings on part of the site in a manner that preserves open space or environmentally sensitive areas. Clustering is permissible under K.S.A. 12-741(a) because, unlike floating zones, it does not appear to conflict with any other state statutes.

An **Overlay zone** is an additional layer of development regulations or restrictions placed over an existing zoning classification to address special circumstances. Historic preservation regulations are often imposed using overlay zones; other overlays may protect natural resources such as flood plains.

The purpose of **inclusionary zoning** is to encourage the construction of affordable housing. This often takes the form of requirements to set aside a certain percentage of a residential development for affordable housing. However, it can also include incentives such as density bonuses, which allow a developer to increase the number of dwelling units in a development if he or she agrees to build low- and moderate-income housing. Other incentives may include reductions in development standards such as street widths, the number, and placement of sidewalks, and development fees.

Mixed-use zoning is a direct response to the segregation of land uses found in zoning ordinances. This approach creates higher-density developments that include a variety of residential and light commercial activities such as banks, groceries, laundries, and drug stores. Mixed-use zoning may be accomplished in a variety of ways, including overlay districts and special districts.

Density zoning focuses on the population density per acre, instead of the type of residential use permitted in a zoning district. It is especially useful when a developer wants to integrate residential uses instead of segregating them into single-family, two-family or multi-family neighborhoods. Kansas law does allow local governments to consider population density when making zoning decisions.

Contract zoning and conditional zoning place limits on the use of property in exchange for the governing body's authorization of a particular use. **Contract zoning** involves a negotiated agreement between the government and a landowner that allows the landowner to use a property for a purpose that is either not permitted in the zoning ordinances or that is incompatible with surrounding uses. In exchange, the landowner agrees to specific restrictions on the use of that property.

There are at least three problems with contract zoning in Kansas. First, it amounts to spot zoning, thus making it susceptible to legal challenge. Second, local governments should not enter into contracts relating to the exercise of the police power. Finally, some have expressed concern that once a municipality enters into a contract zoning agreement, it will be unable to rezone the property in the future.

Conditional zoning is similar to contract zoning. It provides some flexibility in the overall zoning scheme by allowing uses in a zoning district that are not normally allowed; but in contrast to contract zoning, it does so only after the property owner has complied with certain conditions imposed by the planning commission or governing body. In contrast to contract zoning, conditional zoning places no contractual obligations on the local government; and although it appears less susceptible to legal challenge than contract zoning, it still may be challenged on several grounds if it is not clearly used to benefit the community.

The **transfer of development rights** is usually a result of a local government's need to reduce the density of development on a property due to concerns with public health, safety, and welfare. Kansas law specifically allows local governments to transfer development rights to compensate property owners for restrictions placed on a particular parcel by allowing increased density on another parcel.

SUBDIVISION REGULATIONS

Subdivision regulations, together with the zoning ordinances, are the two most important tools communities have at their disposal to implement their comprehensive plans. Subdivision regulations control the design, layout, division, and improvement of land as it is developed. They provide for schools, parks, water and sewer lines, and rights-of-way; and are most effective when they are closely coordinated with other local government laws, policies, and activities. The most important of these are the comprehensive plan, and the zoning ordinances. Like zoning regulations, subdivision regulations are an exercise of the local government's police power, and are governed by the authority granted them by state statutes. Unlike zoning regulations, they do not regulate land use or the bulk of structures.

Subdivision regulations provide the procedures a subdivider must follow to obtain approval from the local government; the criteria for the internal design of a subdivision; and the construction standards for public improvements within the development.

The subdivision of land in the United States has occurred since colonial times. However, subdivision regulations as we know them evolved out of two needs that arose in the 19th century. The first was the need for communities to be accurately surveyed and platted in order to provide free and clear title to individual properties to facilitate the sale of land. The second reflected the need to determine accurately public rights-of-way to assist in the design of street, sewers, and drainage systems.

Contents of Subdivision Regulations

The 20th century saw subdivision regulations become a part of the comprehensive planning and zoning process. In the 1920s, a new model of subdivision regulations emerged based primarily on a 1928 U.S. Commerce Department pamphlet entitled *A Standard City Planning Enabling Act* (SCPEA). The act addressed six issues:

- The organization and powers of planning commissions
- Contents of the master plan for the development of the municipality's territory
- Provisions for the adoption of a master street plan
- Provision for approval of all public improvements by the planning commission
- Control of the private subdivision of land
- Provisions for the establishment of a regional planning commission

The SCPEA helped establish the process of land subdivision as a system whereby local governments could control development, particularly through requirements for on-site improvements. Since that time, communities have enlarged the scope of subdivision regulations to help manage the timing of development and ensure the provision of adequate public facilities. Fees and exactions are the methods most often used to achieve this. The earliest and most common form of exaction was the mandatory dedication of land to the government for roads, utility easements, and parkland. More recently, impact fees have come to be imposed when building permits are issued, or when utility connections are made.

Many subdivision regulations suggest, and some require, a developer to submit a "sketch plat" of the proposed subdivision to staff, along with an area map showing the location and principal features of the area. This allows staff to provide guidance concerning what will be required of the developer before he or she incurs any great expense in making detailed plans.

The first formal action that is usually required of a development is the submission of a "preliminary plat" that is reviewed and approved by the local planning commission. This is perhaps the most important step in the process; for it is here that the details and requirements of the project are determined and agreed on. The subdivision regulations provide substantial detail about the information that must be included on a preliminary plat. A short list of the information required on preliminary plats includes a legal description; lots and blocks; date of survey; vicinity map; total acreage; rights-of-way and easements; building setbacks; and topographic contours and other site features.

Following review and approval of a preliminary plat by the planning commission, a developer may submit a final plat. This plat is often accompanied by engineering studies or drawings that address issues such as stormwater. A partial list of the contents of final plats includes a legal description; lots and blocks; instrument of survey; total acreage; rights-of-way and easements; building setbacks; special notations required as a condition of platting by the planning commission; and the required certificates. The final plat is the final stage at which the planning commission can influence the development of the subdivision. In some jurisdictions, the planning commission makes the final decision to approve a plat; in others, the local governing body makes that decision.

The final step in the platting process is the recording of the approved plat. The filing of the plat does two things. First, it is the legal dedication to the public of the streets, utility easements, and parks and other lands. Second it serves as an easy and convenient way of describing a particular piece of property that the developer wishes to deed to a purchaser.

Subdivision Regulations in Kansas

State enabling legislation varies widely. As with zoning ordinances, subdivision regulations are an expression of the local government's police power to enact laws protecting the public health, safety, and welfare. Therefore, they must bear a reasonable relationship toward those ends, or run the risk of being found in violation of the "due process" clauses of the state and federal constitutions. However, the scope of judicial review of subdivision regulations is more restrictive in platting matters than it is in zoning issues. This is because platting is a legislative function, which limits a court's scope of inquiry to questions of whether a local government had statutory authority to act, and if so, whether it acted within its authority. Such a challenge did occur in *Sabatini v. Jayhawk Construction Co.*, 214 Kan. 408, 520 P.2d 1230 (1974). The decision of the Kansas Supreme Court in this case was that (1) the City of Topeka did have the authority to act (annex the subdivision), and (2) as with zoning regulations, it is not a proper judicial function for a court to inquire into the reasonableness, wisdom, necessity, or advisability of platting and annexing land.

K.S.A. 12-749 authorizes Kansas local governments who adopt comprehensive plans also to adopt subdivision regulations. These regulations must be applied to all land located within the city; but they may also be applied to land outside the city, if it is located within the same county, and does not extend more than one-half the distance between that city and another city also having subdivision regulations. County planning commissions may establish subdivision regulations for all or parts of the unincorporated areas within the county. These regulations may include, but are not limited to provisions for:

- Efficient and orderly location of streets
- Reduction of vehicular congestion
- Reservation or dedication of land for open spaces
- Off-site and on-site public improvements
- Recreational facilities
- Flood protection
- Building lines
- Compatibility of design
- Stormwater runoff, including consideration of historic and anticipated 100-year rain and snowfall precipitation records and patterns
- Any other services, facilities and improvements deemed appropriate

The subdivision regulations may also provide for administrative changes to land elevations on the plat such as:

- Conditioning plat approval upon conformance with the comprehensive plan
- Requiring the payment of a fee in lieu of dedication of land
- That in lieu of the completion of any work or improvements prior to approval of the final plat, the governing body may accept a corporate surety bond, cashier's check, escrow

account, letter of credit or other like security . . . conditioned upon the actual completion of such work or improvements within a specified period

Before it can adopt or amend any subdivision regulations, the planning commission must hold a public hearing, not unlike that required for zoning regulations. Notice of the hearing must be published at least once in the local jurisdiction's newspaper of record, and must:

- Be published at least 20 days prior to the hearing
- Fix the time and place for the hearing, and describe the proposal in general terms
- In the case of a joint committee on subdivision regulations, be published in the official city and official county newspapers
- The hearing may be adjourned from time to time and at its conclusion, the planning commission must prepare its recommendations and by an affirmative vote of a majority of the entire membership of the commission adopt those recommendations in the form of proposed subdivision regulations and submit them, together with the written summary of the hearing thereon, to the governing body for consideration

Following the public hearing, the planning commission forwards its recommendation to the governing body, which may:

- Approve the recommendations by ordinance in a city or resolution in a county
- Override the planning commission's recommendations by a 2/3 majority vote
- Return the recommendations to the planning commission for further consideration, together with a statement specifying the basis for the governing body's failure to approve or disapprove

If a recommendation is returned to the planning commission for reconsideration, the commission may resubmit the original proposal, or submit a new or modified proposal to the governing body for consideration. Failure to submit any recommendation is considered a resubmission of the original proposal. The governing body must then either adopt the recommendation; or by simple majority revise or amend and adopt it by ordinance or resolution, or the governing body may take no further action. The plan and its amendments become law upon their publication in the official government publication of record.

K.S.A. 12-750 requires cities that propose to adopt subdivision regulations affecting property outside their boundaries to provide a certified copy of the regulations designating the area to the county commission for consideration and approval. If approved, the county commission must adopt a resolution designating the area as subject to the city's subdivision regulations. Within 60 days, then, a joint committee for subdivision must be established to administer the regulations within the area of joint regulation.

Any owner of land located within an area governed by subdivision regulations who wishes to develop a subdivision must have a plat prepared per those regulations. The plat must be submitted to the planning commission and must ". . . accurately describe the subdivision, lots, tracts or parcels of land giving the location and dimensions thereof and the location and dimensions of all streets, alleys, parks

or other properties 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.”

Kansas communities typically follow the platting process outlined earlier. First, a preliminary plat is submitted, which includes a legal description; lots and blocks; date of survey; vicinity map; total acreage; rights-of-way and easements; building setbacks; topographic contours and other site features; and any other requirements of the local regulations. Following review and approval of the preliminary plat by the planning commission, the developer submits a final plat. This plat is often accompanied by engineering studies or drawings addressing issues such as and stormwater. The final plat includes a legal description; lots and blocks; instrument of survey; total acreage; rights-of-way and easements; building setbacks; dedications of land for public purposes; special notations required as a condition of platting by the planning commission; required certificates; and any other items required by the subdivision regulations or the planning commission. Once the planning commission has approved the final plat, it is forwarded to the governing body for consideration. The governing body must accept or refuse the dedication of land for public purposes within 30 days of first considering the final plat, although this decision may be deferred another 30 days to allow modifications.

Some communities have adopted regulations to control both the timing and the density of development in their communities. Although they are not prevalent in Kansas, local governments may adopt growth management tools using their home rule powers. Growth management allows local governments to pursue outcomes the private sector would not likely pursue on their own. Growth management generally considers six broad goals:

- Protection of lands that provide public and quasi-public goods
- Accommodation of development needs
- Provision of adequate public facilities and services at minimum cost and with equitable distribution
- Fair distribution of costs and benefits
- Prevention or mitigation of negative externalities, and fostering of positive externalities
- Administrative efficiency

Conclusion

Benjamin Franklin said, “By failing to prepare, you are preparing to fail.” This is true in a great many instances, but never more so than when planning the urban form and urban society. The three primary building blocks of community planning are the comprehensive plan, zoning regulations, and subdivision regulations. The comprehensive plan is the foundation upon which a community’s future is built. Zoning ordinances are the skeleton or framework. They determine the size and location of various land uses. Subdivision regulations flesh out the framework, providing for the subdivision of land, public facilities, good design, and managing the growth of communities.

The comprehensive plan is the foundation of planning in the United States. It provides a broad general vision of how the community wants to develop for the next twenty to thirty years. A comprehensive plan is the product of a multi-year process that defines the goals, characteristics, and policies of a community, and guides the type, location, and appearance of community growth and development. Once adopted, it becomes the foundation for later decisions related to development or

redevelopment, including rezonings, conditional use permits, changes to zoning and subdivision ordinances, utility extensions, parks, and roads.

Zoning is a system of controlling land uses to ensure they are appropriately situated in relation to one another. It allows local governments to manage development densities so they can provide adequate and appropriate infrastructure to each property; and it directs new growth into appropriate areas thereby protecting existing property by assuring adequate light, air, and privacy for everyone living and working in the community.

Zoning divides the territory of a community into classifications or zones, and regulates land use within each of those zones. It specifies the activities and intensity or density of use for each class, along with building size and setbacks; and it defines the land uses envisioned by the comprehensive plan and protects property from the effects of incompatible uses.

Subdivision regulations control the design, layout, division, and improvement of land as it is developed. They provide for schools, parks, water and sewer lines, and rights-of-way. Subdivision regulations are most effective when they are closely coordinated with other local government laws, policies, and activities.

“The direction planning is headed is being questioned by more and more people, planners and others involved in community development.” However, one thing seems certain. Comprehensive planning, zoning, and subdivision regulations are here to stay. The forms they take, and how they are implemented may fluctuate, but there seems to be little prospect for their abandonment.



Augusta Action Community Profile

Historic &
Existing Data
about Augusta
Residents &
Resources
September 2020

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Introduction



What is the Community Profile and why is it important?



Profile Purpose

The Augusta Community **Profile** reveals information about our past and present to aid in determining what we want our future to be and how we can get there.

The Profile forecasts future population and demographics based upon historic data and trends. The number of future residents and the composition of the population will impact the demand for public services and infrastructure, jobs, housing, shopping, services, parks, land needed for development, and city resources.

+
The Community Profile lays the foundation for the development of the Comprehensive Plan

The demand data will be utilized when developing the **Comprehensive Plan**. The Plan will identify how the community will meet the future demand.

Beyond the people, the Profile presents other pertinent information to serve as a baseline for developing the Plan. The Profile covers the natural environmental features, man-made infrastructure, and social conditions.

Profile Data Sources

The US Census Bureau collects and provides information about each community. The most current

available data for Augusta is the 2011-2015 American Community Survey 5-Year Estimates. This dataset provides a general idea of existing conditions. Any reference to current data refers to the 2011-2015 ACS 5-Year Estimates.

The 2010 and other previous decennial censuses provide accurate historical information that is used in this Profile. This historical information allows for comparison to show change over time.

+
The Comprehensive Plan guides decisions to achieve Augusta's desired future.



Augusta Area



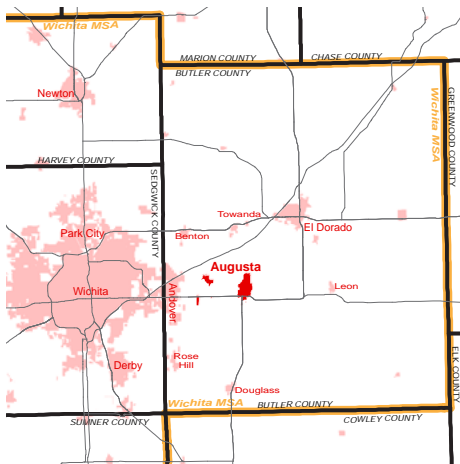
What are the influences of the area beyond the city limits of Augusta?

Regional Context

Augusta is within the 5-county Wichita Metropolitan Statistical Area. Downtown Augusta is located 20 miles east of downtown Wichita.

Why is this Important?

Augusta residents and business activity are heavily influenced by the development clustered within and around Wichita.



Planning Area

The people, businesses, and resources located in the area surrounding Augusta are integral to city and its future. State statute (KSA 12-747(a)) allows cities to develop a comprehensive plan that includes the area that forms the total community of Augusta. This area, called the Augusta Planning Area, includes all land within the city as well as land outside of the city limits, as shown in Map 1.

+
The Planning Area covers 53.5 square miles

Why is this Important?

Augusta's traffic, water quality, business demands, and many other aspects of the community will be affected by development within the Planning Area. Accounting for development within the Planning Area sets realistic expectations for future demands on Augusta services and infrastructure.

Having a Planning Area allows Augusta to promote orderly growth that best represents the desires of the community. This includes suitable development types, densities, intensities, and locations. This also allows for the preservation of desired character and resources.

+
The Planning Area and UJ are not annexation plans

Why is this Important?

Over time, it is anticipated that Augusta city limits will expand to areas of unincorporated Butler County. Expansion allows the city to grow its economy, population, and tax base.

Urban Jurisdiction

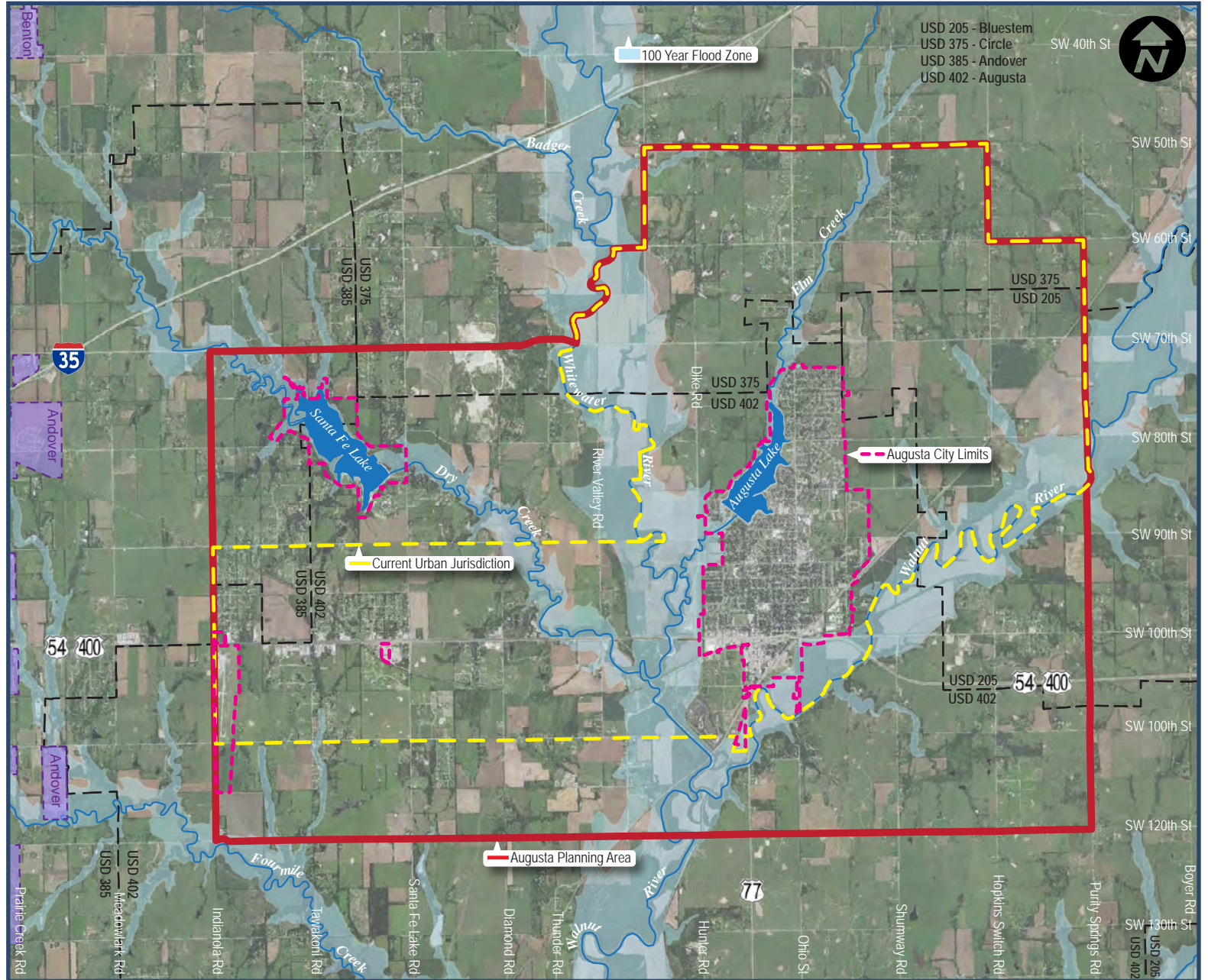
Through an interlocal agreement with Butler County, Augusta has zoning authority within the Urban Jurisdiction (UJ), as illustrated in Map 1. This 31 square mile area extends into unincorporated Butler County.

Having zoning control within the UJ allows Augusta for greater local land use management than simply having a Planning Area.

Augusta has authority to determine suitable location, type, density, and intensity of development within the UJ. It further allows the preservation of desired character and resources surrounding Augusta. This control also allows Augusta to preserve the visual character along corridors leading into the city.

UJ land use controls allow for appropriate planning of city services and infrastructure to areas outside of the current Augusta city limits.

Map 1: Augusta Planning Area



Environmental Resources



What are the environmental resources and how do they influence Augusta?

Topography

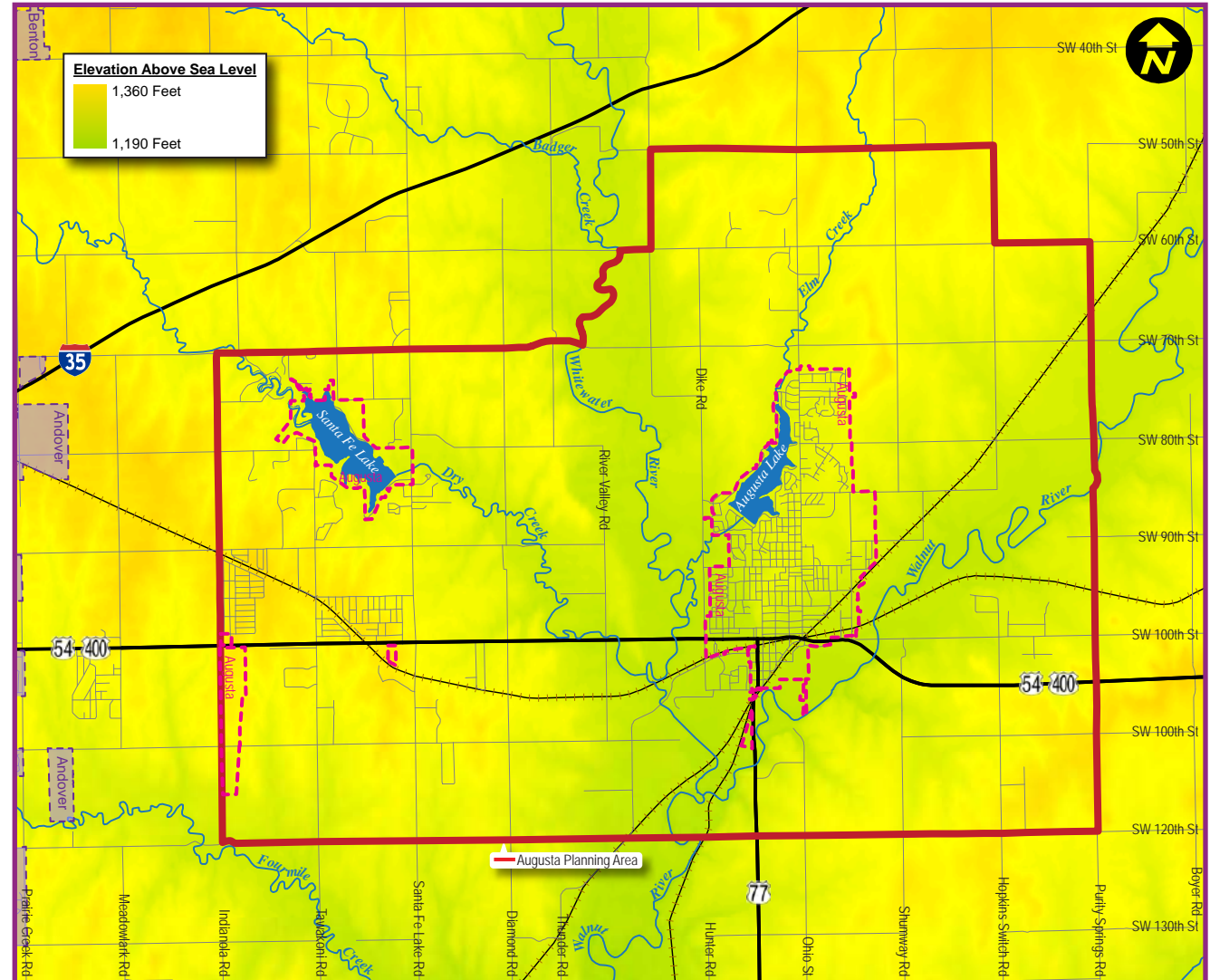
The topography of the Augusta area is generally flat, with some low drainage areas, as illustrated in Map 2. The river valleys, primarily the Walnut River and Whitewater River basins, are the primary topographical features in the area.

Why is this Important?

Topography has, and likely will continue to influence Augusta's land development pattern. The main impact is the low-lying areas that create flood zones, which are discussed later. Topography also impacts the sanitary sewer system. Serving low-lying areas or passing through these areas increases the cost to serve due to needed lift stations.



Map 2: Topography



Drainage

The Augusta area lies within nine subwatersheds, also referred to as Hydrologic Unit Code (HUC) 12 areas. Water within each drainage area flows to a single point and are split by a topographic divide from which water flows in different directions. There are nine subwatersheds within the Planning Area, as illustrated in Map 3.

All of the water eventually drains into the Walnut River and drains south to Arkansas City where the Walnut River empties into the Arkansas River.

Why is this Important?

Development typically increases impervious surfaces. Development within a drainage area can effect water quality for areas within and downstream of the drainage area. It can also impact flooding characteristics.



Water Features

There are two lakes, two rivers, and four creeks in the Planning Area, as illustrated in Map 3. There are also many ponds within the area.

Why is this Important?

Water features provide many benefits including recreation, wildlife habitat, open space, natural scenic areas, drainage, and sources for potable water. Land with views of water features also provide desirable locations for residential development.

Flood Zones

Floodzones are areas that become inundated during heavy rain events. These areas are identified and regulated by the Federal Emergency Management Agency (FEMA). Map 3 shows the location of the 100-year floodzone as of August 2015 (updated floodzone maps are anticipated to be released soon). These generally follow the rivers and creeks.

Why is this Important?

Development and ownership costs are usually higher for properties located within floodzones. This is because of the expenses related to regulatory permitting, design of drainage infrastructure, and flood insurance requirements for structures. These factors reduce the demand for development within floodzones.



Wetlands

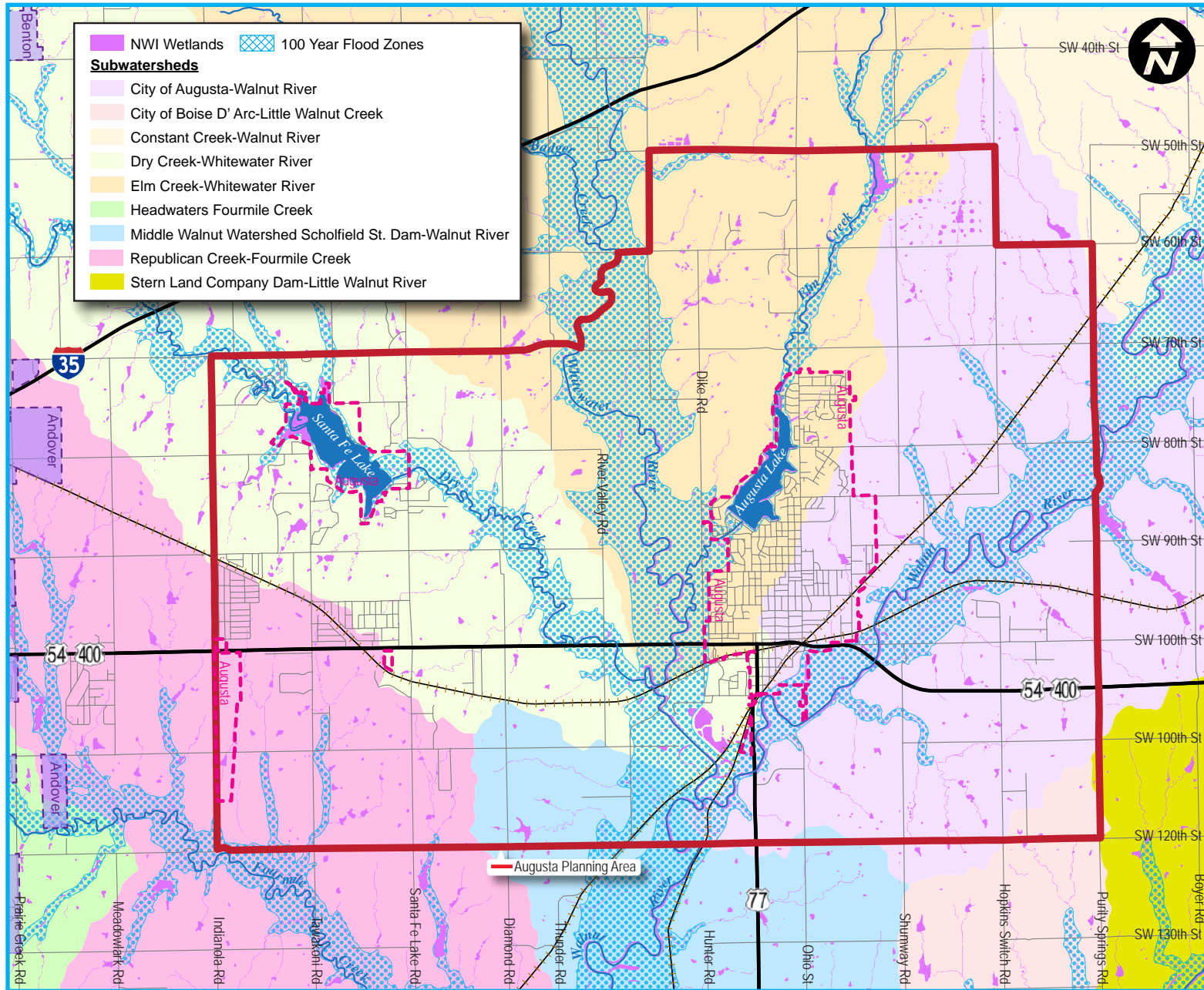
Wetlands in the area from the National Wetlands Inventory (NWI) are shown in Map 3. The area contains many small areas of wetlands. These NWI wetlands are just an indication of the likely location of wetlands. A more detailed study is necessary to identify any specific wetland areas.

Why is this Important?

Wetlands provide many benefits to the community including water filtering, wildlife habitat, flood reduction, groundwater recharge, and natural aesthetic beauty. Wetlands can also act as a barrier to development due to regulations.



Map 3: Water & Drainage

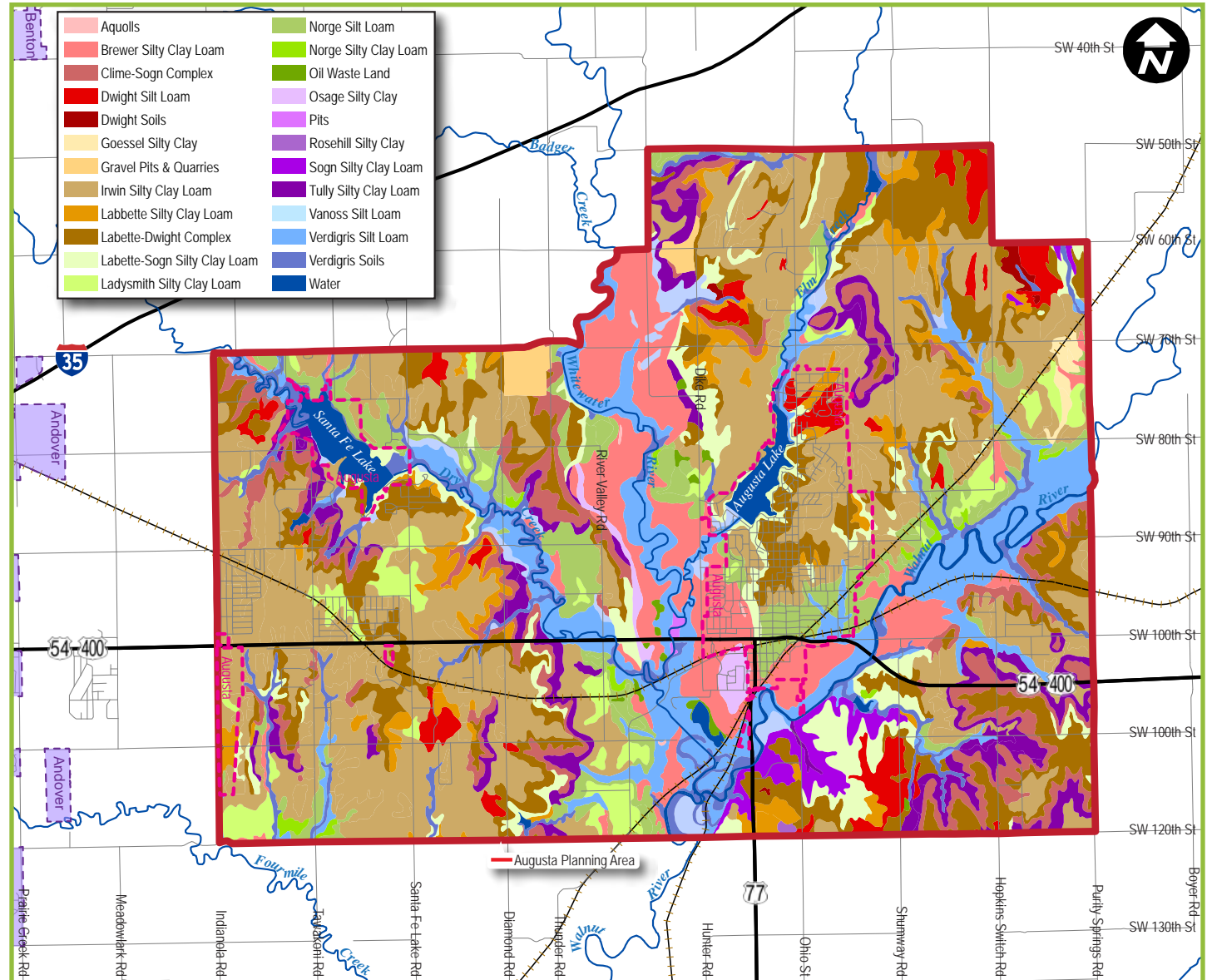


Soils

The majority (55%) of soil in the Planning Area is silty clay loam. Other prominent soils include silt loams and complex soils.

Soil Type	% of Area
Aquolls	0.03%
Brewer Silty Clay Loam	7.62%
Clime-Sogn Complex	5.91%
Dwight Silt Loam	2.77%
Dwight Soils	0.18%
Goessel Silty Clay	0.30%
Gravel Pits & Quarries	0.62%
Irwin Silty Clay Loam	30.66%
Labette Silty Clay Loam	12.35%
Labette-Dwight Complex	4.49%
Labette-Sogn Silty Clay Loam	3.34%
Ladysmith Silty Clay Loam	2.96%
Norge Silt Loam	6.17%
Norge Silty Clay Loam	0.35%
Oil Waste Land	0.22%
Osage Silty Clay	0.56%
Pits	0.06%
Rosehill Silty Clay	0.03%
Sogn Silty Clay Loam	1.09%
Tully Silty Clay Loam	4.49%
Vanoss Silt Loam	1.09%
Verdigris Silt Loam	8.79%
Verdigris Soils	4.05%
Water	1.85%

Map 4: Soils



Why is this Important?

Soil types have different limitations on elements of development such as dwelling units, commercial buildings, streets, septic tank absorption fields, and sewage lagoons. **Appendix A** includes soil reports from the Natural Resource Conservation Service about these limitations.

Most soil types have very limiting characteristics for dwellings and commercial buildings due to shrink-swell, depth to hard bedrock, and depth to saturated zone issues. They also have very limiting characteristics for septic tank absorption fields and somewhat or very limiting characteristics for sewage lagoons. These are mainly due to the depth to bedrock, slow water movement through soil, and seepage.

Efficient land use planning should consider the potential positive and negative interrelationships between the soil and the way it is used. The soil limitations for on-site sewage treatment can impact the need for Augusta sanitary sewer system in certain areas.

Air Quality

The Environmental Protection Agency (EPA), Kansas Department of Health and Environment (KDHE), and local partners monitor air quality in the Wichita MSA. Currently, the region is in attainment with the National Ambient Air Quality Standards (NAAQS). However, data suggests that the region is close to exceeding the standard for ground-level ozone.

Why is this Important?

The quality of the air we breathe is important to the health of the community. In addition, violating the NAAQS would likely put the region into non-attainment. Non-attainment would place regulatory limits on emissions generated from development activities such as road building and commercial operations, reducing flexibility and increasing costs.



Habitat

According to the Kansas Comprehensive Wildlife Conservation (KCWC) Plan of 2005, Augusta is in the Central Mixed Grass Prairie Conservation Region. Some of the prevalent wildlife habitats in this region are herbaceous wetland, aquatic, deciduous floodplain, cropland, riparian shrubland, and urban areas. The KCWC Plan identifies issues of concern for this area, which include conversion of natural habitat for human uses and fragmentation of habitats.

Why is this Important?

Loss, conversion, and fragmentation of habitat is likely to occur as Augusta grows and expands. The loss of small areas of habitat will likely have minimal impact on wildlife and vegetation. Wildlife accustomed to human-altered environments should continue to thrive. Impacts to habitat and wildlife should be a consideration for development decisions.

Wildlife

There are endangered and threatened species that live in Butler County according to the Kansas Department of Wildlife, Parks, and Tourism (KDWPT). These species are protected by the Kansas Nongame and Endangered Species Conservation Act, the Federal Endangered Species Act, and state and federal regulations applicable to those acts.

Designated Critical Habitat (DCH) are those areas documented as currently supporting self-sustaining populations of any threatened

or endangered species as well as those determined by KDWPT to be essential for the conservation of any threatened or endangered species. The Topeka Shiner is the only species with DCH in Butler County. However, it appears there is no DCH in the Planning Area.

Why is this Important?

Wildlife provide many benefits to Augustans such as hunting, fishing, photography, and other recreation. They are also indicators of a healthy environment. Healthy habitat for wildlife is essential for healthy populations.



T&E Species	Designated Critical Habitat Description
Topeka Shiner (Endangered, Critical)	South Fork Cottonwood River & its tributaries in Butler County from the Butler/Chase County Line upstream to its headwaters
Whooping Crane (Endangered)	None in Butler County
Least Tern (Endangered)	None in Butler County
American Burying Beetle (Endangered)	None in Butler County
Sharp Hornsnail (Threatened)	None in Butler County
Eastern Spotted Skunk (Threatened)	None in Butler County
Piping Plover (Threatened)	None in Butler County
Snowy Plover (Threatened)	None in Butler County

*Source: KDWPT from <http://ksoutdoors.com>

People



Who comprises the Augusta Community and what are their characteristics?

Augusta Residents

Augusta has over 9,200 residents, making it the third most populous city in Butler County and the ninth most populous city in the Wichita MSA. Population growth has been fairly steady since 1970; averaging 1.1% per year.

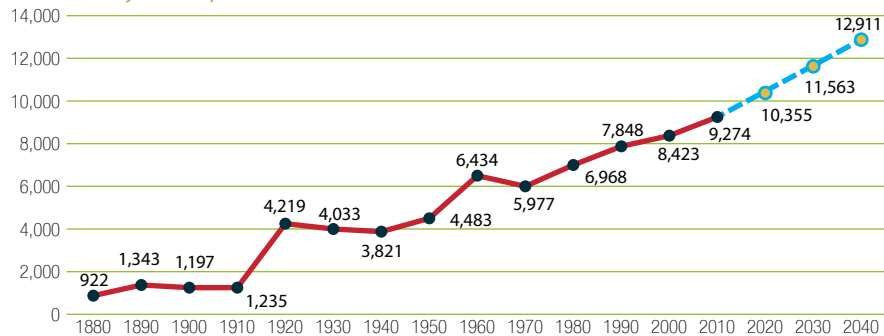
Continued 1.1% annual growth will add 3,637 new residents by 2040, bringing the total population of Augusta to 12,911. This increase will likely include migration into Augusta as well as expansion of the city limits. The natural population change (births - deaths) will not lead to population growth due to the age and gender mix of Augusta along with declining birth rates.

Why is this Important?

The additional residents will provide benefits to the city. Economic growth typically comes with population growth as new residents get jobs, buy houses, and purchase goods and services.

However, they will also put additional demand on infrastructure and services. These new Augustans will require many things; housing, transportation and utility infrastructure, police and other services, education, and shopping. It is vital to appropriately plan to serve new residents while minimizing negative impacts to existing residents.

Historic & Projected Population



Place	2010 Pop.	40 Year Annual Growth Rate
Sedgwick Co.	498,365	0.9%
Wichita	382,368	0.8%
Butler Co.	65,880	1.3%
Derby	22,158	2.6%
Newton	19,132	0.5%
El Dorado	13,021	0.1%
Arkansas City	12,415	-0.2%
Winfield	12,301	0.2%
Andover	11,791	4.7%
Haysville	10,826	1.3%
Augusta	9,274	1.1%
Wellington	8,172	0.0%
Park City	7,297	2.7%
Valley Center	6,822	2.5%
Mulvane	6,111	1.6%
Rose Hill	3,931	6.1%

+
Augusta accounts for 73% of the Planning Area population



Planning Area Residents

From 2000 to 2010, the Planning Area population increased from 11,799 to 12,666; an annual growth rate of 0.71%. Maintaining this rate through 2040, the projected Planning Area population is 15,668.

Why is this Important?

Although many of the new Planning Area residents outside of Augusta will not require city services and utilities, they will impact the economy and place additional demand on some services and infrastructure.

Age & Gender

The population of Augusta has grown by 851 from 2000 to 2010 and the age/generational composition has shifted. The most notable shift was the increase in 45-64 year olds. Since 2000, a new generation has also been introduced; Generation Z.

Why is this Important?

Although planning for the sheer number of people is important, so is the consideration of the changing age and generational composition.

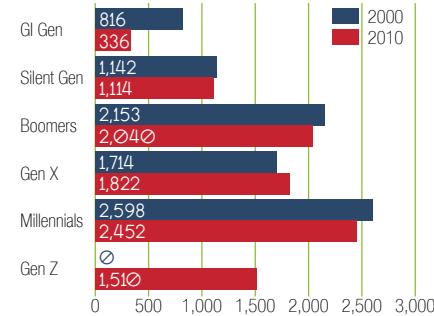
The residents in different age groups and generations are at different points in their lives and have different characteristics,

expectations, and demands for services and infrastructure. Housing choice, child rearing, schooling, and workforce participation are just a few considerations.

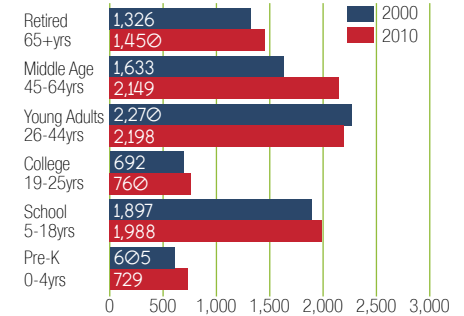
By 2040, Millennials will be in their 40s and 50s and Generation Z will be 23-39 years old. These two generations will comprise a majority of the working-aged population. The Baby Boomers will place additional demand for access to medical services and senior/assisted living facilities. Generation X will be retired or approaching retirement, meaning major changes in employment, spending habits, and demands for services.



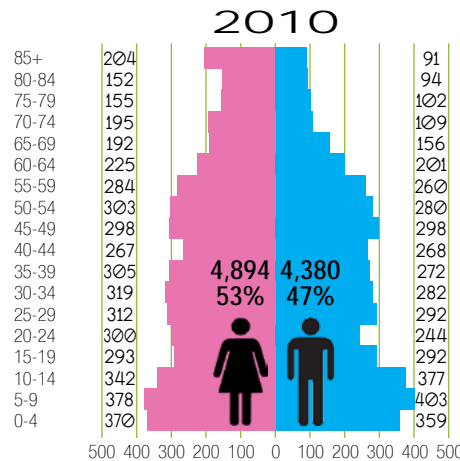
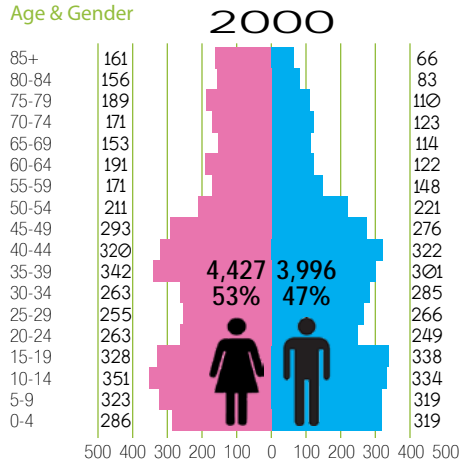
Population by Generation



Population by Age Group



Age & Gender



GI Generation

Born: 1901-1926
 Age in 2017: 91-116
 Assertive and energetic. Community-minded. Marriage for life. Loyal. No retirement. Save and buy.

Silent Generation

Born: 1927-1945
 Age in 2017: 72-90
 Cars and suburbs. Free-spending retirees. Self-sacrificing. Cautious.

Baby Boomers

Born: 1946-1964
 Age in 2017: 53-71
 One of largest generations. First divorce generation. Active retirement. Increased longevity. Optimistic. Team-oriented.

Generation X

Born: 1965-1980
 Age in 2017: 37-52
 Entrepreneurial. Individualistic. Cynical of major institutions. Late to marry. Quick to divorce.

Millennials

Born: 1981-2000
 Age in 2017: 17-36
 Conservative spending. Digital. Less car-oriented. World is 24/7. Want fast and immediate processing. Starting families later.

Generation Z

Born: 2001-2017
 Age in 2017: 0-16
 Electronically connected. Racially diverse. Accepting. Competitive. Careful spenders.

Culture

Augusta, similar to the rest of the US, is becoming more racially diverse. The percent of the Augusta residents that are White decreased from 96% in 2000 to 94% in 2010 while all other races (including those that identify as two or more races) have increased since 2000.



Why is this Important?

Over time, it is anticipated that the trend of becoming a more diverse community will continue. Immigration from areas beyond Augusta can be a way of growing the community and its economy. More diversity can lead to more diverse economic opportunities.

The vast majority (99%) of Augusta residents were born in the US while 1% were foreign born. Two-thirds of those that were foreign born immigrated from Central America.

Education

Augusta, Butler County, and the Wichita MSA are becoming more educated. In Augusta, the percent of the population 25 years of age and older with a high school diploma or equivalent has increased to over 90%. Much of the increase has come with those that have some college

without a degree and those with an associates degree. This is generally the same percent at Butler County and the Wichita MSA.

Why is this Important?

A highly educated population provides great economic opportunities and is typically associated with a higher quality of life. Generally, the more educated a community, the greater the household income. This often includes more expendable income that can improve the local economy.

Augusta has invested in creating educated residents. To capitalize on its investment, Augusta and the region will need to provide appropriate job opportunities as well as the desired quality of life.

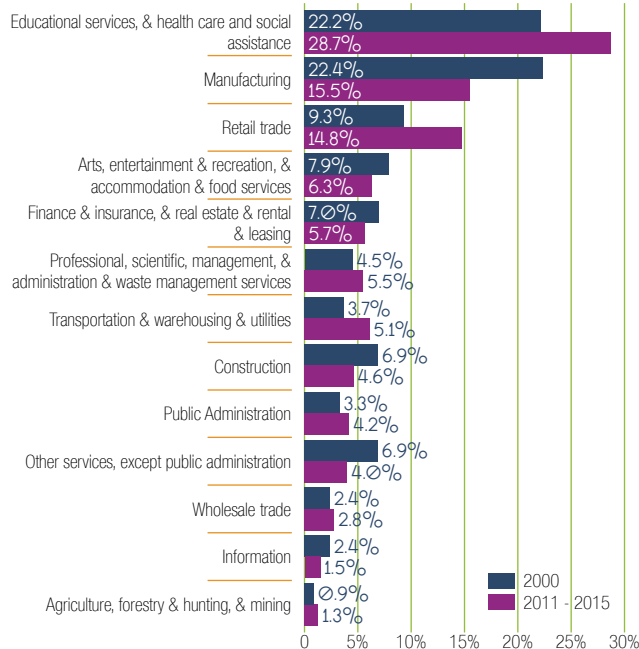


Employment & Income

From 2000 to 2010, unemployment increased from 4.4% to 9.9%. Based upon updated numbers from the Census Bureau, unemployment has decreased to about 7.6%. This is slightly higher than the Wichita MSA unemployment rate of 6.7%.

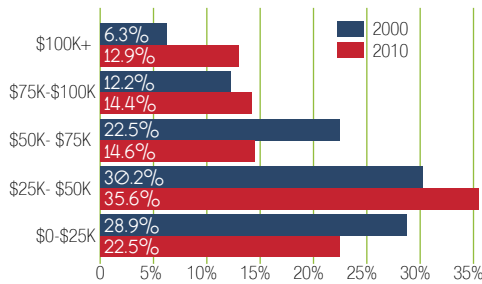
In 2000, the two industries that employed the most Augustans were 'manufacturing' and 'educational services, and health care, and social assistance'. Since 2000, major growth has occurred in educational services, and health care, and social assistance as well as retail trade. Manufacturing has decreased substantially. Other industries have experienced relatively minor changes.

Industries for Augusta Workers



Household income in Augusta decreased by 1.6% from 2000 to 2010. Updated Census Bureau numbers show an increase by 12.5% to reach \$46,270. This is lower than Butler County (\$58,897) and the Wichita MSA (\$51,424).

Household Income



Why is this Important?

A key component to maintaining residents is providing access to employment opportunities. The regional and local job market will need to meet the growing and changing demand for employment.



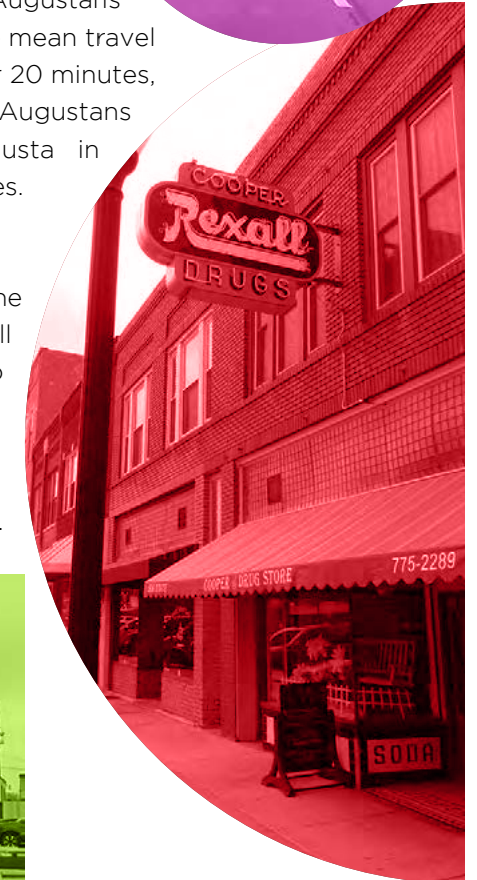
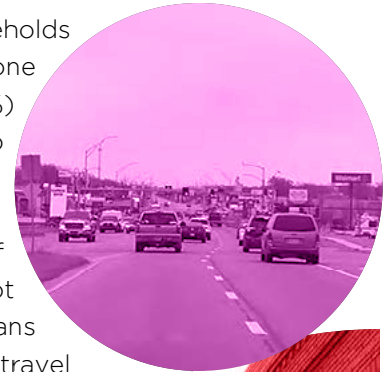
Commuting

The vast majority of households (95%) have access to at least one vehicle. In fact, a majority (67%) of households have access to two or more vehicles.

Due to the prevalence of access to vehicles, it is not surprising that 90% of Augustans drive alone to work. The mean travel time to work is just over 20 minutes, showing that many Augustans work outside of Augusta in neighboring communities.

Why is this Important?

Looking towards the future, Augusta will need to continue to be well connected to neighboring communities to allow residents to access jobs.



Housing



What are the characteristics of Augusta's housing stock?



Number of Units & Occupants

From 2000 to 2010, total housing units in Augusta increased by 10%. Since then, the number of units has remained fairly flat.

Average household size has decreased slightly since 2000. However, renter occupied household size has increased while owner occupied household size has decreased.

Why is this Important?

The number of units needed to house the future population projection of 12,991 by 2040 depends upon the number of occupants within each household.

Assuming that the average household size stays flat at 2.5, Augusta needs an additional 1,099

housing units by 2040 to house the projected 3,637 new residents. That is an additional 36 units per year.

There are many options for housing new residents including; new units could be built on vacant or undeveloped land within Augusta, existing residential land could be redeveloped at a higher density, and/or land could be annexed and new units could be built.

There is also the option to focus on increased density for new developments or redevelopment. Increased density reduces the land needed, within or outside Augusta, to house additional residents.

Based upon the data, there is potential demand for smaller housing units if household size continues to decrease. If the renter occupied units increases, there may be demand for larger rental units.

Tenure

Owner occupied units comprise the majority of occupied housing units. However, renter occupied units have increased as a proportion of the overall occupied housing units. The percent of renter occupied units has increased and now comprises 41.2% of the total occupied housing units.



Why is this Important?

Since 2008, it has become more difficult to purchase a home. The Millennial generation also values mobility and has been less likely than previous generations to purchase homes, or are delaying home purchases. Although this may not be a long-term trend, Augusta can capitalize on housing markets by allowing flexibility in the types of housing allowed.

	2000	2010	2011-2015
Total Housing Units	3,585	3,951	3,967
Vacant	8.6%	7.1%	7.7%
Occupied (Households)	91.4%	92.9%	92.3%
<i>Owner Occupied</i>	70.9%	66.1%	58.8%
<i>Renter Occupied</i>	29.1%	33.9%	41.2%
Avg Household Size (Total)	2.53	2.50	2.50
Owner Occupied	2.68	2.65	2.61
Renter Occupied	2.16	2.21	2.34

Household Composition

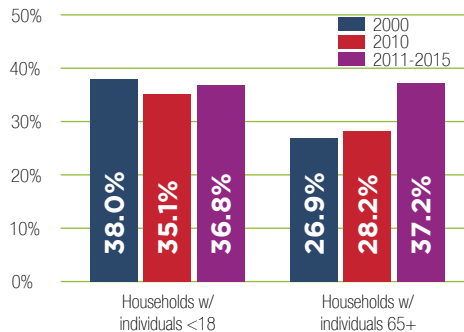
The percent of households with individuals under 18 has decreased slightly but appears to be growing since 2010. Households with individuals over 65 has increased and is increasing at a faster rate since 2010..

Why is this Important?

The location of housing selection for those with children is impacted by school districts, proximity to recreation and leisure activities, and safety.

In ten years, most of the Baby Boomers will be over 65. Without children living at home, retirement, and other changes, many Boomers may be looking to downsize or look to other housing choices that fit a changing lifestyle.

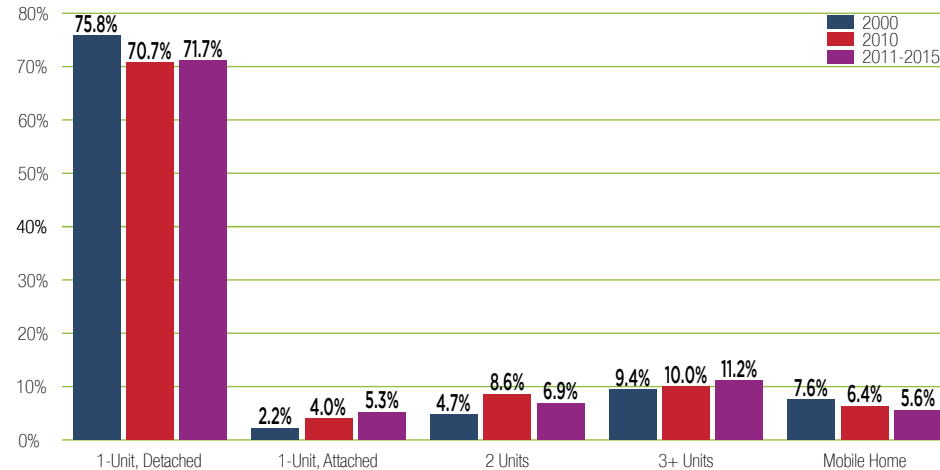
Household Composition



House Type

The majority of Augusta's housing units are single-family detached homes. However, that proportion is decreasing as townhomes, duplexes, apartments, and other multi-unit housing structures become more prevalent.

Housing Type



*0.3% (2000) and 0.4% (2010) of housing units are boat, RV, van, etc.

House Size

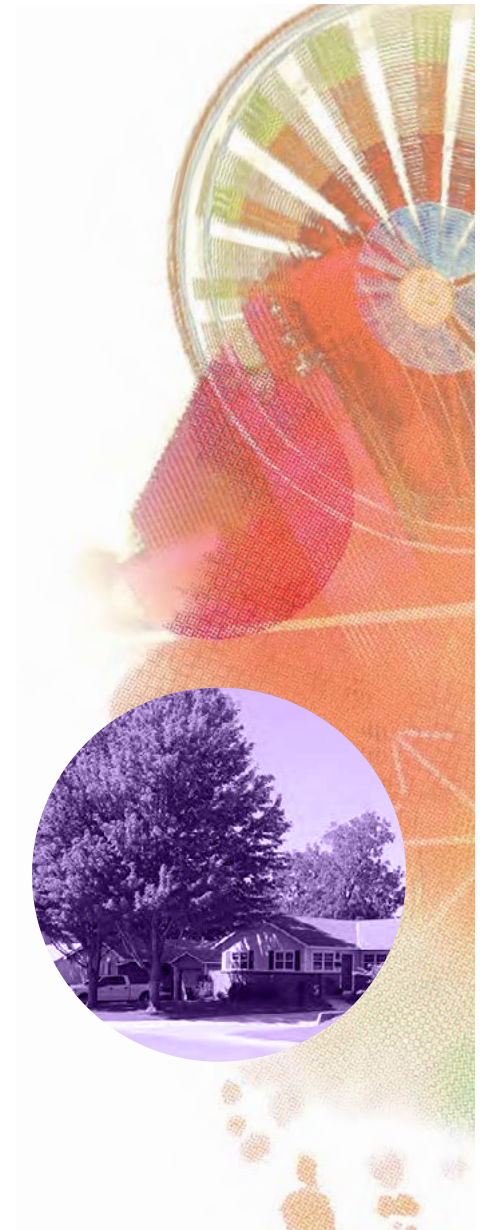
The number of rooms and the number of bedrooms in Augusta's housing units have generally stayed the same since 2000. The average number of rooms is 5.6 with 2.6 bedrooms. Two and three bedroom units comprise 66% of all units with 20% having more bedrooms and 14% having fewer.

Why is this Important?

Similar to housing types, more size and room options provides more opportunities for growth.

Why is this Important?

Decreasing demand for single-family houses shows a shift from the historical trend. Augusta can meet future residential demand by allowing flexibility in housing types, which provides more opportunities for community growth.



Mortgage

The median monthly mortgages have increased since 2000 from \$877 to \$1,260. In 2000, two-thirds of mortgages were less than \$1,000. Today, over two-thirds are above \$1,000 and one quarter are over \$1,500.



In 2000, two-thirds of those with mortgages spent less than 20% of their income on the mortgage. Today, that has decreased to just over half. Those spending more than 30% has increased from 15% to 19%.

Why is this Important?

Since housing units have not been getting smaller, it is not surprising that they have not been getting cheaper. Increased value of housing stock provide more property tax for the city.

Housing prices are taking up more of Augusta's income. The greater percent of income spent on a mortgage, the less expendable income for the household to bolster the local economy.

Rent

The median monthly rent paid has increased since 2000 from \$501 to \$719. In 2000, 92% of rents were less than \$1,000 and half were less than \$500. Today, 77% are less than \$1,000 and 24% are less than \$500.

In 2000, 43% of rents were less than 20% of the household income. Today, that has decreased to 27%. Those spending more than 30% has increased from 34% to 42%.

Why is this Important?

Renters are spending more on rent and a higher percent of their income on rent today than they were in 2000. Similar to mortgages, renters likely have less expendable income.



Area	Very Good - Good	Moderate - Fair	Poor - Very Poor
Augusta	5.6%	93.6%	0.8%
Planning Area	7.8%	91.0%	1.2%

Condition

Housing condition data was provided by the Butler County Appraiser. The vast majority of residences in Augusta and the Planning Area are in moderate to fair condition. Only a small portion of residences are in poor or very poor condition.



Why is this Important?

Housing condition impacts community health, equity, cost of living, and neighborhood aesthetics. In general, the housing conditions within Augusta are not detrimental to the community.

Development Pattern



What is the development pattern and land use mix of Augusta?

Land Use

Augusta has developed over time and the land development pattern is representative of the progression. The location of existing land uses is important to the city's future. New development and redevelopment projects should fit well with existing development and move the city towards achieving its desired future.



As illustrated in Map 5, Augusta is surrounded by primarily agricultural uses with pockets of large-lot residential developments. Within Augusta city limits, there is a much greater percent of the area that is non-agricultural, which is typical of municipalities.



Why is this Important?

With an additional 3,637 new residents projected by 2040, Augusta would need to expand its

City Limits by 1,100 acres to maintain the existing land use mix at current densities. Expanding the City Limits will likely require the expansion of city services and infrastructure to cover the newly developed areas.

Augusta may desire a change to the current land use mix and/or densities. For instance, the community may demand an increase in the percent of parkland or increase the density of commercial uses along the US-54 corridor. Increasing densities can reduce the need to expand the City Limits to accommodate growth.

The Comprehensive Plan will identify a preferred land use scenario to accommodate growth, development, and redevelopment. This scenario will be impacted by the local desire to maintain or modify the land use mix.

Land Use	Augusta		Planning Area	
	Acres	% of Area	Acres	% of Area
Residential	923	33.8%	5,066	15.0%
Single-Family Detached	825	30.2%	4,968	14.7%
Single-Family Attached	76	2.8%	76	0.2%
Multi-Family	22	0.8%	22	0.1%
Commercial	126	4.6%	400	1.2%
Production/Manufacturing	52	1.9%	841	2.5%
Utilities/Infrastructure	684	25.1%	2,251	6.7%
Public/Institutional	259	9.5%	736	2.2%
Parks	459	16.8%	463	1.4%
Open Space	55	2.0%	127	0.4%
Agricultural / Undeveloped	172	3.2%	23,898	70.7%
TOTAL	2,729	100%	33,781	100%

Does not include 431 acres of lake area for Augusta City Lake and Santa Fe Lake

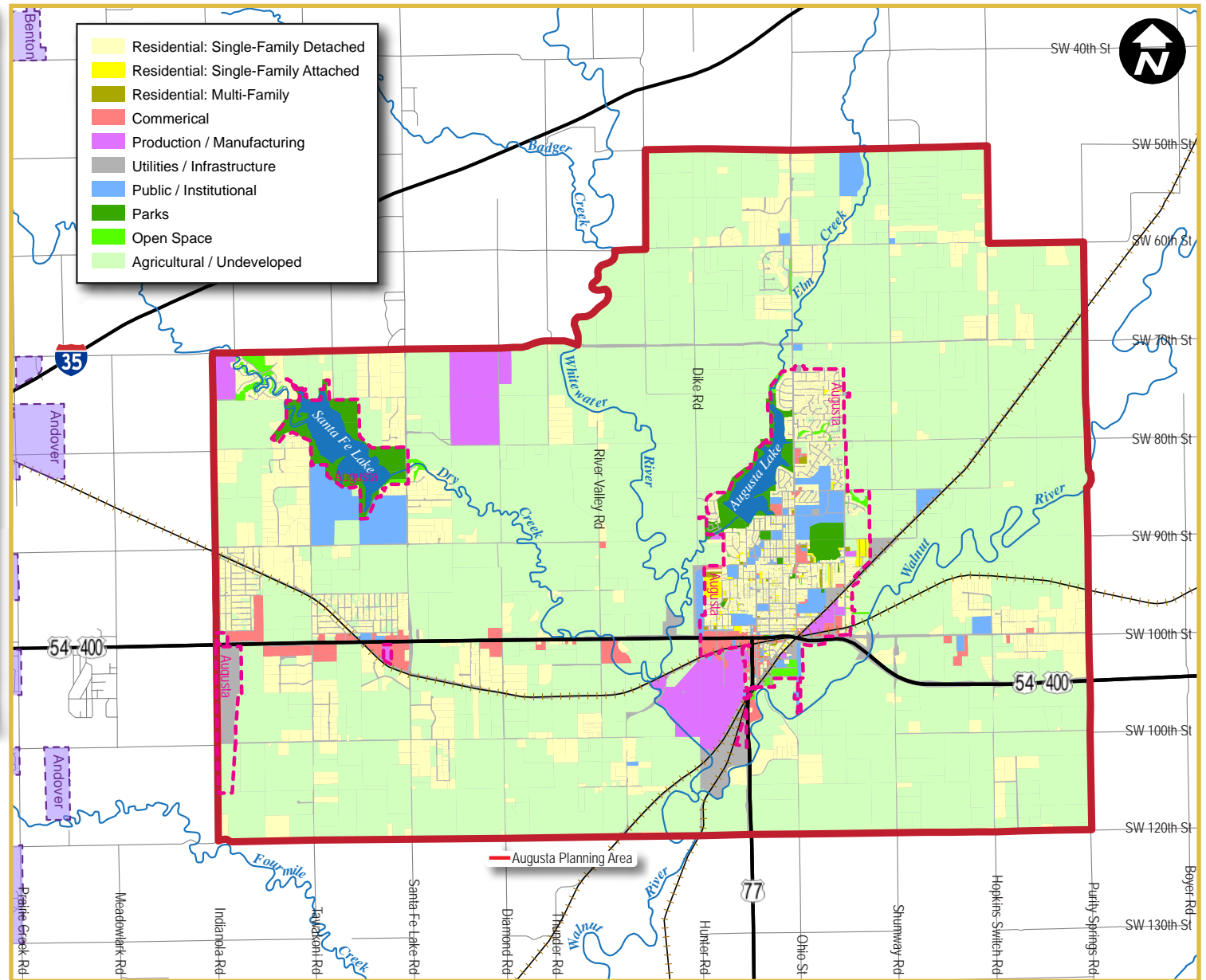
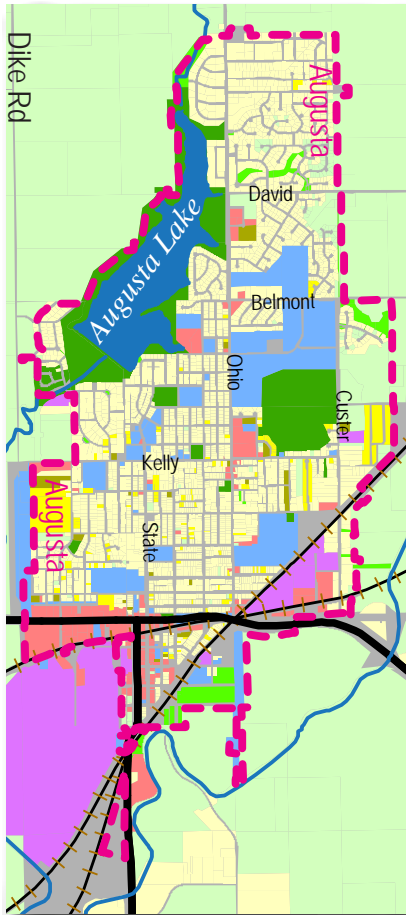
The scenario will identify the amount of land needed for each use based upon the need to accommodate additional population, economic activity, parks, and others.

Once the amount is determined, the scenario will identify the desired location for different uses. This may include expansion of the City Limits to include additional area

for development, development of undeveloped land within current City Limits, and redevelopment of currently developed land to change the use or modify the density.



Map 5: Existing Land Use



*Uses based upon Butler County Appraiser data and modified based upon review of aerial photography.

Transportation



What transportation infrastructure connects Augusta?

The city and other transportation providers have invested in building and maintaining transportation infrastructure to support the community. Transportation infrastructure includes streets, railroads, sidewalks, trails and related elements including traffic signals, signs, and lighting. Augusta continues to invest taxpayer dollars to maintain and improve these community assets to meet the needs and demands of citizens and businesses.



Sidewalks & Pathways

A sidewalks and pathways inventory was conducted based upon the most current aerial photography. Augusta has approximately 21.1 linear miles of sidewalk and pathway. Much of the pathway network is in the older areas of the city, as illustrated in Map 6.



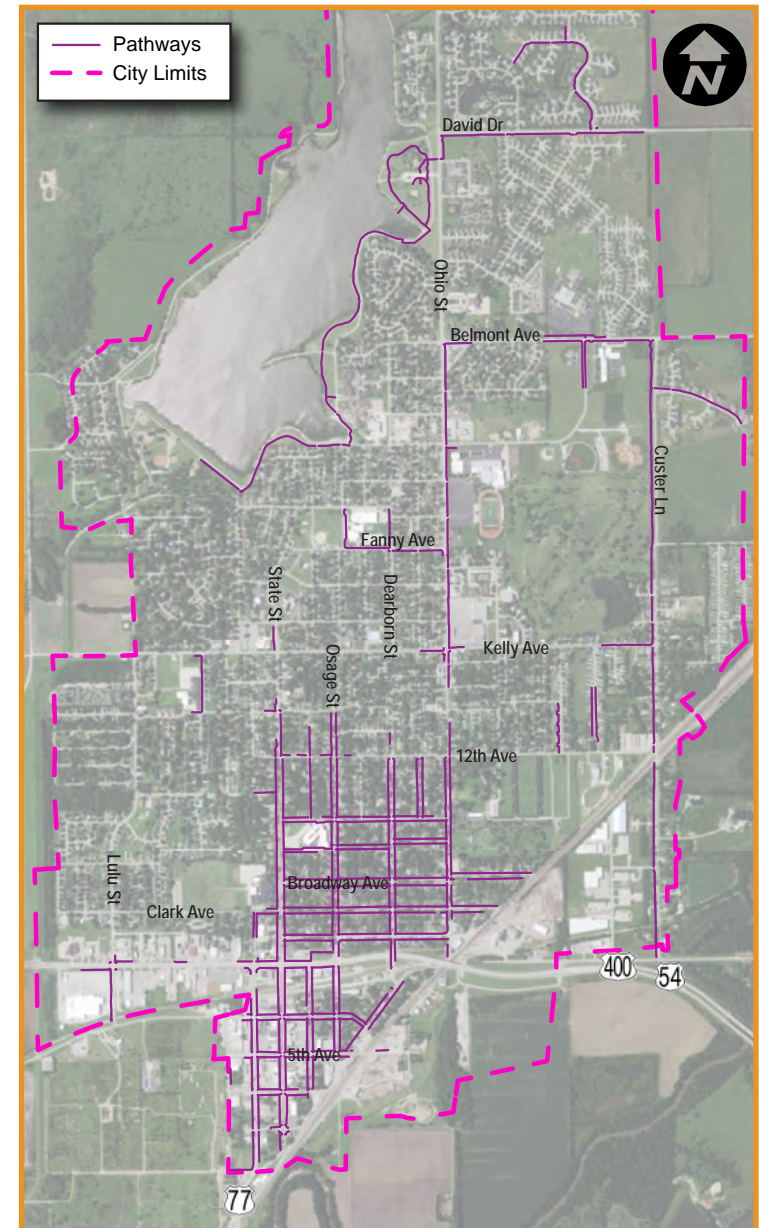
The condition of the pathways was not verified. However, based upon aerial review, their condition varied greatly. Many were new or in good shape. There were some areas where the pathways were overgrown with grass and weeds and appeared in poor condition.

Why is this important?

Pathways impact the quality of life and community connectivity. They provide transportation options for those that cannot or choose not to drive. They also improve healthy lifestyles and provide opportunities for citizen interaction. As the City expands and redevelops, there will be opportunities to improve pedestrian and bicycle connections.



Map 6: Pathways



Streets

The Augusta Streets Department is responsible for maintenance of all City streets including grading, patching, sweeping, striping, alley maintenance, plowing snow, and sanding/salting. They also provide maintenance and upkeep services for over 1,500 street signs.

The street network is comprised of individual streets; each having its own characteristics. Each street is characterized by its classification, traffic volume, surface type, and surrounding development.



Arterials carry the most vehicles and are traveled on for the majority of trips. They provide a high degree of mobility but do not typically provide much property access.

Collectors funnel traffic from local streets to arterials and distribute traffic from arterials to local streets. Collectors provide a moderate degree of vehicular mobility and property access.



Local streets provide a high degree of property access with a low degree of vehicular mobility.

The street classifications and traffic counts for the main area of Augusta are illustrated in Map 7. Street classifications for the entire Planning Area as shown in Map 8.

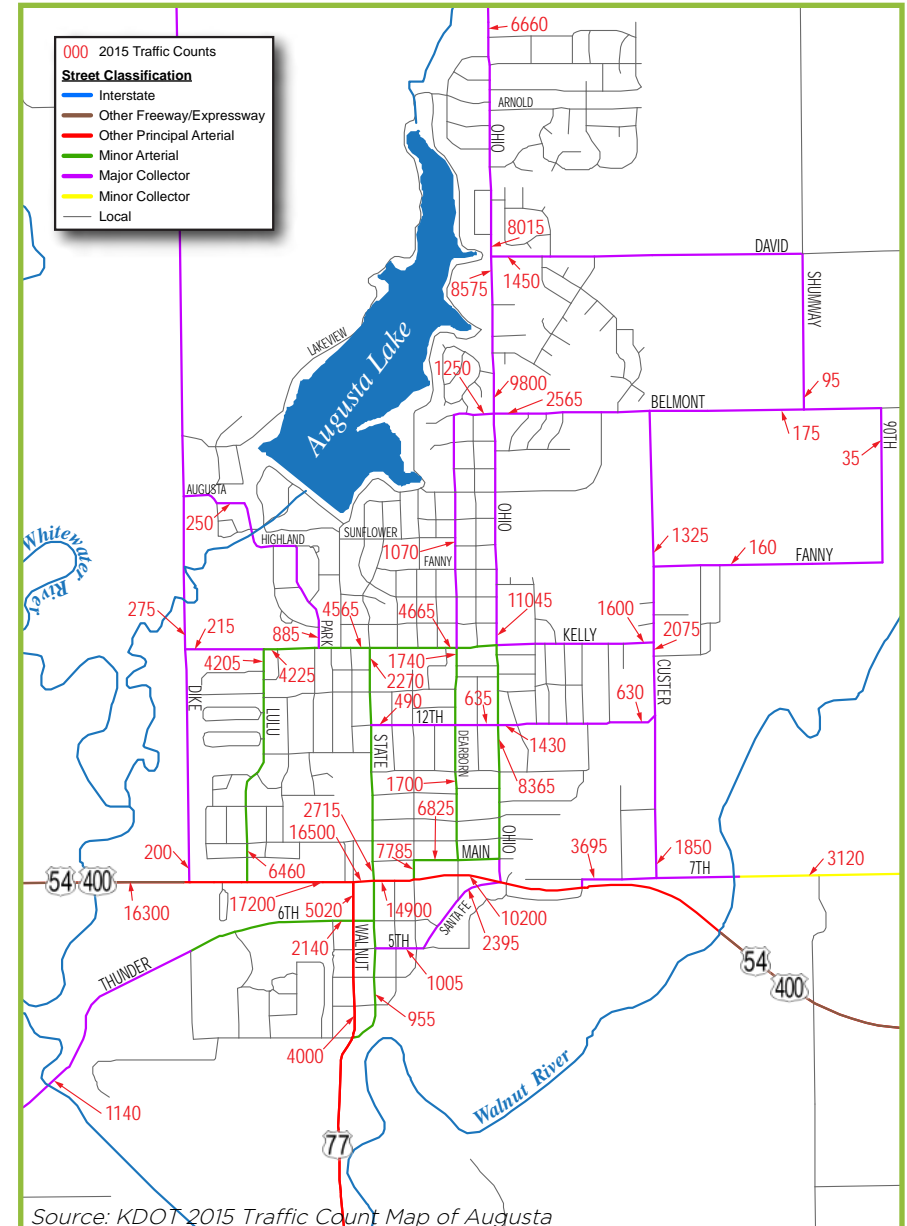
Why is this important?

The street network is the backbone for Augusta's mobility. It enable goods to reach businesses and people to get to work, school, and businesses.

Quality streets are designed, constructed, and maintained to the standards based upon classification. A quality street network will safely and efficiently meet vehicular demands, which is vital for the economic success of Augusta and citizen satisfaction.

Mobility within Augusta is not the only concern. Connections with the region provide residents with access to jobs and businesses with access to goods and customers.

Map 7: Augusta Street Classification

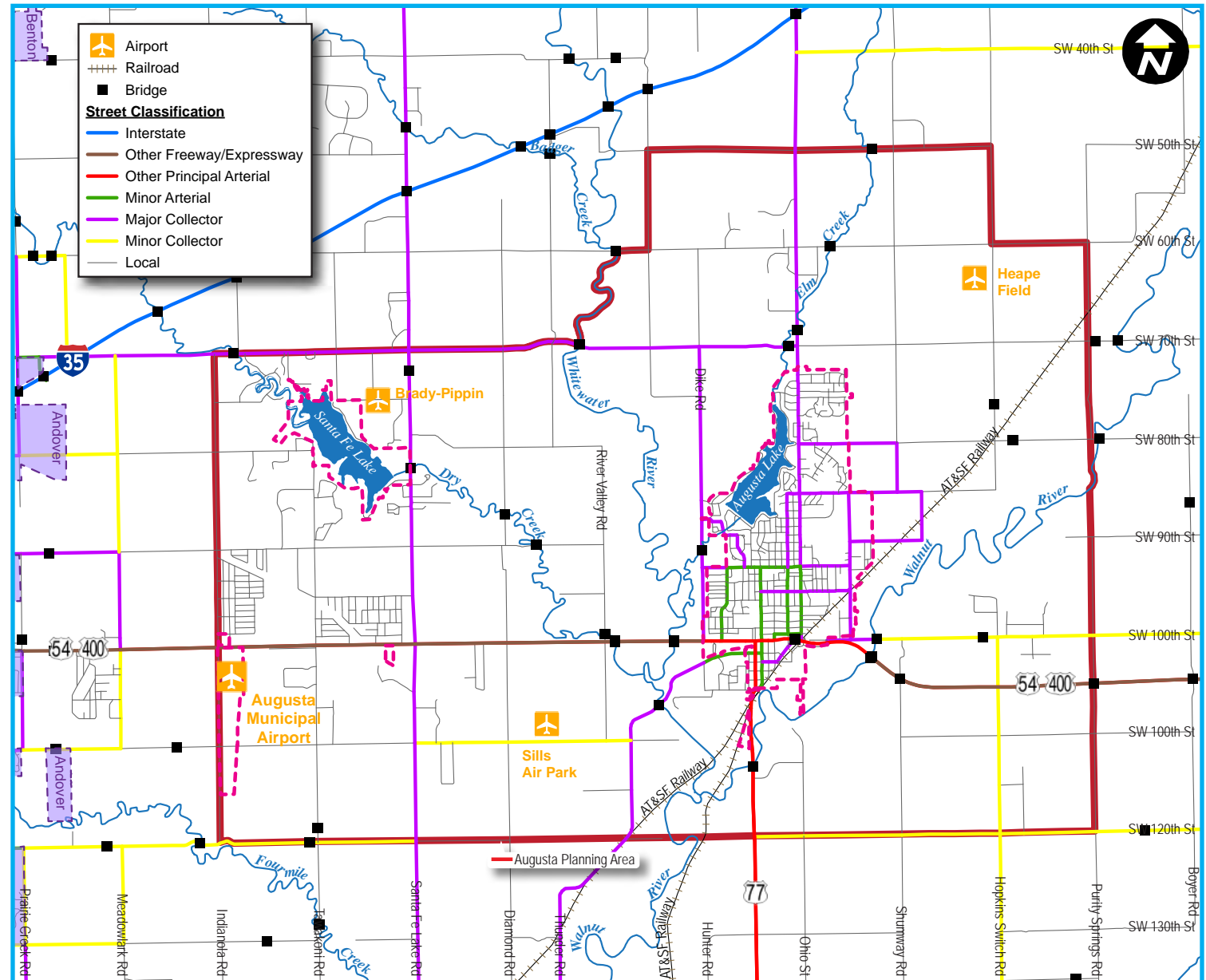


Map 8: Transportation Facilities

Future expansion and redevelopment of the City will modify and/or place additional demands on the street network's many functions. Augusta will benefit from careful consideration of their impacts on the street network.

Street right-of-way comprises a vast majority of public land within Augusta. There are opportunities to use this public space for more than just vehicles and to provide an aesthetically pleasing environment.

Streets should fit within the context of the adjacent land uses. Private property and street right-of-way should complement each other. This will not only improve their individual functions, it will also improve overall design and aesthetics of street corridors.



Bridges

There are 32 roadway bridge structures within the Planning Area; 13 state bridges and 19 non-state bridges. Most of the structures are outside of current city limits. The only two bridge structures within the city limits are state bridges carrying eastbound and westbound US-54 over the AT&SF railroad line and Ohio Street.



Although not technically bridges, there are bridge-like structures in Augusta. For instance, there are multiple box culverts over Elm Creek south of the dam..

Why is this important?

Bridges provide access over water and drainage features and improve access across other barriers like railroad tracks and other streets. The improved access comes at a higher cost as bridges are more expensive than at-grade crossings.

A major consideration for grade-separating crossings is emergency response. Timely response is critical for public safety.



Railroads

The Atchison, Topeka, and Santa Fe (AT&SF) railroad line and an abandoned Burlington Northern railroad line run through the south east portions of Augusta. The majority of the AT&SF railroad line through Augusta has multiple tracks.

According to the 2012-2013 Kansas Rail Traffic Map produced by the Kansas Department of Transportation, the AT&SF rail line carries between 36 and 46 trains per day.

Why is this important?

Rail traffic is projected to increase across Kansas. More freight moved by train has the potential to impact Augusta. Noise from trains can disrupt residences and business activity. Trains can also block traffic including emergency response vehicles.



Airports

The Augusta Municipal Airport a general aviation airport located southeast of the intersection of US-54 and Indianola Road at 4800 West Beech Drive.



The airport serves an average of about 100 based aircraft. It provides line tech services, fuel, hanger storage, and maintenance services. The airport has plans to expand the runway to 5,000 feet long and 75 feet wide. The Airport Advisory Board supports City Council with airport related issues.

Major regional passenger air service is provided to Augusta by the Dwight D. Eisenhower National Airport located approximately 25 miles east of Augusta in Wichita.

Why is this important?

Close proximity and efficient access to airports provides recreation and business opportunities. Air connectivity has a positive correlation with economic growth. The area near the Augusta Airport and along the US-54 corridor offers great transportation access, which is ideal for commercial developments especially industrial uses.

Parks & Recreation



What parks and recreational programming are offered by Augusta?



City Parks

Augusta has thirteen parks from large regional parks to small pocket parks. Two of the parks, Cedar Park and Meadowview Acres, are currently undeveloped parks. The location of the parks is illustrated in Map 9.

Augusta has 458.9 acres of parkland, which equates to 17.2% of the land area within the City Limits.

Augusta has 20.2 acres of parkland per 1,000 population. The national median is 9.9 acres per 1,000 population (National Recreation and Park Association's 2015 Field Report). For comparison, the City of Wichita has 12 park acres per 1,000 residents (Trust for Public Land, 2014 Park Facts).

The parks are fairly well distributed throughout the City. However, there are some areas that could be better served by parks including south of US-54 and northern Augusta.

Park Classification	Service Area
Regional Parks	Region
Community Parks	1 mile
Neighborhood Parks	1/2 mile
Pocket Parks	1/4 mile
Special Use Parks	N/A
Golf Courses	Region
Undeveloped Parks	N/A

Why is this important?

Parks are a key component of Augusta's quality of life. They provide recreation and leisure opportunities for residents and visitors. Parks provide places for children to play, offer opportunities to experience the natural beauty of the outdoors, provide a place for exercise and socialization, and can make a city a more desirable place to live.

Although the amount of parkland is above average, there are some areas of Augusta that are not in close proximity to parks. As Augusta expands, there will be opportunities to include parks to serve the new developments as well as existing developments. The undeveloped parks can also be developed based upon the service area and amenity needs.

Recreation programming is an important part of activating parks. Sports, events, concerts, performing arts, and many more activities can aid in getting the community to utilize the amazing park resources and enhance the quality of life in Augusta.

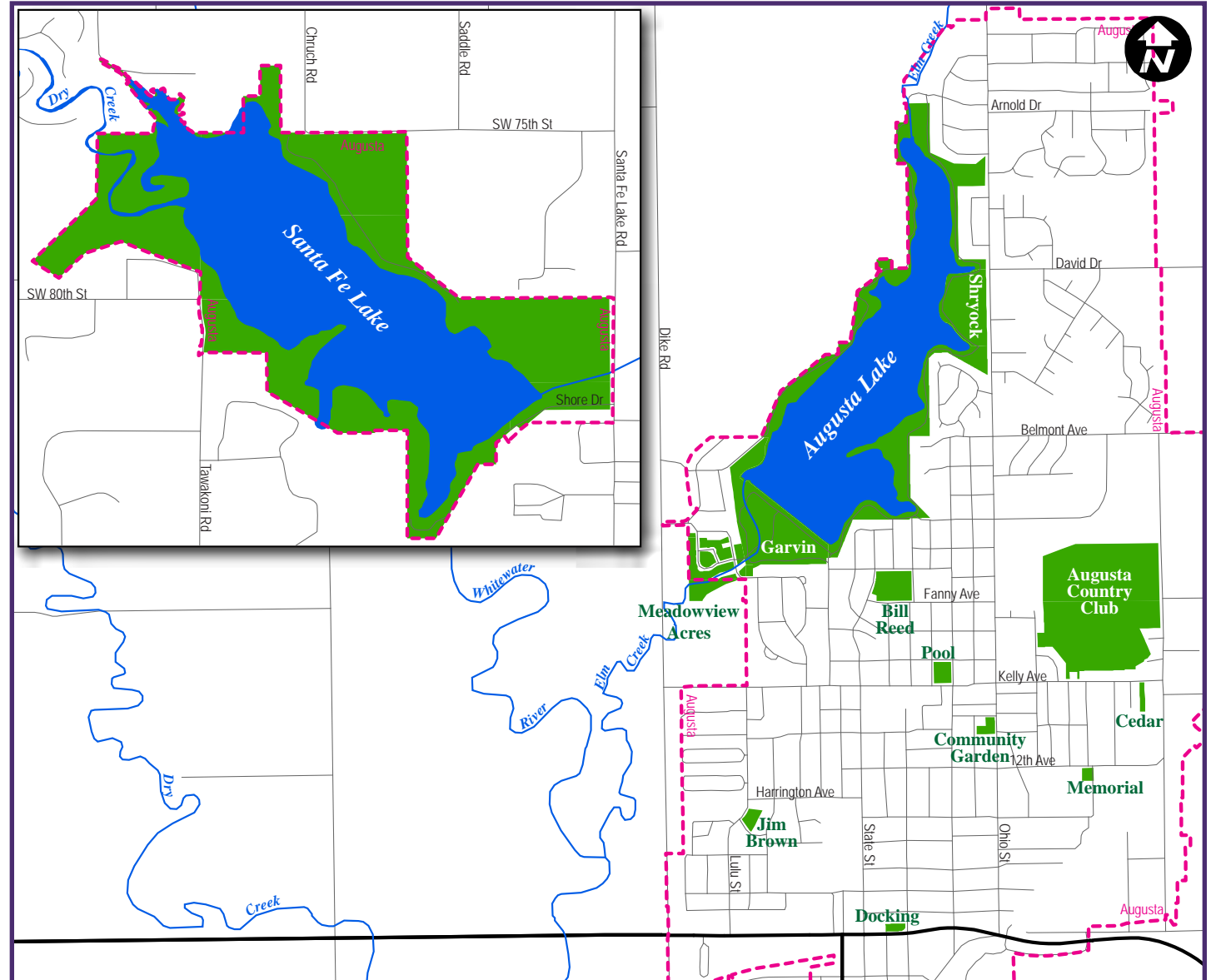




Map 9: Parks

Parks	Acres
Regional Parks	306.4
Augusta City Lake	68.4
Santa Fe Lake	238.0
Community Parks	33.1
Garvin Park	33.1
Neighborhood Parks	24.6
Bill Reed Park	6.3
Jim Brown Park	1.5
Shryock Park	16.9
Pocket Parks	1.7
Docking Park	0.8
Memorial Park	0.9
Special Use Parks	3.5
Community Garden	1.3
Municipal Pool	2.1
Golf Courses	79.3
Augusta Country Club	79.3
Undeveloped Parks	13.6
Cedar Park	0.9
Meadowview Acres	12.7
Total	462.2

*Does not include lake area



Utilities



What utilities are provided to the community?

Municipal Water Utility

Augusta Water Utility provides potable water to Augusta as well as wholesale customers including Butler County Rural Water District (RWD) No. 4, Butler County RWD No. 6, and the City of Mulvane. There is also transmission that is possible to Rose Hill for peak flows.

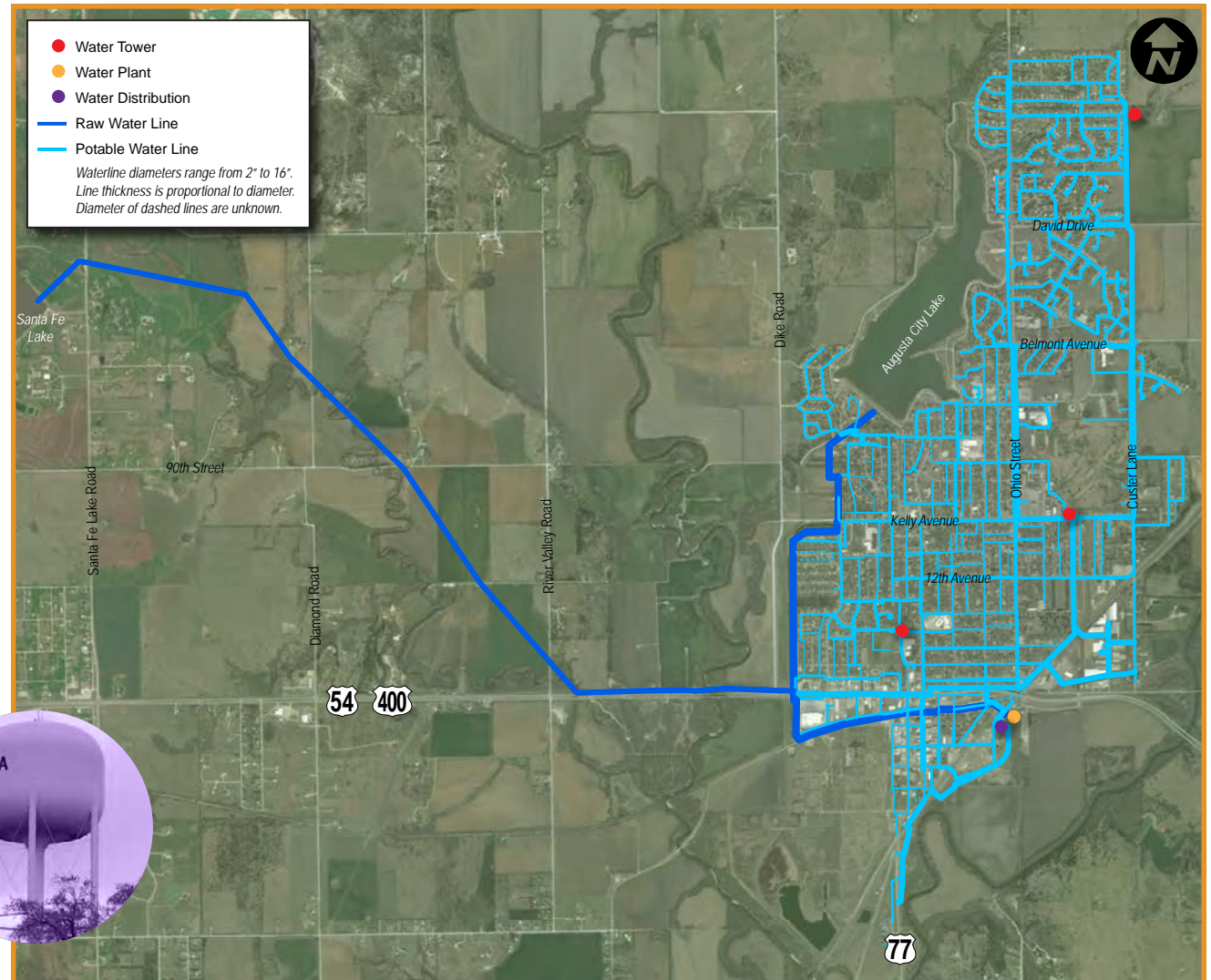
Augusta's supply of raw water comes from El Dorado Lake, Augusta City Lake, and Santa Fe Lake. Augusta treats water and distributes potable water to its customers.

The Augusta water plant is located at 600 Grove Street. Water distribution is located 300 E 5th Ave. There are three pump stations; Ewalt Pump Station in the 1400 block of East Belmont, Mulvane Pump Station at 10620 SW Highway 77, and El Dorado Pump Station at 903 South Gordy in El Dorado.

There are three water towers; Kelly Water Tower at 800 East Kelly Avenue, State Water Tower in the 1000 block of State Street, and Arnold Water Tower at the east terminus of Arnold Drive. Augusta's water infrastructure is illustrated in **Map 10**.



Map 10: Potable Water Infrastructure



The 2012 Water Supply Study states that the 2012 water demand from Augusta and its wholesale customers in 2042 is projected to be 1,189 million gallons per year (MGY). Maximum day water demand projected to be 8.1 million gallons per day (MGD). The demand is based upon the Kansas Water Office (KWO) population projection. The Community Profile population projection in 2040 is 12,911, which is slightly less than the KWO projection of 13,253 in 2042.



Raw water supply and conveyance capacity to the treatment plant were identified as issues from the 2012 Study.

Why is this important?

The capacity to serve a growing population and new businesses is vital to Augusta's success. Augusta will need to meet overall and peak day demand with sufficient supply and infrastructure capacity for transmission and treatment.

New developments and redevelopment projects should be located where they can be efficiently served with potable water. This includes utilizing existing capacity and minimizing the length of extensions. Augusta will also benefit from proper planning for maintenance and replacement of infrastructure.

Augusta City Lake and Santa Fe Lake are valuable resources for Augusta. Along with supplying water, the lakes provide Augusta with recreational areas, wildlife habitat, open space, and many more. As such, it is important to preserve the lakes for all uses.

Rural Water Districts

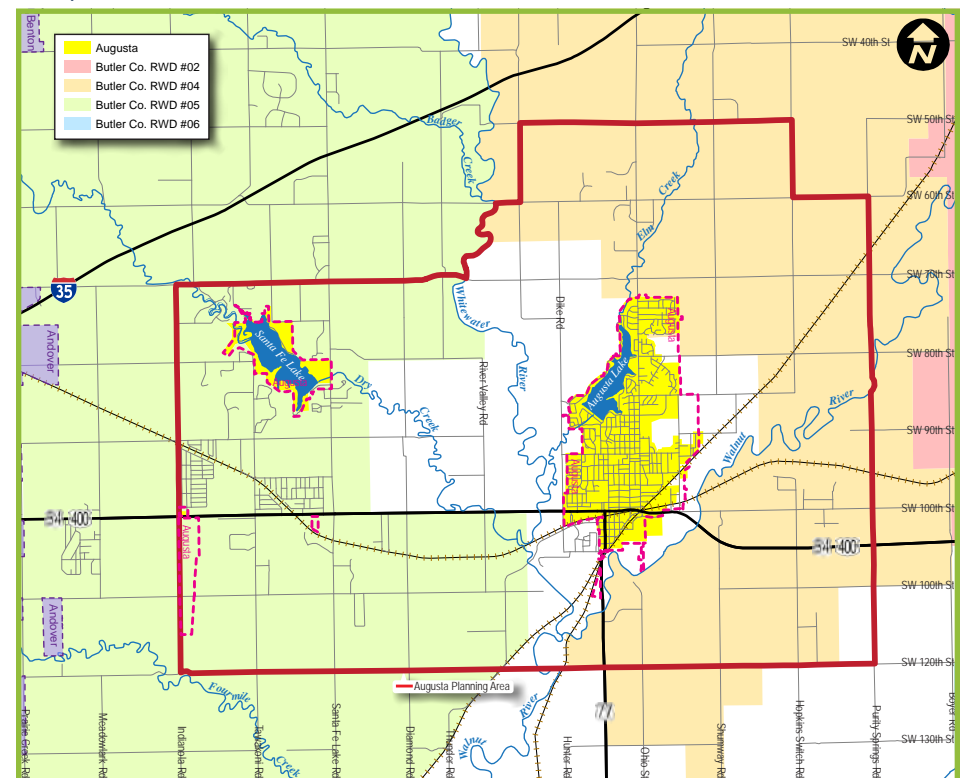
Butler County Rural Water Districts (RWD) 4 and 5 as well as Augusta have potable water service areas within the Planning Area, as shown in Map 9.

Why is this important?

RWDs can often hinder expansion of cities. They typically require compensation to allow a city to serve developments within their boundaries.

They can also be beneficial. There may be areas where Augusta wants to expand but there is an impediment on expanding water service. RWDs could potentially serve these areas.

Map 11: Water Service Areas



Wastewater

The Augusta Wastewater Department maintains the collection, transmission, and treatment system to protect public health, safety, and the environment. This system is comprised of underground sewer mains, collectors, and interceptor lines.



The wastewater is transported to the Wastewater Treatment Plant, located at 11007 South Highway 77. Here, all trash and debris is removed, sludge materials are processed for land application on neighboring farms, and the remaining water is treated and released back into the river system.

Why is this important?

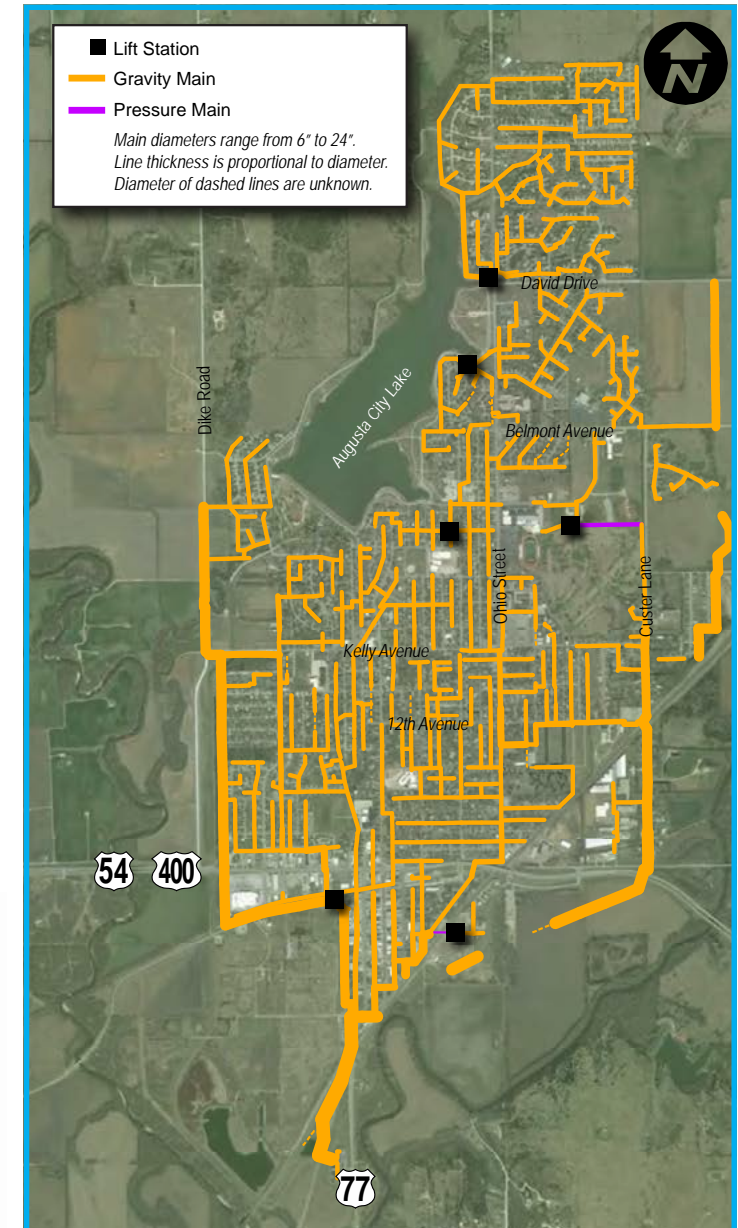
Safe and clean wastewater transmission, treatment, and disposal is key for a healthy community and environment.

This service is also vital to Augusta's future growth potential. The overall system capacity will need to meet future demands.

New developments should be located where they can be efficiently served; minimizing infrastructure and maintenance costs. This likely means locating new developments in close proximity to the existing transmission system. The topography is also important due to the potential need for lift stations.

Many developments are more cost effective where higher densities are possible. Properties unable to connect to the system require larger lots to meet the required space for sewage lagoons or septic tank absorption fields.

Map 12: Wastewater Infrastructure



Electric

Augusta has two electric plants. Augusta Municipal Power Plant #1 is located at 621 Grove. Plant #2 is located at 615 East 12th Avenue. The distribution facility is located at 621 East 12th Avenue.



Augusta is interconnected with the transmission power grid by a 69,000 volt line, stepping it down to a distribution voltage of 12,470 volts. The capacity of the interconnecting transmission tie is 28,000 kilowatts.

Augusta is also a member of the Kansas Power Pool (KPP). The City currently purchases wholesale power from KPP.

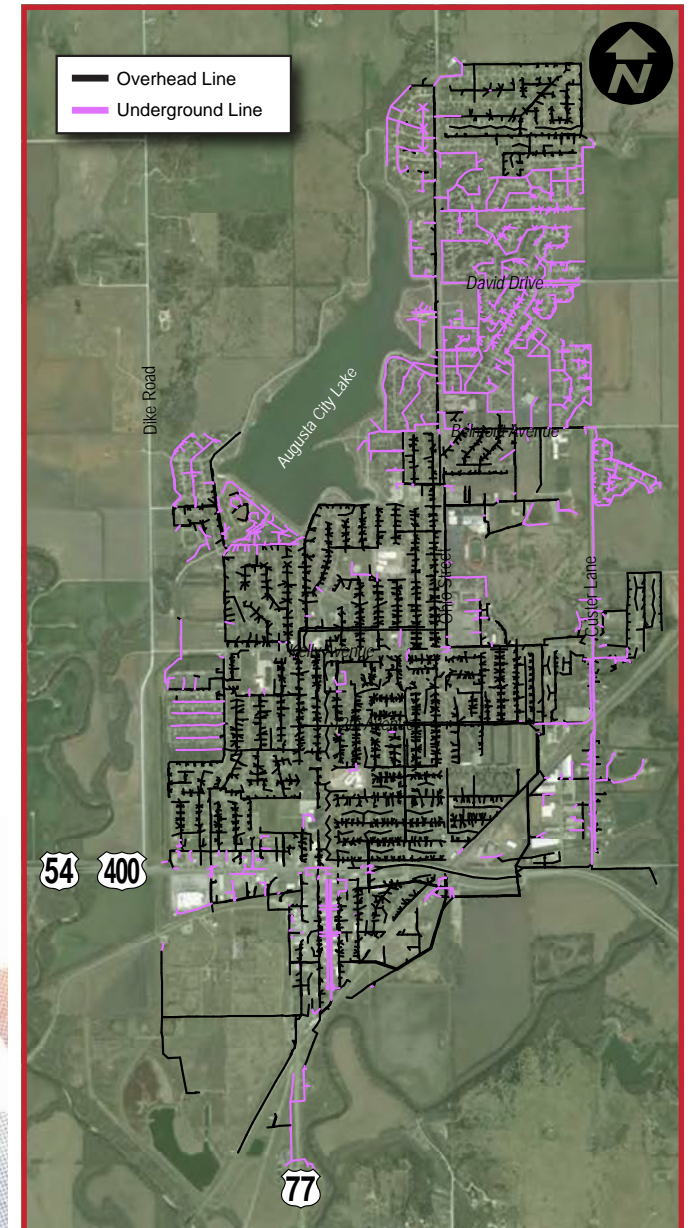
Why is this important?

Reliable and cost effective electric power is critical for Augusta residents and businesses. Power from the City and other providers will need to meet future demands of a growing population and business community.

Unlike wastewater extensions, electric transmission extensions typically do not limit the location of new developments and expansion of the City.



Map 13: Electric Infrastructure



Trash & Recycling

Augusta's Solid Waste Division provides trash collection for the City's 3,400 residential and 120 commercial customers. The trash is taken to the Butler County Landfill.

The City provides curbside, single-stream recycling for plastics, aluminum & tin, glass, paper, and cardboard. There is also a recycling drop off location at 400 Grove Street. The City offers an e-waste recycling program.

Why is this important?

Residents and businesses require safe, timely, and reliable solid waste removal service. New residents and businesses will place additional demand on the service. Augusta will need to maintain the ability to collect and transport refuse to the landfill.

Coordination with Butler County is also important in regards to the capacity of the landfill.



Green Waste

Augusta operates a compost/limb drop off site for residents to dispose of compost, grass clippings, leaves, and limbs. Compost and mulch are free to City of Augusta residents.

Why is this important?

Green Waste service reduces disposal costs by diverting organic yard waste from landfills. This natural recycling process also provides wood chips and valuable soil from compost.

Non-City Utilities

Other utilities, such as telecommunications and natural gas are supplied by non-city providers. These utilities require infrastructure, which is often located within public right-of-way or utility easements.

Why is this important?

Augusta depends upon these non-city utilities. The related infrastructure should be located in desirable locations that do not negatively impact the community. The City will need to allow for extension of service as well as capacity and other improvements to allow the providers to meet the demands of the community.



Public Safety



How does Augusta remain safe?



Department of Public Safety

The Augusta Department of Public Safety's (ADPS) is responsible for police, fire, rescue, and enhanced 9-1-1 services for Augusta. ADPS operates out of the Augusta Public Safety Building at 2100 North Ohio Street, which opened in 2001. The building also houses Butler County Emergency Management and Butler County Emergency Medical Service (EMS) Station 2.

Police Protection

ADPS's Patrol Division is comprised of officers that are distributed among four crews. They provide Augusta with 24-hour coverage.

The Patrol Division is responsible for all aspects of a full-service law enforcement organization. The officers respond to calls for service or assistance from citizens, enforce traffic laws, enforce city ordinances, respond to medical calls within Augusta, and conduct routine patrols of the City as part of their duties. In addition, with the officers being cross-trained as firefighters, the patrol officers respond to fire alarms within Augusta and within a 3 mile perimeter of the City.

Fire Protection

The ADPS Fire Division is staffed by six full-time Public Safety Officers. In addition, the division is supplemented by approximately 30 volunteer firefighters and a compliment of junior firefighters.

The Fire Division is responsible for fire protection for 144 square miles of southern Butler County, which includes Augusta. In addition to being a Public Safety Department,

the organization covers both a City fire district and Butler County Fire District #2. The Fire Division also is part of the Butler County Rescue Squad and serves in this capacity for various rescue services throughout Butler County.

The Fire Division has equipment owned by both the City of Augusta and Butler County Fire District #2. The City owns one Engine, one 70-foot Aerial Platform and a 55-foot





Aerial Ladder truck. Fire District #2 fire district owns four pickups (grass fire rigs), one multi-purpose pickup, two engines, a tanker, a rescue truck, and a boat.

The Fire Division also is responsible for fire inspections, fire prevention and education activities, and the investigation of fires.

Emergency Medical Services

Housed at the ADPS headquarters, Butler County Emergency Medical Service (EMS) Station 2 provides advanced life support medic units.

Enhanced 911

The ADPS Communications and Records Division is responsible for 911 services, non-emergency phone lines, assisting citizens and dispatching of police and fire units. The ADPS communications center is one of three public safety answering points (PSAP's) in Butler County

and ADPS serves as a backup to Butler County Communications and the Andover Police Department communications division.

The Augusta Municipal Court and the Court Clerk are located in the Augusta Public Safety building. The Municipal Court Clerk is responsible for processing all municipal court paperwork, citations and ordinance violations.

Why is this important?

The many facets of public safety performed by the ADPS are key to providing a high quality of life in Augusta and the surrounding area. As Augusta grows, so do the responsibilities of the ADPS. New residents and businesses will place additional demand on ADPS. Expanding City limits will also increase the response area for the Patrol Division.



Other Community Assets



What other community resources are in Augusta?



City Hall

City administration and many other functions are housed at Augusta City Hall, located at 113 E 6th Avenue. City Hall includes offices for administration staff, meeting rooms, and City Council chambers.

Library

The Augusta Public Library is located at 1609 State Street. The library and staff provide informational, recreational, and educational services. The Library Board of Directors is a seven member group appointed by City Council.

Cemetery

The Elmwood Cemetery is located at 501 E. 12th Street. The cemetery is 34 acres and includes a mausoleum, memorial garden, Veteran's Memorial, and two avenues of flags.

There are walkway bricks, trees, shrubs, and benches that can be purchased to memorialize loved ones. Cemetery staff provide lawn care and maintenance throughout the facility.

Schools

The majority of Augusta is within the Unified School District (USD) 402. Augusta has four elementary schools, a middle school, and a high school.

- Augusta High School is located at 2020 Ohio Street.
- Augusta Middle School is located at 1001 State Street.
- Ewalt Elementary is located at 2340 Greyhound Drive.
- Garfield Elementary is located at 1053 Osage Street.
- Lincoln Elementary is located at 1812 Cron Street.
- Robinson Elementary is located at 1301 Helen Street.

Historic Properties

- Augusta Frisco Depot located at 618 State Street. Listed in State Register.
- Augusta Theater located at 525 State Street. Listed in National Register.
- James, C.N., Cabin located at 305 State Street. Listed in National Register.
- Loomis-Parry Residence located at 1003 State Street. Listed in National Register.
- Moyle, John Building located at 605 and 607 N State Street. Listed in National Register.
- US Post Office located at 119 E 5th Street. Listed in National Register.
- Viets Block located at 427, 429, and 431 State Street. Listed in National Register.



Appendix A

Natural Resource Conservation Service Soil Reports



Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Butler County, Kansas

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The columns that identify the rating class and limiting features show no more than five limitations for any given soil. The soil may have additional limitations. This report shows only the major soils in each map unit]

Map symbol and soil name	Pct. of map unit	Local roads and streets		Shallow excavations		Lawns and landscaping	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
3857:							
Goessel	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Depth to saturated zone	1.00	Too clayey	1.00
		Low strength	1.00	Unstable excavation walls	0.73	Dusty	0.23
				Dusty	0.23	Too clayey	0.18
3858:							
Goessel	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Depth to saturated zone	1.00	Too clayey	1.00
		Low strength	1.00	Unstable excavation walls	0.73	Dusty	0.23
				Dusty	0.23	Too clayey	0.18
3890:							
Ladysmith	90	Very limited		Very limited		Somewhat limited	
		Shrink-swell	1.00	Depth to saturated zone	1.00	Dusty	0.23
		Low strength	1.00	Unstable excavation walls	0.87		
		Soluble bedrock	0.15	Too clayey	0.25	Dusty	0.23
3911:							
Rosehill	90	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Unstable excavation walls	1.00	Too clayey	1.00
		Low strength	1.00	Too clayey	0.25	Dusty	0.23
				Dusty	0.23	Depth to bedrock	0.07
4590:							
Clime	60	Very limited		Somewhat limited		Very limited	
		Low strength	1.00	Slope	0.84	Too clayey	1.00
		Shrink-swell	0.87	Depth to soft bedrock	0.38	Slope	0.84
		Slope	0.84	Dusty	0.16	Depth to bedrock	0.39
4590:							
Clime	60	Very limited		Somewhat limited		Very limited	
		Low strength	1.00	Slope	0.84	Too clayey	1.00
		Shrink-swell	0.87	Depth to soft bedrock	0.38	Slope	0.84
		Slope	0.84	Dusty	0.16	Depth to bedrock	0.39

Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Local roads and streets		Shallow excavations		Lawns and landscaping	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
4590:							
Sogn	25	Very limited		Very limited		Very limited	
		Depth to hard bedrock	1.00	Depth to hard bedrock	1.00	Depth to bedrock	1.00
		Low strength	1.00	Dusty	0.16	Droughty	1.00
		Frost action	0.50	Slope	0.04	Dusty	0.16
		Soluble bedrock	0.15	Unstable excavation walls	0.01	Slope	0.04
4600:							
Dwight	90	Very limited		Somewhat limited		Very limited	
		Shrink-swell	1.00	Unstable excavation walls	0.99	Sodium content	1.00
		Low strength	1.00	Too clayey	0.76	Dusty	0.16
		Soluble bedrock	0.15	Dusty	0.16	Depth to hard bedrock	0.08
4620:							
Dwight, eroded	85	Very limited		Very limited		Very limited	
		Shrink-swell	1.00	Depth to hard bedrock	1.00	Sodium content	1.00
		Low strength	1.00	Unstable excavation walls	1.00	Depth to bedrock	0.21
		Frost action	0.50	Too clayey	0.60	Dusty	0.13
		Depth to hard bedrock	0.20	Dusty	0.13		
4670:							
Irwin	90	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Dusty	0.16	Dusty	0.16
		Low strength	1.00	Unstable excavation walls	0.14		
4671:							
Irwin	85	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Dusty	0.16	Dusty	0.16
		Low strength	1.00	Unstable excavation walls	0.14		
				Too clayey	0.13		
4673:							
Irwin	90	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Dusty	0.16	Dusty	0.16
		Low strength	1.00	Unstable excavation walls	0.14		

Natural Resource Conservation Service Soil Reports



Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Local roads and streets		Shallow excavations		Lawns and landscaping	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
4674: Irwin, eroded	80	Very limited Shrink-swell Low strength	1.00 1.00	Somewhat limited Dusty Unstable excavation walls Too clayey	0.16 0.14 0.13	Somewhat limited Dusty	0.16
4740: Labette	85	Very limited Shrink-swell Low strength Soluble bedrock Depth to hard bedrock	1.00 1.00 0.15 0.06	Very limited Depth to hard bedrock Unstable excavation walls Too clayey Dusty	1.00 1.00 0.88 0.16	Somewhat limited Dusty Depth to bedrock	0.16 0.07
4741: Labette, eroded	85	Very limited Shrink-swell Low strength Frost action Soluble bedrock Depth to hard bedrock	1.00 1.00 0.50 0.15 0.01	Very limited Depth to hard bedrock Unstable excavation walls Too clayey Dusty	1.00 1.00 0.88 0.13	Very limited Too clayey Dusty Depth to bedrock	1.00 0.13 0.01
4742: Labette	85	Very limited Shrink-swell Low strength Depth to hard bedrock Soluble bedrock	1.00 1.00 0.18 0.15	Very limited Depth to hard bedrock Unstable excavation walls Too clayey Dusty	1.00 1.00 0.88 0.16	Somewhat limited Depth to bedrock Dusty	0.18 0.16
4744: Labette	55	Very limited Shrink-swell Low strength Soluble bedrock Depth to hard bedrock	1.00 1.00 0.15 0.06	Very limited Depth to hard bedrock Unstable excavation walls Too clayey Dusty	1.00 1.00 0.88 0.16	Somewhat limited Dusty Depth to bedrock	0.16 0.07
Dwight	35	Very limited Shrink-swell Low strength Soluble bedrock	1.00 1.00 0.15	Very limited Unstable excavation walls Too clayey Dusty Depth to hard bedrock	1.00 0.76 0.16 0.08	Very limited Sodium content Dusty	1.00 0.16

Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Local roads and streets		Shallow excavations		Lawns and landscaping	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
4746: Labette	50	Very limited Shrink-swell Low strength Soluble bedrock Depth to hard bedrock	1.00 1.00 0.15 0.06	Very limited Depth to hard bedrock Unstable excavation walls Too clayey Dusty	1.00 1.00 0.88 0.16	Somewhat limited Dusty Depth to bedrock	0.16 0.07
Sogn	40	Very limited Depth to hard bedrock Low strength Frost action Soluble bedrock	1.00 1.00 0.50 0.15	Very limited Depth to hard bedrock Dusty Unstable excavation walls	1.00 1.00 0.16 0.01	Very limited Depth to bedrock Droughty Dusty	1.00 1.00 0.16
4750: Sogn	90	Very limited Depth to hard bedrock Low strength Soluble bedrock	1.00 1.00 0.15	Very limited Depth to hard bedrock Dusty Unstable excavation walls	1.00 0.16 0.01	Very limited Depth to bedrock Droughty Dusty	1.00 1.00 0.16
4781: Tully	85	Very limited Shrink-swell Low strength	1.00 1.00	Somewhat limited Too clayey Dusty Unstable excavation walls	0.25 0.16 0.05	Somewhat limited Dusty	0.16
4783: Tully	80	Very limited Shrink-swell Low strength	1.00 1.00	Somewhat limited Too clayey Dusty Unstable excavation walls	0.25 0.16 0.05	Somewhat limited Dusty	0.16
4784: Tully	85	Very limited Shrink-swell Low strength	1.00 1.00	Somewhat limited Too clayey Dusty Unstable excavation walls	0.25 0.16 0.13	Somewhat limited Dusty	0.16
5976: Vanoss	85	Very limited Low strength Shrink-swell	1.00 0.23	Somewhat limited Dusty Unstable excavation walls	0.23 0.01	Somewhat limited Dusty	0.23

Natural Resource Conservation Service Soil Reports



Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Local roads and streets		Shallow excavations		Lawns and landscaping	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
5977:							
Vanoss	85	Very limited		Somewhat limited		Somewhat limited	
		Low strength	1.00	Dusty	0.23	Dusty	0.23
		Shrink-swell	0.23	Unstable excavation walls	0.01		
6220:							
Brewer	85	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Too clayey	0.32	Dusty	0.13
		Low strength	1.00	Unstable excavation walls	0.26		
		Flooding	0.40	Dusty	0.13		
6400:							
Norge	90	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Dusty	0.13	Dusty	0.13
		Low strength	1.00	Unstable excavation walls	0.07		
6401:							
Norge	85	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Dusty	0.13	Dusty	0.13
		Low strength	1.00	Unstable excavation walls	0.05		
6402:							
Norge	85	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Dusty	0.13	Dusty	0.13
		Low strength	1.00	Unstable excavation walls	0.05		
6403:							
Norge, eroded	100	Very limited		Somewhat limited		Somewhat limited	
		Low strength	1.00	Dusty	0.13	Dusty	0.13
		Shrink-swell	0.97	Unstable excavation walls	0.01		
8203:							
Osage	90	Very limited		Very limited		Very limited	
		Ponding	1.00	Ponding	1.00	Ponding	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00	Depth to saturated zone	1.00
		Shrink-swell	1.00	Unstable excavation walls	1.00	Too clayey	1.00
		Flooding	1.00	Flooding	0.60	Flooding	0.60
		Low strength	1.00	Flooding	0.60	Dusty	0.13
				Too clayey	0.25		

Roads and Streets, Shallow Excavations, and Lawns and Landscaping

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Local roads and streets		Shallow excavations		Lawns and landscaping	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
8302:							
Verdigris, occasionally flooded	90	Very limited		Somewhat limited		Somewhat limited	
		Flooding	1.00	Flooding	0.60	Flooding	0.60
		Low strength	1.00	Dusty	0.16	Dusty	0.16
		Shrink-swell	0.02	Unstable excavation walls	0.01		
8303:							
Verdigris, frequently flooded	90	Very limited		Somewhat limited		Very limited	
		Flooding	1.00	Flooding	0.80	Flooding	1.00
		Low strength	1.00	Dusty	0.16	Dusty	0.16
		Shrink-swell	0.02	Unstable excavation walls	0.01		
8859:							
Olpe	60	Very limited		Somewhat limited		Somewhat limited	
		Low strength	1.00	Too clayey	0.88	Droughty	0.76
		Shrink-swell	0.01	Dusty	0.13	Dusty	0.13
				Unstable excavation walls	0.01		
Norge							
Norge	40	Very limited		Somewhat limited		Somewhat limited	
		Shrink-swell	1.00	Dusty	0.13	Dusty	0.13
		Low strength	1.00	Unstable excavation walls	0.05		
9970:							
Aquolls, ponded	100	Not rated		Not rated		Not rated	
9983:							
Pits, quarry	100	Not rated		Not rated		Not rated	
9987:							
Oil-waste land	100	Not rated		Not rated		Not rated	
9993:							
Pits, borrow	100	Not rated		Not rated		Not rated	
9999:							
Water	100	Not rated		Not rated		Not rated	

Natural Resource Conservation Service Soil Reports



Sewage Disposal

Butler County, Kansas

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The columns that identify the rating class and limiting features show no more than five limitations for any given soil. The soil may have additional limitations. This report shows only the major soils in each map unit]

Map symbol and soil name	Pct. of map unit	Septic tank absorption fields		Sewage lagoons	
		Rating class and limiting features	Value	Rating class and limiting features	Value
3857: Goessel	85	Very limited Depth to saturated zone Slow water movement	1.00 1.00 1.00	Somewhat limited Depth to saturated zone	0.19
3858: Goessel	85	Very limited Depth to saturated zone Slow water movement	1.00 1.00 1.00	Somewhat limited Depth to saturated zone	0.19
3890: Ladysmith	90	Very limited Depth to saturated zone Slow water movement	1.00 1.00 1.00	Somewhat limited Depth to saturated zone	0.19
3911: Rosehill	90	Very limited Depth to bedrock Slow water movement	1.00 1.00 1.00	Very limited Depth to soft bedrock	1.00
4590: Clime	60	Very limited Slow water movement Depth to bedrock Slope	1.00 1.00 1.00 0.84	Very limited Depth to soft bedrock Slope	1.00 1.00
Sogn	25	Very limited Depth to bedrock Slope	1.00 1.00 0.04	Very limited Depth to hard bedrock Slope	1.00 1.00
4600: Dwight	90	Very limited Slow water movement Depth to bedrock	1.00 1.00 0.50	Somewhat limited Depth to hard bedrock	0.08
4620: Dwight, eroded	85	Very limited Slow water movement Depth to bedrock	1.00 1.00 1.00	Very limited Depth to hard bedrock	1.00

Sewage Disposal

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Septic tank absorption fields		Sewage lagoons	
		Rating class and limiting features	Value	Rating class and limiting features	Value
4670: Irwin	90	Very limited Slow water movement	1.00	Not limited	
4671: Irwin	85	Very limited Slow water movement	1.00	Not limited	
4673: Irwin	90	Very limited Slow water movement	1.00	Somewhat limited Slope	0.68
4674: Irwin, eroded	80	Very limited Slow water movement	1.00	Somewhat limited Slope	0.32
4740: Labelle	85	Very limited Depth to bedrock Slow water movement	1.00 1.00 1.00	Very limited Depth to hard bedrock	1.00
4741: Labelle, eroded	85	Very limited Slow water movement Depth to bedrock	1.00 1.00 1.00	Very limited Depth to hard bedrock	1.00
4742: Labelle	85	Very limited Depth to bedrock Slow water movement	1.00 1.00 1.00	Very limited Depth to hard bedrock Slope	1.00 0.68
4744: Labelle	55	Very limited Depth to bedrock Slow water movement	1.00 1.00 1.00	Very limited Depth to hard bedrock	1.00
Dwight	35	Very limited Slow water movement Depth to bedrock	1.00 1.00 0.50	Somewhat limited Depth to hard bedrock	0.08
4746: Labelle	50	Very limited Depth to bedrock Slow water movement	1.00 1.00 1.00	Very limited Depth to hard bedrock Slope	1.00 0.68

Natural Resource Conservation Service Soil Reports



Sewage Disposal

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Septic tank absorption fields		Sewage lagoons	
		Rating class and limiting features	Value	Rating class and limiting features	Value
4746: Sogn	40	Very limited Depth to bedrock	1.00	Very limited Depth to hard bedrock Slope	1.00 1.00
4750: Sogn	90	Very limited Depth to bedrock	1.00	Very limited Depth to hard bedrock Slope	1.00 0.68
4781: Tully	85	Very limited Slow water movement	1.00	Not limited	
4783: Tully	80	Very limited Slow water movement	1.00	Somewhat limited Slope	0.68
4784: Tully	85	Very limited Slow water movement	1.00	Somewhat limited Slope	0.68
5976: Vanoss	85	Somewhat limited Slow water movement	0.50	Somewhat limited Seepage	0.50
5977: Vanoss	85	Somewhat limited Slow water movement	0.50	Somewhat limited Seepage	0.50
6220: Brewer	85	Very limited Slow water movement Flooding	1.00 0.40	Somewhat limited Flooding	0.40
6400: Norge	90	Very limited Slow water movement	1.00	Somewhat limited Seepage	0.32
6401: Norge	85	Very limited Slow water movement	1.00	Somewhat limited Seepage	0.32

Sewage Disposal

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Septic tank absorption fields		Sewage lagoons	
		Rating class and limiting features	Value	Rating class and limiting features	Value
6402: Norge	85	Very limited Slow water movement	1.00	Somewhat limited Seepage Slope	0.32 0.32
6403: Norge, eroded	100	Very limited Slow water movement	1.00	Somewhat limited Slope	0.32
8203: Osage	90	Very limited Flooding Ponding Depth to saturated zone Slow water movement	1.00 1.00 1.00 1.00	Very limited Ponding Flooding Depth to saturated zone	1.00 1.00 1.00
8302: Verdigris, occasionally flooded	90	Very limited Flooding Slow water movement	1.00 0.50	Very limited Flooding Seepage	1.00 0.50
8303: Verdigris, frequently flooded	90	Very limited Flooding Slow water movement	1.00 0.50	Very limited Flooding Seepage	1.00 0.50
8859: Olpe	60	Very limited Slow water movement	1.00	Somewhat limited Slope Seepage	0.68 0.50
Norge	40	Very limited Slow water movement	1.00	Somewhat limited Slope Seepage	0.68 0.32
9970: Aquolls, ponded	100	Not rated		Not rated	
9983: Pits, quarry	100	Not rated		Not rated	
9987: Oil-waste land	100	Not rated		Not rated	

Natural Resource Conservation Service Soil Reports



Sewage Disposal

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Septic tank absorption fields		Sewage lagoons	
		Rating class and limiting features	Value	Rating class and limiting features	Value
9993: Pits, borrow	100	Not rated		Not rated	
9999: Water	100	Not rated		Not rated	

Dwellings and Small Commercial Buildings

Butler County, Kansas

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The columns that identify the rating class and limiting features show no more than five limitations for any given soil. The soil may have additional limitations. This report shows only the major soils in each map unit]

Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
3857: Goessel	85	Very limited Shrink-swell	1.00	Very limited Depth to saturated zone Shrink-swell	1.00 1.00	Very limited Shrink-swell	1.00
3858: Goessel	85	Very limited Shrink-swell	1.00	Very limited Depth to saturated zone Shrink-swell	1.00 1.00	Very limited Shrink-swell	1.00
3890: Ladysmith	90	Very limited Shrink-swell	1.00	Very limited Depth to saturated zone Shrink-swell	1.00 1.00	Very limited Shrink-swell	1.00
3911: Rosehill	90	Very limited Shrink-swell	1.00	Very limited Shrink-swell Depth to soft bedrock	1.00 0.06	Very limited Shrink-swell	1.00
4590: Clime	60	Somewhat limited Shrink-swell Slope	0.87 0.84	Somewhat limited Shrink-swell Slope Depth to soft bedrock	0.88 0.84 0.38	Very limited Slope Shrink-swell	1.00 0.87
Sogn	25	Very limited Depth to hard bedrock Slope	1.00 0.04	Very limited Depth to hard bedrock Slope	1.00 0.04	Very limited Depth to hard bedrock Slope	1.00 1.00
4600: Dwight	90	Very limited Shrink-swell	1.00	Very limited Shrink-swell Depth to hard bedrock	1.00 0.08	Very limited Shrink-swell	1.00
4620: Dwight, eroded	85	Very limited Shrink-swell Depth to hard bedrock	1.00 0.20	Very limited Shrink-swell Depth to hard bedrock	1.00 1.00	Very limited Shrink-swell Depth to hard bedrock	1.00 0.20



Natural Resource Conservation Service Soil Reports

Dwellings and Small Commercial Buildings

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
4670: Irwin	90	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00
4671: Irwin	85	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00
4673: Irwin	90	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell Slope	1.00 0.14
4674: Irwin, eroded	80	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell Slope	1.00 0.01
4740: Labette	85	Very limited Shrink-swell Depth to hard bedrock	1.00 0.06	Very limited Shrink-swell Depth to hard bedrock	1.00 1.00	Very limited Shrink-swell Depth to hard bedrock	1.00 0.06
4741: Labette, eroded	85	Very limited Shrink-swell Depth to hard bedrock	1.00 0.01	Very limited Shrink-swell Depth to hard bedrock	1.00 1.00	Very limited Shrink-swell Depth to hard bedrock	1.00 0.01
4742: Labette	85	Very limited Shrink-swell Depth to hard bedrock	1.00 0.18	Very limited Shrink-swell Depth to hard bedrock	1.00 1.00	Very limited Shrink-swell Depth to hard bedrock Slope	1.00 0.18 0.14
4744: Labette	55	Very limited Shrink-swell Depth to hard bedrock	1.00 0.06	Very limited Shrink-swell Depth to hard bedrock	1.00 1.00	Very limited Shrink-swell Depth to hard bedrock	1.00 0.06
Dwight	35	Very limited Shrink-swell	1.00	Very limited Shrink-swell Depth to hard bedrock	1.00 0.08	Very limited Shrink-swell	1.00

Dwellings and Small Commercial Buildings

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
4746: Labette	50	Very limited Shrink-swell Depth to hard bedrock	1.00 0.06	Very limited Shrink-swell Depth to hard bedrock	1.00 1.00	Very limited Shrink-swell Slope Depth to hard bedrock	1.00 0.14 0.06
Sogn	40	Very limited Depth to hard bedrock	1.00	Very limited Depth to hard bedrock	1.00	Very limited Depth to hard bedrock Slope	1.00 0.88
4750: Sogn	90	Very limited Depth to hard bedrock	1.00	Very limited Depth to hard bedrock	1.00	Very limited Depth to hard bedrock Slope	1.00 0.14
4781: Tully	85	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00
4783: Tully	80	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell Slope	1.00 0.14
4784: Tully	85	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell Slope	1.00 0.14
5976: Vanoss	85	Somewhat limited Shrink-swell	0.23	Somewhat limited Shrink-swell	0.27	Somewhat limited Shrink-swell	0.23
5977: Vanoss	85	Somewhat limited Shrink-swell	0.23	Somewhat limited Shrink-swell	0.27	Somewhat limited Shrink-swell	0.23
6220: Brewer	85	Very limited Flooding Shrink-swell	1.00 1.00	Very limited Flooding Shrink-swell	1.00 1.00	Very limited Flooding Shrink-swell	1.00 1.00
6400: Norge	90	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00

Natural Resource Conservation Service Soil Reports



Dwellings and Small Commercial Buildings

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
6401: Norge	85	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00
6402: Norge	85	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell Slope	1.00 0.01
6403: Norge, eroded	100	Somewhat limited Shrink-swell	0.97	Very limited Shrink-swell	1.00	Somewhat limited Shrink-swell Slope	0.97 0.01
8203: Osage	90	Very limited Ponding Flooding Depth to saturated zone Shrink-swell	1.00 1.00 1.00 1.00	Very limited Ponding Flooding Depth to saturated zone Shrink-swell	1.00 1.00 1.00 1.00	Very limited Ponding Flooding Depth to saturated zone Shrink-swell	1.00 1.00 1.00 1.00
8302: Verdigris, occasionally flooded	90	Very limited Flooding Shrink-swell	1.00 0.02	Very limited Flooding Shrink-swell	1.00 0.03	Very limited Flooding Shrink-swell	1.00 0.02
8303: Verdigris, frequently flooded	90	Very limited Flooding Shrink-swell	1.00 0.02	Very limited Flooding Shrink-swell	1.00 0.03	Very limited Flooding Shrink-swell	1.00 0.02
8859: Olpe	60	Somewhat limited Shrink-swell	0.01	Not limited		Somewhat limited Slope Shrink-swell	0.14 0.01
Norge	40	Very limited Shrink-swell	1.00	Very limited Shrink-swell	1.00	Very limited Shrink-swell Slope	1.00 0.14
9970: Aquolls, ponded	100	Not rated		Not rated		Not rated	

Dwellings and Small Commercial Buildings

Butler County, Kansas

Map symbol and soil name	Pct. of map unit	Dwellings without basements		Dwellings with basements		Small commercial buildings	
		Rating class and limiting features	Value	Rating class and limiting features	Value	Rating class and limiting features	Value
9983: Pits, quarry	100	Not rated		Not rated		Not rated	
9987: Oil-waste land	100	Not rated		Not rated		Not rated	
9993: Pits, borrow	100	Not rated		Not rated		Not rated	
9999: Water	100	Not rated		Not rated		Not rated	



Augusta Action Comprehensive Plan

Augusta's Long
Range Plan
2020-2040

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Prepared by:



1 - Introduction



Purpose of the Plan

The Augusta Action Comprehensive Plan is the official policy document of the City of Augusta. The Plan:

- Defines the **desired future** of Augusta;
- Identifies community **needs** to achieve the vision and goals;
- Protects the City's public investment;
- Allows development in a way that protects valued resources;
- Shapes the appearance of the City;
- Promotes economic development; and
- Establishes City **policy** to address community needs.

The desired future is expressed through the community vision and goals. Community needs identify the gap between what we are as a community and what we want to be in the future. City policies set the framework for the City to manage change in a way that will meet the needs in a socially, environmentally, and fiscally responsible manner that creates the desired future.

The policies in the Plan guide decisions on where and how the City will grow and change. Growth and development decisions have financial impacts on City revenues and expenditures as well as the cost of living in Augusta. They also impact quality of life, City services, and City infrastructure.

Kansas requires a comprehensive plan to exercise land use controls and guide City spending on public infrastructure. City decisions should reflect community expectations, which are expressed in the Plan.



Data and information presented in the Community Profile, Community Survey #1 Results Analysis, and Community Survey #2 Results Analysis as well as input from the Steering Committee, City Staff, and at public forums provide much of the basis for the development of the Plan.

The Plan will be implemented using several tools, which include:

- Zoning and subdivision regulations;
- The future land use map;
- Ordinances and policies;
- Master plans;
- Design guidelines;
- The capital improvement program; and
- Other community initiatives

The Comprehensive Plan will be reviewed on an annual basis to ensure it reflects federal and state requirements as well as the continued vision of the community. Additionally, staff will report annually on the progress that has been made in implementing the policies identified in the Plan.

Using the Plan Citizens

The Plan provides residents and businesses with reasonable expectations about the future of Augusta. The Plan should be used to ensure appointed and elected officials are making decisions consistent with what the community desires.

Public Officials

The Plan provides long-term direction for making short-term decisions. Elected and appointed officials should reference the Plan when faced with decisions regarding land development, municipal services, public finances, and capital investments. If the Plan is used as intended, the decisions made will be consistent with community expectations and aspirations.

As Augusta grows, the City limits are anticipated to expand and incorporate properties located in the Planning Area. The City will likely annex land to advance municipal interests or when petitioned by a landowner. In either case, the Plan will be used to provide for the orderly and rational process of annexation.

The City Council and Planning Commission must take action on zoning and subdivision applications. The Plan establishes official policies regarding how the community will grow. When reviewing such development applications, the Plan will be referenced for guidance. Approvals will be generally consistent with the Plan's goals and policies.



2 - Augusta's Future



Augusta Vision:

Augusta is a safe, welcoming community unbounded by City limits. Civic pride reflects in our excellent schools, scenic parks and historic downtown. Traditions pass from one generation to the next with shared memories of ball games and holiday parades. Children are nurtured in a connected community that shapes our future through action and strategic investment. Our quality of life creates opportunities for homegrown success while attracting businesses with goods, services and jobs that fuel prosperity.

Vision Statement

The community vision statement defines the **ideal, desired state** of Augusta in 2040. It expresses what is good about the community that should be preserved, what should be enhanced, and what should be changed.

The vision was developed using input from Survey #1, Public Forum #1, and the steering committee. The vision focuses on what makes Augusta great and what Augusta needs for the future.

What makes Augusta great

- Small town charm with good access to big City amenities
- Family-friendly with great schools, parks, and recreation
- A safe and secure community
- Friendly & welcoming citizens
- Shared aspirations

- Good transportation access
- Creates positive memories
- Values education
- Values history and tradition

What Augusta needs for the future

- More quality jobs
- Promote healthy, active lifestyles
- Maintain quality schools and education
- More shopping, retail & commercial services, and attractions
- Enhance and promote existing community attractions
- Support local businesses
- Citizens that are civic-minded, engaged, and connected to the community
- Attractive City with community pride
- Appropriate cost of living
- Increased variety of housing options
- More sidewalks
- Better quality streets

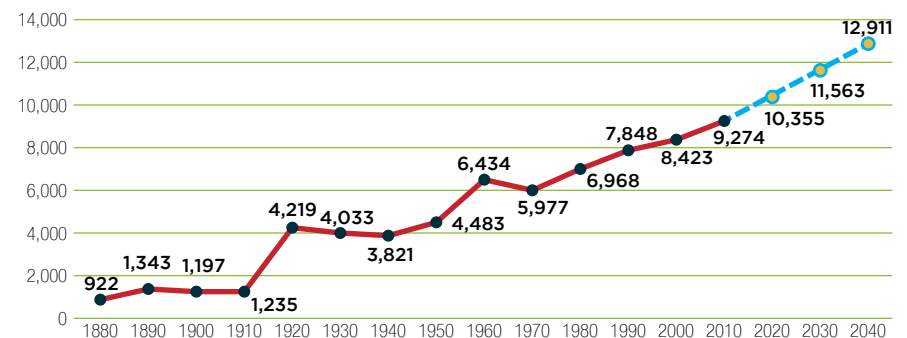
Goals & Policies

The vision is supported by goals. The Plan goals are high-level statements that provide a **framework for action**. These topic-specific statements provide guidance for the six major elements of the community. The goals are identified in each of the plan elements sections.

The goals are supported by policies. Plan policies define strategies for achieving the goals. They provide the City with **decision-making guidance** for budgets, development, and infrastructure. Policies are identified in each of the plan elements sections.

Future Population

In 2010, Augusta had a population of 9,274. Augusta had a fairly steady growth rate of 1.1% per year from 1970 to 2010. This 40-year trend provided the basis for projecting future population. By 2040, Augusta is forecasted to add **3,637 additional residents**; totaling 12,911. The Plan goals and policies are based upon this anticipated growth.

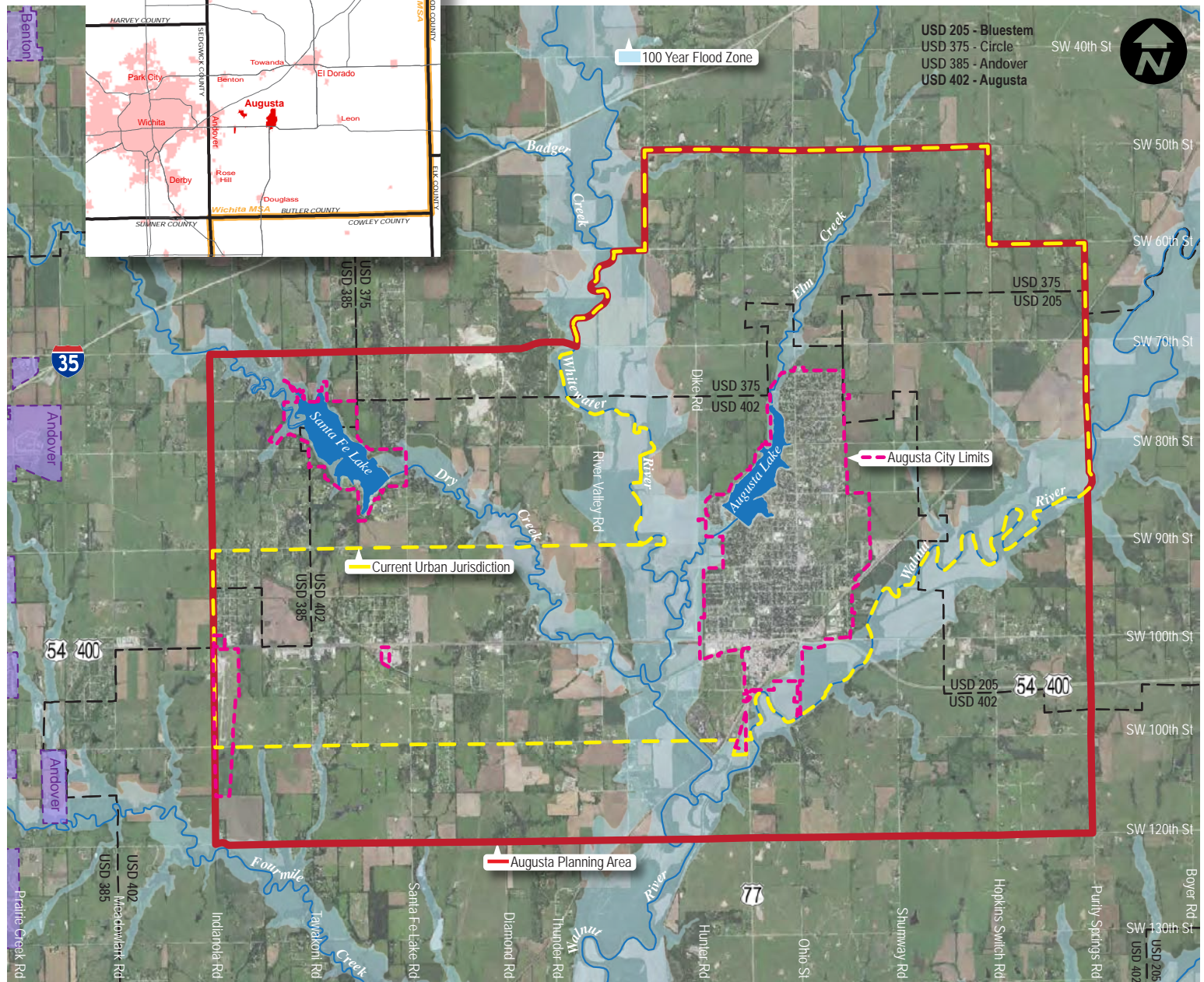


Planning Area

The people, businesses, and resources located in the area surrounding Augusta are integral to the City and its future. State statute allows cities to develop a comprehensive plan that includes the area that forms the **total community of Augusta**. This area, called the Augusta Planning Area, includes all land within the City as well as land outside of the City limits.

Augusta's traffic, water quality, business demands, and many other aspects of the community will be affected by development within the Planning Area. Accounting for development within the Planning Area sets realistic expectations for future demands on Augusta services and infrastructure. The Planning Area is not an annexation plan.

Having a Planning Area allows Augusta to promote orderly growth that represents the desires of the community including suitable development types, densities, intensities, and locations. This also allows for the preservation of desired character and resources.



3 - Growth & Development



Growth & Development Goal:

Facilitate balanced growth by leveraging existing assets while encouraging cost-effective expansion in priority growth areas.

Goal Meaning

Augusta's focus on creating and maintaining a great community allows it to preserve the best of its past while creating an attractive, convenient, safe, and healthy environment for generations to come.

Vibrancy and **sustainability** go hand in hand with the creation and maintenance of a great community. Elements, such as compact and walkable neighborhoods and a strong sense of place, create vibrancy and also support a sustainable and resilient community.

Balanced growth can refer to a host of concepts including balancing development inside the existing City limits as well as expanding the City limits. It can also refer to a balanced combination of greenfield development, infill development, redevelopment, and adaptive reuse within the City limits and Planning Area. However, as it is defined, balanced growth should meet the needs of Augusta's residents, businesses, and people who work in the City.

Greenfield development is the traditional development model of

developing a property that has not been built on before. Infill development is development or redevelopment of sites within the current City limits that are undeveloped or underutilized. Properties available for infill development and redevelopment likely have City infrastructure and services. This allows Augusta to leverage its existing assets, both infrastructure and services, to minimize the cost of growth and provide appropriate density.

Adaptive reuse is the process of adapting buildings for purposes other than what they were originally designed or built for. It can be a useful way to expand the life of a structure while conserving resources and historic value.

Expansion includes development beyond the existing City limits and annexing land. This additional area needs to be served by City utilities, services, and/or facilities such as police, sewer, and parks.

Expanding the City limits is a common means of growing a community. However, expansion must be carefully considered prior to investing. Augusta will balance the cost with the short- and

long-term financial impacts.

Context

If the current percent of total land area for each land use is maintained at the same density, Augusta would need to expand to include an additional **1,015 acres** of land to accommodate anticipated growth. This is a 40% increase in the size of Augusta. (Assumes all of the undeveloped land in Augusta is developed and distributed proportional to each land use)

The area outside of Augusta within the Planning Area is primarily agricultural / undeveloped land. This provides opportunities for expansion of the City limits. However, there are **limited areas for expansion** due to the prevalence of flood zones. Augusta is currently squeezed between two flood zones. It will be costly to provide sanitary sewer service to areas on the opposite side of the flood zone.

Land Use	Augusta	
	Acres	% of Area
Residential	923	33.8%
Single-Family Detached	825	30.2%
Single-Family Attached	76	2.8%
Multi-Family	22	0.8%
Commercial	126	4.6%
Industrial	52	1.9%
Utilities/Infrastructure	684	25.1%
Public/Institutional	259	9.5%
Parks	459	16.8%
Open Space	55	2.0%
Agricultural / Undeveloped	172	3.2%
TOTAL	2,729	100%

Does not include 431 acres of lake area

There has been interest in **expansion west** of the Whitewater River. The community generally supports this expansion only if it provides measurable community benefits.

To **best leverage existing assets**, Augusta will need to develop or redevelop existing properties that are currently served by City infrastructure and services. Augusta will also likely expand. The short- and long-term impacts of expansion will need to be carefully considered.

Future Land Use Map

Policies

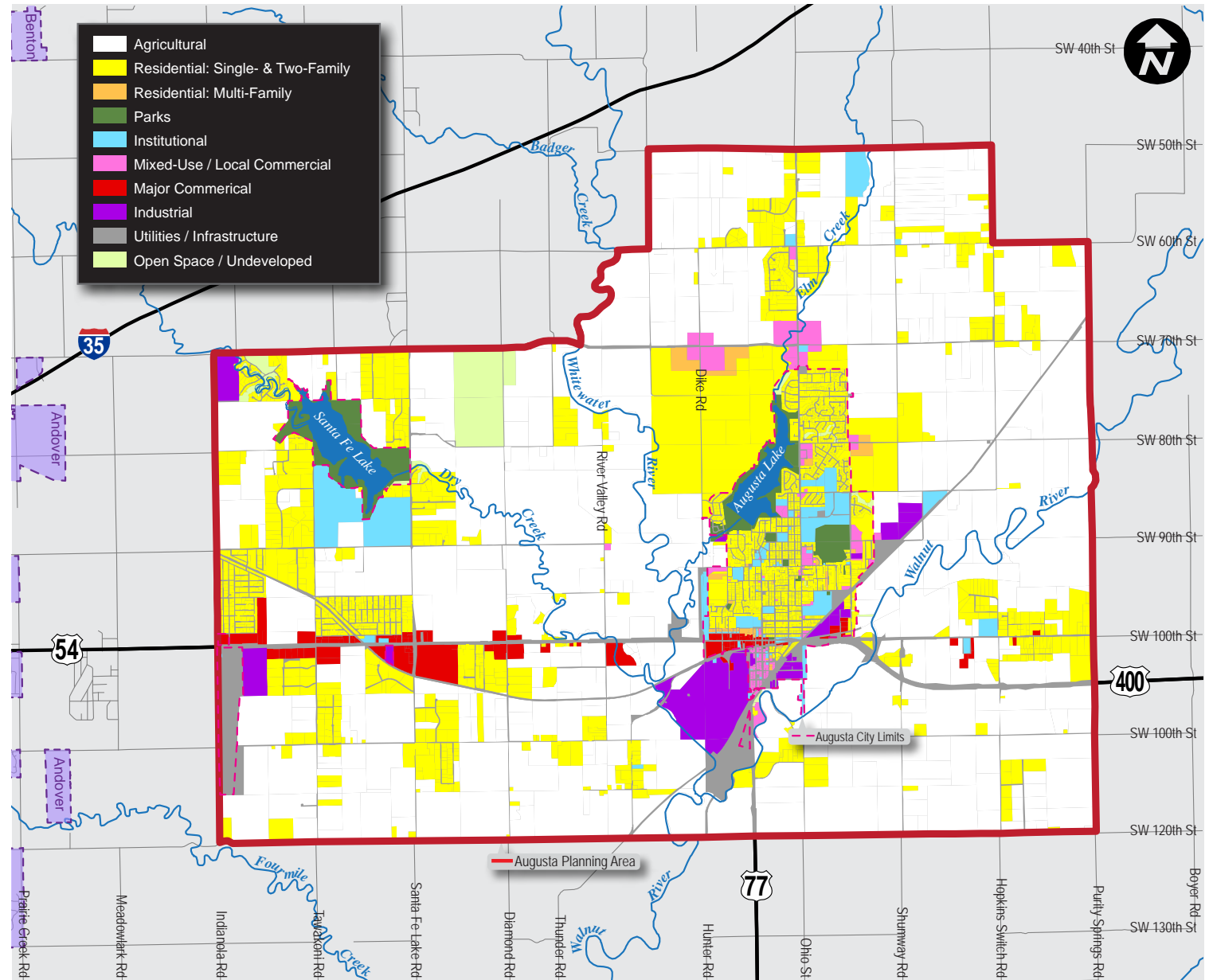
P1. The future land use map serves as a guide for growth and development

The future land use map represents the desired growth plan for Augusta and expresses the Plan goals and policies.

The map identifies the general location for anticipated growth, development, and redevelopment. It is intended to guide future land use decisions, in conjunction with other Plan policies. Developments should be generally consistent with the map. Those that are inconsistent should be provided reasonable considerations if they demonstrate conformance with other Plan policies. Development should meet the needs of Augusta's residents, businesses, and people who work in the City.

P2. Land use location and design guidelines provide a framework for orderly and efficient development

The land use location and design guidelines layout a framework for determining the proper and desired land use pattern that maintains and enhances Augusta's character. The intent is to efficiently utilize existing and



planned investments in infrastructure and services while maximizing land use compatibilities.

The guidelines are intended to be flexible. Ensuring that any development proposal fits within the context and intent of the Plan will require sound judgment based upon a case-by-case assessment of circumstances.

General Location Guidelines

The following are guidelines for the location and conditions of all developments:

- Development outside of the City limits should be rural in nature unless annexation is anticipated. Examples of rural uses include agricultural uses, natural resource-related uses, or uses that require a large degree of buffering from other uses.
- Greenfield development should be directly adjacent to existing developed areas.
- Infill development and redevelopment of older/established areas are prioritized to maximize public investments.

- Higher density developments are encouraged at appropriate locations to limit the need to expand City infrastructure and services.
- High intensity development should be located away from low intensity development.
- Uses should be near similar or complementary uses.
- Supporting City infrastructure and services currently serve the development, are planned to serve the area, or can efficiently be provided.
- Developments are outside of flood zones, wetlands, or where other natural features negatively impact development or where development has unduly negative impacts to the environment.
- Screening and buffers should be used to separate different land uses that are adjacent to one another.
- Undesirable negative impacts to existing residents and businesses are minimized including financial, traffic, noise, emissions, odor, and visual impacts.

Industrial

Industrial uses are comprised of manufacturing, distribution, warehousing, construction, and similar type uses.

The Plan envisions industrial development in close proximity to existing industrial areas, along the US-54 corridor near the Augusta Municipal Airport, and along the AT&SF railroad corridor.

It also envisions industrial in the area east of Downtown on the southeast side of the AT&SF railroad. This area provides an opportunity to accommodate smaller-scale industrial development demand, especially in the near-term.

Industrial lands should be reserved and protected from encroaching conflicting uses. The following are guidelines for the location and conditions of industrial developments:

- Good access to highways.
- Limited industrial traffic on collector streets and none on residential streets.
- Generally away from lower-intensity uses such as local commercial and residential uses.
- No major negative impacts to lower intensity development.
- Minor negative impacts to lower intensity uses can be mitigated.

Major Commercial

Major commercial uses are comprised of one or a cluster of major businesses selling goods and/or services that have a regional or larger market area. They include business such as big box stores, automobile sales, and hotels.

The Plan envisions major commercial development along the US-54 corridor. This includes the area within Augusta from the railroad bridge to Dike Road and west of the Whitewater River, especially at major intersections.

The following are guidelines for the location and conditions of major commercial developments:

- Along highway corridors and, particularly, at major intersections.
- Limited or no commercial traffic on residential streets.
- Generally away or buffered from residential uses.
- Site design should buffer negative impacts on adjacent low to moderate density residential uses west along the US-54 corridor.
- No major negative impacts to lower intensity development.
- Minor negative impacts to lower intensity uses can be mitigated.

Local Commercial

Local commercial uses are comprised of small businesses selling goods and/or services that have a local market area. They include businesses such as convenience stores, small retail stores, and small offices.

The Plan envisions local commercial developments in Downtown and along higher volume streets and intersections. Small scale neighborhood commercial uses can be intermixed with higher density residential uses to create mixed use areas.

The following are guidelines for the location and conditions of local commercial developments:

- Along or at intersections of arterial and/or collector streets.
- In the Downtown area.
- In or bordering older / established neighborhoods if appropriate site design limits negative impacts on surrounding residential properties and the development is context-sensitive.
- Serve as a buffer between higher intensity uses and lower intensity uses.
- No major negative impacts to lower density residential development.
- Minor negative impacts to lower density residential uses can be mitigated.

Mixed Use

Mixed uses are comprised of at least two complementary use types that allow residents to live, work, play, learn, and conduct much of their daily business within the City and increase the self-sufficiency of the community. Uses include residential, office, retail, commercial, recreational, and others.

The following are guidelines for the location and conditions of mixed use developments:

- Mixed use developments should promote a diverse mix of activity-generating uses in areas where they may be readily accessed by those who live or work in these areas, residents of adjoining neighborhoods, and visitors to the City. Although the suitability of individual uses will vary by location, seek to provide a balanced mix of:
 - ~ Retail, office, multifamily residential, and entertainment.
 - ~ Educational facilities such as schools and library services.
 - ~ Public and non-profit health and human services facilities and other service-oriented uses.
 - ~ Community gathering spaces and recreational amenities—plazas, parks, community gardens, recreation centers, meeting space, and others as appropriate.
- Integration of complementary uses within the same building (i.e. residential or office above retail) or on the same site (i.e., residential adjacent to employment and/or retail uses) are encouraged as a way of revitalizing centers, corridors, and employment areas and improving access to services.

Higher Density Residential

Higher density residential uses are comprised of multi-family homes, apartments, townhouses, duplexes, patio homes, condominiums, nursing homes, manufactured home parks, and similar residential uses. Also included are clusters of housing units with small or no side yards on small lots.

The Plan envisions higher density residential developments along higher volume streets and intersections. These can also be intermixed into residential neighborhoods with proper site design.

The following are guidelines for the location and conditions of higher density residential developments:

- Along or at intersections of arterial and/or collector streets.
- In or bordering older / established neighborhoods if appropriate site design limits negative impacts on surrounding residential properties and the development is context-sensitive.
- Serve as a buffer between higher intensity uses and lower density residential uses.
- Away from industrial uses.
- Buffered and/or away from major commercial uses.
- Manufactured home parks should be located on large tracts and buffered from lower density residential uses.



Lower Density Residential

Lower density residential uses are comprised of single- to two-family homes on larger lots.

The Plan envisions lower density developments north of Augusta, northwest of Augusta Lake, east of Augusta, and other peripheral areas.

The following are guidelines for the location and conditions of lower density residential developments:

- In neighborhoods with low traffic volumes and speeds.
- Buffered from industrial and major commercial uses with barriers such as large open spaces, topographic features, wooded areas, or major streets.
- Create a cohesive neighborhood.

Public & Institutional

Public and institutional uses are comprised of developments such as places of worship, schools, City buildings, libraries, and cemeteries.

The Plan envisions public and institutional developments locating by uses that have similar characteristics such as lot size, building size, traffic generation, noise, and light. Appropriate buffers, screening, and other applicable strategies should be utilized to mitigate negative impacts to adjacent uses.

Utilities & Infrastructure

Utilities and infrastructure uses are comprised of street right-of-way, Augusta Municipal Airport, and public utility infrastructure like water towers and wastewater treatment plants.

The location of utilities and infrastructure are dependent upon other land use decisions. Engineering studies and judgment will be used to determine the location best suited for these vital elements of the community.

Parks & Open Space

Parks and open space are comprised of parks of all sizes and types as well as designated open spaces such as drainage areas, ponds, and undevelopable areas.

The location and characteristics of parks are described in the Parks and Recreation section of the Plan and the Parks Master Plan.

Agricultural

Agricultural uses are comprised of uses tied to agricultural production and associated uses such as residences and accessory agricultural buildings.

The Plan envisions much of the existing agricultural land to remain, as it provides vital resources and jobs. It also enhances the small town feel of Augusta.



General Design Guidelines

The following are general guidelines for site development:

- Site design should be consistent with the character of the area.
- Site design should provide safe and convenient pedestrian circulation and access from public right-of-way, and access to building entrances.
- Residential developments and neighborhoods should be designed to promote pedestrian access and circulation within and to adjacent areas and neighborhoods.
- Lower density residential lots should not directly access arterial streets.
- Transitional buffers should be created between residential neighborhoods and commercial areas, such as alleys, fences, or natural areas, and allow for bicycle and pedestrian connectivity within these buffer areas.

Gateway Design Guidelines

Gateways are areas that establish an entryway to the community and, consequently, require higher aesthetic standards. The following are general guidelines for gateway areas.

- Sensitively place development in relation to other uses and exhibit high-quality design, signage, and landscaping.
- Encourage the preservation of open space through the clustering of development.
- Support development that makes gateways more attractive using design strategies such as landscaping, public art, or siting buildings to create entry features.
- Be open to a variety of methods for creating quality gateways including partnering with property owners, easements, or purchases while avoiding eminent domain.

P3. Evaluation criteria serves to aid in the determination of expansion of the City limits

As Augusta grows, there will be internal and external pressure to annex land and expand the City limits. In particular, development west of the Whitewater River offers community benefits. Much of the development potential is based on the quality vehicular access provided by US-54. However, development here comes at a cost with extending City

infrastructure and services, especially sanitary sewer service.

Evaluation criteria to determine the appropriateness of annexing land and extending City infrastructure and services are vital to ensure development is cost-effective.

Undeveloped Lands and Existing Enclaves

The City will consider the benefits and costs of annexation of undeveloped lands and existing enclaves of development in the Planning Area on a case-by-case basis. Proposed annexations shall be considered where the following criteria can be met or demonstrated:

- Location relative to the City limits. The annexation should be a logical extension of the City limits. The pattern of the proposed growth should extend outward from the existing City limits in a logical, appropriately phased manner.
- Mix and balance of proposed land uses and consistency with the Comprehensive Plan. The annexation and proposed development should be consistent with the policies set forth in the City's Comprehensive Plan and other policies as adopted
- Projected post-development job creation (commercial and residential developments) or population growth (residential developments).
- Ratio of private investment versus investment from the community-at-large through incentives and other

public funding sources.

- Projected post-development sales tax, property tax, and utility revenues.
- Total property development investment.
- Ability of the City to provide facilities and services.
- Development impacts to the cost and quality of City services, facilities, and utilities that would be absorbed by the community-at-large.
- Projected utility and transportation demand versus existing availability and capacity.
- Negative impacts (noise, traffic, odors, etc.) to nearby residents and businesses.
- Consistency with community character, vision, and long-term planning objectives.
- Unique open space or recreation amenities.



The fiscal impacts of extending and providing City services for the life of the development will be weighed against the anticipated tax and other revenues generated from the proposed development. Necessary infrastructure improvements shall not be planned, constructed, or funded in such a manner as to impose an unreasonable level of public or private debt.

Non-development annexations

Non-development annexations will be considered under certain conditions. Such Annexations may be pursued by the City for purposes other than urban development, such as securing land use control over areas identified as open space by the Comprehensive Plan or providing for future urbanization of an area in a manner that is compatible with the City's Comprehensive Plan. Development will only be allowed in areas where it can be adequately supported by critical public facilities and services such as water, wastewater, storm drainage, transportation, and fire and emergency services.

4 - Economic Development



Economic Development Goal:

Grow Augusta's economy with a commercial focus that expands local availability of goods, services, & jobs.

Goal Meaning

The goal for growing Augusta's economy is to develop in a strategic and sustainable manner that considers the community's desire to focus on commercial growth while attracting well-paying jobs. Enhancing the quality of life in the City and supporting education and training opportunities attracts and develops a qualified workforce.

Context

Augusta is located in the Wichita Metropolitan Area and along US-54, a major transportation artery. Augusta also has an educated population where residents have quality access to several colleges and other secondary education programs including Wichita State University Tech and Butler County Community College. Augusta can build upon these **strengths** to support future economic growth.

The largest industry that employs Augusta workers is education services, and health care and social assistance. This industry is also growing rapidly along with retail trade. Job opportunities in manufacturing has decreased but still plays a large part in the **local economy**.

Attracting a qualified workforce requires the City to strategically invest in various aspects of living in Augusta. Such investments include the development of attractive, interconnected, and walkable mixed-use neighborhoods; providing a variety of housing options; and providing community amenities such as recreational and cultural opportunities. Goals and policies that support these features are found in various elements throughout this Comprehensive Plan. It also includes supporting the expansion and diversification of retail opportunities, categories, and levels within the City so that residents can meet more of their needs locally.

The community desires more **job opportunities**, especially high-paying jobs. So, in addition to the physical development and redevelopment of key commercial and industrial areas in and around the City. Augusta should develop an economic development plan that includes enhancing and expanding the economic base and implementing sustainable and resilient business practices.

The **US-54 corridor** is viewed as the top priority location for business development. This includes

redevelopment of properties along US-54 within Augusta. Downtown Augusta is the second priority area for business development.

There are likely opportunities for economic **development west of the Whitewater River** along the US-54 corridor. Augustans are open to growing west, as long as there are clear and measurable benefits to the community. The community wants to grow responsibly so that taxpayer investments are protected.

Future commercial growth will partially depend upon **population growth**. Commercial developments often follow population growth. Therefore, residential and commercial growth go hand in hand.

There is also support for **industrial development** to grow the local economy and add quality jobs. However, there is a lack of quality locations for industrial development.

Augusta will need the right balance of commercial, residential, and industrial growth as well as the right balance between infill and expansion development.

Policies

P4. Support, promote, and encourage the growth of existing businesses and development of new businesses.

Coordinate with:

- Local and regional economic development agencies to actively encourage businesses to locate in Augusta, expand existing businesses, diversify the economic base, and market Augusta as a business hub.
- Transportation providers and support state, regional, and local transportation programs and projects that improve and enhance freight and rail transportation in Augusta and the region.

Collaborate with:

- Local and regional economic development organizations to develop community-supported financial and regulatory incentives to encourage business expansion and the development of new businesses in Augusta. Explore options for tax abatements, utility rebates, and business-friendly City policies and processes.
- Local, regional, State, and Federal partners to develop and implement an Economic Development Plan for the City of Augusta. The City should periodically update the Economic Development Plan to support the

implementation of the Comprehensive Plan and provide specific guidance on the economic development activities. The Economic Development Plan should include the goals and policies found in this Plan. The Plan may include:

- Develop and update a buildable land inventory to ensure adequate short- and long-term supplies. Also include developed properties that could be utilized by new or relocating businesses. Promote the inventory and ensure it is readily available to existing and prospective businesses.
- Investigate the potential for a business incubator or similar center that fosters entrepreneurship, start-ups, and innovative businesses and offers connections to regional businesses, partners, and financing.

Explore ways to diversify Augusta's economic base including, but not limited to, expanding opportunities in target industries and investigating the potential for agri-, eco- and recreational tourism.

Consider building flexibility in to zoning and development regulations to incentivize development in specific areas such as the US-54 Highway corridor within the City limits and the Downtown area.

Support opportunities for home-based businesses in locations that are compatible with existing and planned uses.

Identify opportunities for the development of businesses near the Augusta Municipal Airport. Promote the airport to targeted industries that would have synergy with Augusta's airport infrastructure and operations.

Support market-driven enhancements to the Augusta Municipal Airport that provide recreational and business opportunities.

Explore ways to reduce the exposure of the community to unexpected economic downturns whether due to disaster or crisis.

+

Augusta supports economic development through commercial, industrial, and residential growth.



P5. Follow the future land use plan policies for orderly commercial, industrial, and residential growth to support economic development.

Use the Future Land Use Map to determine appropriate areas for businesses to locate. Maximize previous investments by utilizing existing infrastructure and encouraging businesses to locate where they can be efficiently served by existing infrastructure and services or where it is cost-effective to extend infrastructure and services. Support redevelopment and adaptive reuse of existing vacant and underutilized industrial, commercial, and institutional properties for those purposes.

Enhance residential growth opportunities to support business growth by providing a high quality of life and enhancing active and leisure opportunities that young, educated workers demand. Provide attractive neighborhoods with access to amenities.

Support mixed use neighborhoods, as described in the Growth & Development section, to encourage local shopping and easy access.

Regularly review and update land use regulations and other policies to ensure the City can be responsive to changes in economic development demands.

Develop long-term plans for City services and utilities that identify needed public infrastructure and services. Program and fund the needed public infrastructure and services to support business growth.



P6. Develop the US-54 highway and adjacent properties as a premier business corridor with attractive properties and quality transportation access.

Enhance motor vehicle traffic flow, safety, pedestrian and bicycle access, right-of-way aesthetics, and private property aesthetics along the US-54 corridor through Augusta. Since this corridor is the premier route through Augusta, the City should consider the development of a corridor enhancement plan that addresses these issues and potentially others.

Develop and actively enforce enhanced property maintenance standards for properties along the US-54 corridor. Consideration should be given to the development of corridor-specific design standards and guidelines for properties and structures along the corridor.

Encourage the active use of vacant buildings and properties along the US-54 corridor through Augusta. Since there are vacant properties, activating these will enhance the corridor. Some options include developing a contact database for properties, developing a vacant building registry, targeting public resources to reduce negative impacts of vacant properties, public acquisition of properties, and demolishing unsafe buildings.

Develop and maintain visually pleasing City gateway monuments

and wayfinding signage along US-54 that promote and direct travelers to destinations.

Provide quality visual aesthetics and a positive appearance of Augusta for travelers along the US-54 corridor outside of the City limits.

Coordinate with the Kansas Department of Transportation and support projects and programs that enhance the US-54 corridor.

P7. Encourage business activity in Augusta's unique downtown.

Consider the creation of a Downtown redevelopment plan that includes, but is not limited to, updated design guidelines and an identity for the downtown based on cultural heritage, the outdoors, historic building materials, and other defining characteristics of the City..

Stimulate downtown with active store fronts, community and regional attractions, programming, and events that draw in residents and visitors.

Coordinate with Downtown Augusta, the Augusta Chamber of Commerce, and related organizations to brand and market Downtown Augusta as a unique, regional commercial destination.

Develop and maintain visually pleasing gateway monuments and wayfinding signage that promote and direct travelers to Downtown Augusta destinations.

P8. Continue to provide quality educational opportunities and retain and attract educated citizens.

Support diverse and quality local primary, secondary, and post-secondary educational opportunities for children and adults.

Work with USD 402 to ensure business employment needs and trends are aligned with educational curricula and address any skills gaps.

Work with Butler Community College and other local partners to align educational offerings with the City's target industries, to support workforce training programs and opportunities, and to ensure the workforce needs of local businesses can be met by residents.

P9. Support amenities that enhance the quality of life in Augusta.

Increase tourism to and in the City and expand the range of activities available to visitors.

Support and enhance the arts, cultural, historic, and parks and recreation amenities of the City so they continue to contribute to the economic vitality of the community.

Support and facilitate the development of technologically advanced communications infrastructure (e.g., broadband) and other improvements that serve the community, help businesses thrive and grow. Foster the growth of emerging telecommunications industries and support emergency systems.



5 - Housing & Residential Development



Housing & Neighborhoods Goal:

Provide a range of housing options that meets the diverse needs & demands of current & future residents.

Goal Meaning

As the community grows, additional housing units will be required to house the new residents. Augusta will need to be able to react appropriately to changing housing demands of existing and new residents.

A range of **housing options** entails different sizes, prices, types, and tenure (ownership and rental). This could include increasing options beyond the traditional single-family; providing options for townhomes, patio homes, duplexes, and apartments.

Housing needs and demands are changing and will continue to change. Augusta desires to allow **flexibility** in the provision of housing to allow the community to react to housing market demands.

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From 2000 to 2010, the number of single-family attached and multi-family housing units doubled.

Context

Augusta's current average household size is 2.5 residents. Assuming that stays constant, Augusta needs an additional **1,455 housing units** by 2040 to house the projected 3,637 new residents.

There are many options for providing additional neighborhoods and housing. Where will additional housing be located? What types of housing will be available? What will be the density of housing units?

Augusta has had a greater increase in renter-occupied housing over the past decade than owner-occupied homes. Whether rentals or owner-occupied,

Augusta supports affordable housing options. Mortgages and rents are increasing as is the percent of income spent on the housing.

In the older **established neighborhoods**, Augusta supports higher density housing options and mixed use neighborhoods that have local commercial businesses within walking distance from homes. Augusta also supports options for redeveloping distressed homes south of Kelly Avenue

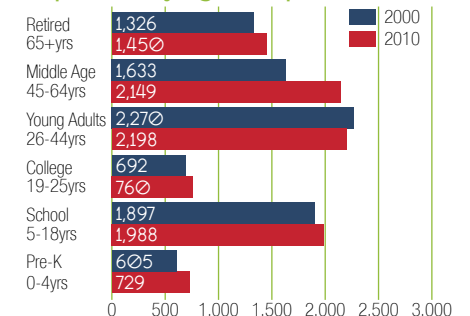
Augusta desires that **newer residential subdivisions** generally maintain their character and retain their uniformity of residential uses. There is some support for including single-family attached housing in these neighborhoods.

Augusta desires to retain and attract **young adults** to aid in economic development. The housing policies should reflect this desire with affordable starter homes and rental options.

Augusta has experienced a large shift in the age composition of its residents. A large segment of the population will be at or nearing **retirement** by 2040. This will impact the long-term housing demand.

	2000	2010	2011-2015
Total Housing Units	3,585	3,951	3,967
Vacant	8.6%	7.1%	7.7%
Occupied (Households)	91.4%	92.9%	92.3%
<i>Owner Occupied</i>	70.9%	66.1%	58.8%
<i>Renter Occupied</i>	29.1%	33.9%	41.2%
Avg Household Size (Total)	2.53	2.50	2.50
Owner Occupied	2.68	2.65	2.61
Renter Occupied	2.16	2.21	2.34

Population by Age Group



Policies

P10. Follow the future land use plan policies for orderly residential growth.

Encourage different densities and types of residential development in appropriate locations based upon the future land use plan. Maximize previous investments by utilizing existing infrastructure and encouraging infill residential development where homes can be efficiently served by existing infrastructure and services or where it is cost-effective to extend infrastructure and services. Support redevelopment of existing vacant and underutilized lands for residential purposes.

Focus on creating a cohesive and connected community by promoting residential growth within the Augusta School District.

Develop long-term plans for City services and utilities that identify needed public facilities and services. Program and fund the needed public infrastructure and services to support residential growth.

Regularly review and update land use regulations and other policies to ensure the City can be responsive to changes in housing market demands. Monitor regional and local housing trends and engage with the real estate and development community to identify needed changes.

Minimize negative impacts of adjacent uses to residential developments by following the guidance provided in the Growth and Development section.

P11. Provide opportunities for a variety of housing types and sizes at a range of pricing levels to meet the diverse needs of existing and future residents.

Support housing policies that enable the market to react to changing housing demands including size, type, density, and price of housing.

Encourage residential developers to incorporate a variety of housing options in new subdivisions.

Encourage diversity in tenure by allowing the market to provide a variety of ownership and rental housing opportunities.

Support housing opportunities that diversify the workforce and meet the housing needs of workers for businesses within Augusta and the region.

Develop and promote opportunities for the aging population and persons with disabilities including no maintenance housing options and smaller lot and house sizes in appropriate locations. Encourage the use of universal design and visitability principles in the construction of new housing and the rehabilitation of existing homes.

Consider allowing accessory dwelling units in appropriate residential districts and locations to accommodate additional housing. This can reduce the costs of accommodating population growth.

Consider adding housing to under-performing, redeveloping, and new commercial and employment areas.

Encourage new housing to cost-efficiently locate in areas that are served by existing or planned public infrastructure.

Increase regulatory flexibility to allow for neighborhood commercial land uses and higher density and mixed-use housing in appropriate locations, i.e., near commercial centers, transit stops and arterial roadways.

Consider the use of financial or regulatory incentives to encourage the development of increased housing choices including low and moderate income housing, multifamily housing and mixed-use developments, other higher density housing, and redevelopment of existing properties that are served by City services and utilities. This could include reduced fees, reduced parking requirements, as density bonuses or allowances for these types of housing.

Support the Augusta Housing Authority in its mission to promote adequate and affordable housing. Coordinate with state, regional, local, and non-profit agencies for the provision of subsidized housing and housing for special needs individuals.



P12. Promote quality housing in safe neighborhoods with access to community resources and amenities.

Support attractive and cohesive neighborhood designs that minimize negative impacts to residential properties and provide desirable neighborhoods.

Support mixed use neighborhoods, as described in the Growth & Development section, to encourage local shopping and easy access.

Enhance residential growth opportunities and support business growth by providing a high quality of life and enhancing active and leisure opportunities that young, educated workers demand.

Develop neighborhoods with safe and easy access to Augusta's park system. This includes providing and maintaining pedestrian and bicycle connections between neighborhoods and parks.

Establish standards and regulations to protect the health, safety, and welfare of Augusta residents and prevent neighborhood blight. Require property and housing inspection, actively enforce City codes, and follow through on code violations.

Regulate home-based businesses to minimize negative impacts on residential properties.

Support the maintenance of residential structures and properties. Promote the Neighborhood Revitalization Program to improve housing conditions in the established neighborhoods with a focus on the area south of Kelly Avenue.

Encourage the development of affordable housing near commercial areas, employment centers, and social services.

6 - Transportation



Transportation & Mobility Goal:

Provide a well-maintained transportation system with sufficient access & safe facilities for all users.

Goal Meaning

Augusta desires to provide a quality transportation network that supports business and individual travel needs and considers the opportunities and limits presented by available resources. Safety and maintenance are priorities.

Efficient vehicular travel is needed to support business activities and to allow residents to access jobs outside of Augusta. Safe, accessible, connected, and inviting environments are also needed for residents who walk, bicycle, and use public transportation.

Context

The community's highest transportation priorities are to invest in **maintenance** and provide more sidewalks, pathways, and routes for bicyclists and pedestrians.

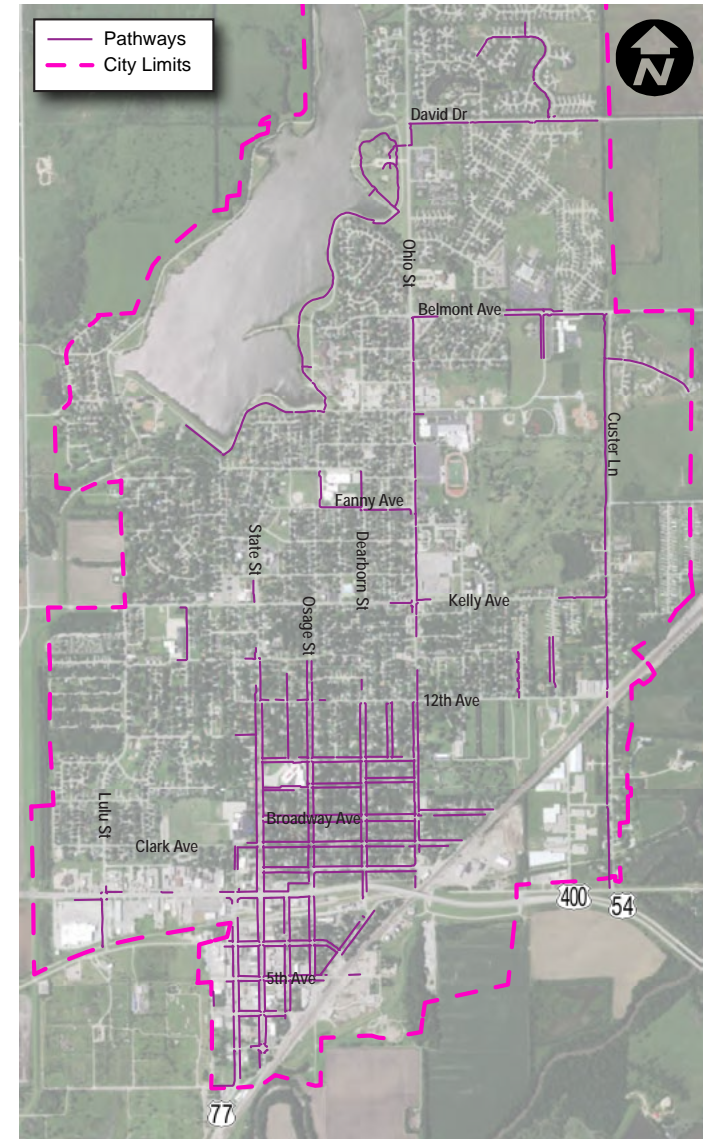
The majority of **pedestrian** facilities are located in the older, established areas of Augusta. A community-wide network will provide more opportunities for walking and biking and connect the community.

The community would like to have additional pedestrian and bicycle facilities in certain locations. A few routes that were identified include the US-54 corridor, Lulu Street from US-54 to Kelly Avenue, Washington Lane from Kelly Avenue to Garvin Park, the Ohio Street corridor, and Kelly Street from Lulu Street to Ohio Street.

The preferred means of **funding new bicycle and pedestrian facilities** is to require that they be constructed as property is developed and have them dedicated to the City, similar to how streets are funded.

Street conditions do not meet citizen expectations. The preferred means of funding maintenance is to reallocate existing funds from lower priority items.

The **US-54 corridor** is the main artery through Augusta; providing major access for Augusta. Safety and efficient traffic flow through the corridor is a priority. Although it provides a major community benefit, US-54 divides the community, hindering pedestrian and bicycle access across the highway, and needs revitalization. Improvements that provide safe and comfortable experiences for all users, including pedestrians and cyclists, can increase use of these modes and enhance the vehicular experience as well. As the community grows to the north, access to US-54 and west to the Wichita Metro area is likely to become a priority.



Policies

P13. Develop a transportation system that supports safe and efficient travel and access to properties.

Provide safe and efficient commuter and freight transportation through Augusta and support transportation access to the region.

Protect major transportation corridors to maintain efficient traffic flow through effective access management. Reduce the number of driveways on major transportation corridors and encourage shared access.

Incorporate complete streets infrastructure and design features into the existing transportation system. Design new infrastructure based on complete street principles.

Improve traffic calming and provide pedestrian orientated streetscapes on local streets to reduce traffic speeds while increasing pedestrians' and cyclists' comfort and safety.

Develop appropriate guidelines and regulations for autonomous and connected vehicles as the technology advances.

Strengthen relationships with community partners and stakeholders to increase opportunities and education around walking and biking to school for all students.

P14. Ensure transportation decisions are aligned with the goals of the Comprehensive Plan and good planning practice.

Support transportation investments that promote and enhance economic growth and business activities. Coordinate with transportation providers and support state, regional, and local transportation programs and projects that improve and enhance freight and rail transportation in Augusta and the region.

Preserve right-of-way needed for future transportation investments in a cost-effective manner. Require new development and redevelopment to dedicate their fair share of right-of-way for any transportation facility shown on an adopted transportation plan on which the development abuts, consistent with the right-of-way widths specified in the subdivision regulations.

Reduce impacts to arterial streets by providing internal circulation and connections between commercial developments. Residential development should provide connections to improve emergency access.

Coordinate with:

- Private developers for the provision of transportation infrastructure. Require developments to meet adopted transportation standards. Consider the short and long-term impacts of land development on the transportation infrastructure.
- The Kansas Department of Transportation (KDOT) and support projects and programs that enhance the US-54 corridor and the US-77 corridor.
- Surrounding jurisdictions, local transit operators, regional MPOs, and KDOT to ensure the City's plans and standards are compatible with the ongoing transportation planning efforts of these groups.

Protect airport operations in accordance with the airport master plan and promote compatible land uses surrounding the airport.

Explore, prioritize and implement cost-effective measures to mitigate noise and other impacts of railroads, including establishing quiet zones, grade-separated roadway crossings, greater setbacks or potential roadway or railroad realignments.



P15. Provide travel options beyond personal motor vehicles for those that cannot or chose not to drive..

Encourage active living choices. Create a transportation system that enables active and healthy lifestyles by providing safe and attractive opportunities to walk and bike as part of everyday living.

Develop a pedestrian and bicycle network that connects the entire community and provides safe and accessible street and railroad crossings. Pedestrian infrastructure should meet the requirements of the Americans with Disabilities Act. The City should consider the development of a pedestrian and bicycle master plan.

Develop and enhance pedestrian crossings of US-54 with signalized crosswalks where there are existing traffic signals and where new traffic signals are installed.

Enact land development regulations that require pedestrian and bicycle infrastructure be constructed as land is developed and have those facilities be dedicated to the City.

Coordinate with regional transit providers to identify service demands and needs. Identify and pursue opportunities to extend transit services to Augusta from regional destinations.

Support the Butler County Transit Program and Coordinated Transit District #9, which provide transit and paratransit transportation services. These services are vital for individuals who lack access to a vehicle and those that cannot and chose not to drive.

P16. Maintain transportation infrastructure in good repair, commensurate with available funding

The City's investment in the existing transportation system should be protected by emphasizing maintenance of existing facilities.

Program funding for transportation infrastructure maintenance, repair, and replacement. Consider the development and use of a transportation asset management plan to program funding.

Develop and require the use of design standards for transportation infrastructure to minimize the long-term maintenance costs on the community.

P17. Plan and redevelop street corridors in a manner that promotes a positive image of the City and enhances the experience of the users.

Enhance motor vehicle traffic flow, safety, pedestrian and bicycle access, right-of-way aesthetics, and private property aesthetics along the US-54 corridor through Augusta. Since this corridor is the premier route through Augusta, the City should consider the development of a corridor enhancement plan that addresses these, and other issues.

Develop and maintain visually pleasing City gateway monuments and wayfinding signage along US-54 that promote and direct travelers to destinations.

Develop sign regulations that reduce visual clutter and establish consistent design standards.



7 - City Services & Facilities



City Services & Facilities Goal:

Exceed citizen expectations for City services & facilities and maintain an equitable revenue structure.

Goal Meaning

Augusta not only strives to meet citizen expectations for City services and facilities; the City wants to exceed them.

Augusta desires a fair balance of the financial burden for paying for services and facilities. Expansion will place additional demand and coverage area on existing systems. This expansion should not place undue burden on existing residents. New development should pay their fair share.

Context

Augusta provides potable water, wastewater, electric power, trash, recycling, green waste, and public safety services. Facilities also include City Hall, the Public Library, and Cemetery.



Augusta's **top priority** for City services, facilities, and utilities is maintaining, repairing, and replacing existing infrastructure.

The preferred means of funding increased maintenance, repair, and replacement of infrastructure and facilities is the use of **impact fees**. These are fees assessed to new developments to offset additional costs attributed to those developments for the upkeep of infrastructure and facilities.

As Augusta grows and expands, **increased demands** will be placed on services and infrastructure. New developments will require service and utility extensions and place additional demands on existing infrastructure and facilities.

The preferred means of funding public services, facilities, and utilities necessary to support new development is the use of **benefit districts** and/or **impact fees**. With benefit districts, the City finances new infrastructure and collects special assessments from a group of properties that are served by new infrastructure to pay off the financing.

Policies

P18. Provide efficient and well-maintained City infrastructure, facilities, and services that meet the current and future demands.

Invest in City infrastructure, facilities, and services that meet current and anticipated community needs in a cost-effective way. Investments should be consistent with and complement the future land use map and locational guidelines.

Identify the acceptable levels of service for City services, facilities, and infrastructure through a citizen participation process. Utilize this information to develop plans and during the budget and capital improvement programming process.

Develop and update long-term plans for City services and utilities that identify needed public facilities and services. Program and fund the needed public infrastructure and services to support business growth. Consider the development of a City infrastructure asset management program to aid in planning and programming.

Develop and require the use of design standards for City infrastructure to minimize the long-term maintenance costs on the community.

Provide a long-term water supply and system for transmission, treatment, and distribution that supports residential and business growth. Regularly update the Water Supply Study to reflect changes in supply, infrastructure, and community needs.



Encourage water conservation through informational programs.

Provide a wastewater collection and treatment system that supports residential and business growth and meets or exceeds state and federal requirements.

Provide a reliable electric power generation, transmission, and distribution system that supports residential and business growth.

Underground utilities in business districts to improve resilience of local economy in case of a weather-related disaster.

Study the feasibility of developing the refinery site into a solar field for electric power generation.

Address stormwater and flooding issues. Consider the development and implementation of a community-wide stormwater management plan and reasonable stormwater management standards. Develop and maintain a stormwater system that protects development and property, Augusta's unique water resources, and wildlife habitat



Require new developments construct appropriate stormwater facilities, comply with adopted plans and standards, and meet or exceed state and federal standards for water quality and flood protection.

Provide quality public safety services including police, fire protection, emergency medical response, and disaster response that serve the existing community and future growth. Coordinate with Butler County on the provision of these services to improve efficiency and reduce costs.



Provide trash and green waste services in an efficient manner that enhances public health and welfare.

Support appropriate training for staff to provide the necessary services required by their positions.

Support and promote the Augusta Public Library in efforts to provide enhanced quality of life opportunities for the community.

Consider acquiring properties that will further the City's community facilities and infrastructure plans as they become available.

P19. Provide equitable revenue structures for funding City infrastructure, facilities, and services that do not place undue burdens on existing residents and businesses

Develop equitable funding structures and mechanisms to construct and maintain infrastructure, facilities, and services. Consider the use of impact fees and benefit districts to pay for City infrastructure and services to minimize the cost burden of construction and maintenance on existing residents and businesses.

P20. Support the provision of private utilities and communication services desired by the community.

Allow private utility infrastructure within the City to in order to serve the community needs. Ensure the infrastructure is consistent with the design requirements and expectations of the community.

Work with private utility and communication service companies to identify current and future needs of the community for their services and infrastructure based on estimated demand and the availability to the public and adequacy of existing facilities. Identify locations of facilities where they can benefit or affect transportation,

utilities, economic development, and other community facilities.

Require the collocation of wireless communication services on existing towers whenever possible.

Develop design guidelines for wireless communication towers that ameliorate land use, safety, and aesthetic concerns.



8 - Parks & Recreation



Parks & Recreation Goals:

1. Create a well-connected & easily accessible park system with opportunities for residents and visitors.
2. Develop & maintain a wide variety of park amenities & facilities that enhance Augusta's quality of life.
3. Provide diverse recreational programs to meet changing community needs & preferences.

Goal Meaning

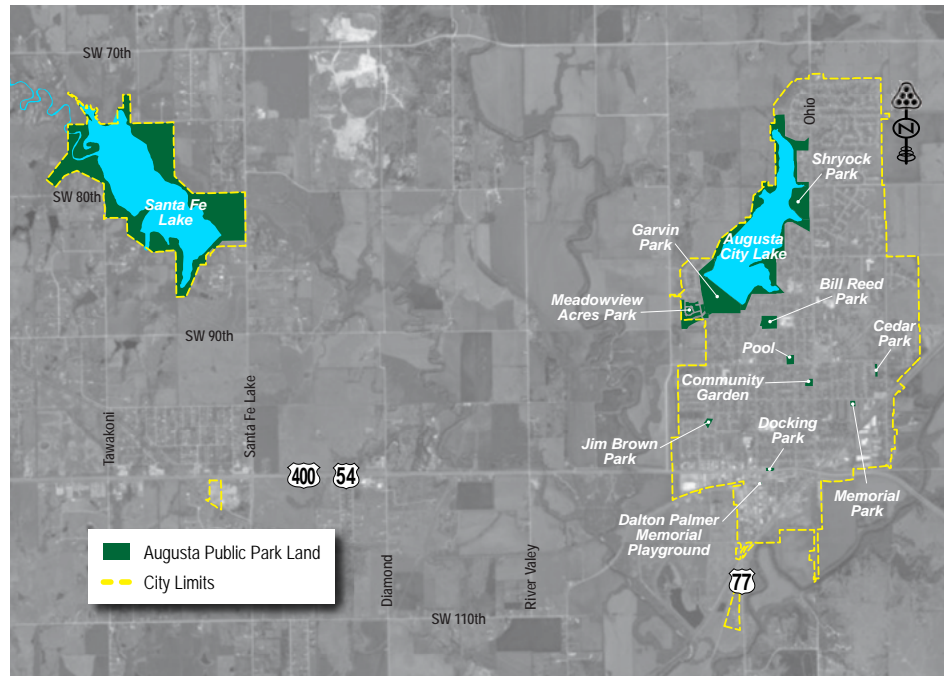
Augusta desires connections to parks from residential neighborhood and links between parks. Easy and safe access to parks for residents and visitor will improve Augusta's quality of life and economic opportunities.

A priority for Augusta is to provide access to parks for all ages and abilities. This includes bicycle and pedestrian

access as well as motor vehicle access and parking, based upon need and demand. Access requires appropriate infrastructure to allow people to travel to parks as well as infrastructure at parks, such as parking and bicycle racks.

Augusta desires a wide array of amenities and facilities that support diverse active and leisure activities. The network of parks will support different sports, music, play, and socializing.

Activating Augusta's parks through programming will enhance Augusta's quality of life and provide opportunities for youth, adults, and seniors. Programming should reflect the needs and desires of the community and be flexible to changes over time.



Parks	Acres
Regional Parks	306.4
Augusta City Lake	68.4
Santa Fe Lake	238.0
Community Parks	33.1
Garvin	33.1
Neighborhood Parks	24.6
Bill Reed	6.3
Jim Brown	1.5
Shryock	16.9
Mini Parks	1.7
Docking	0.8
Memorial	0.9
Special Use Parks	16.4
Community Garden	1.3
Municipal Pool	2.1
Meadowview Acres	12.7
Dalton Palmer Mem.	0.2
Undeveloped Parks	0.9
Cedar Park	0.9
Total	383.1

*Does not include lake area

Context

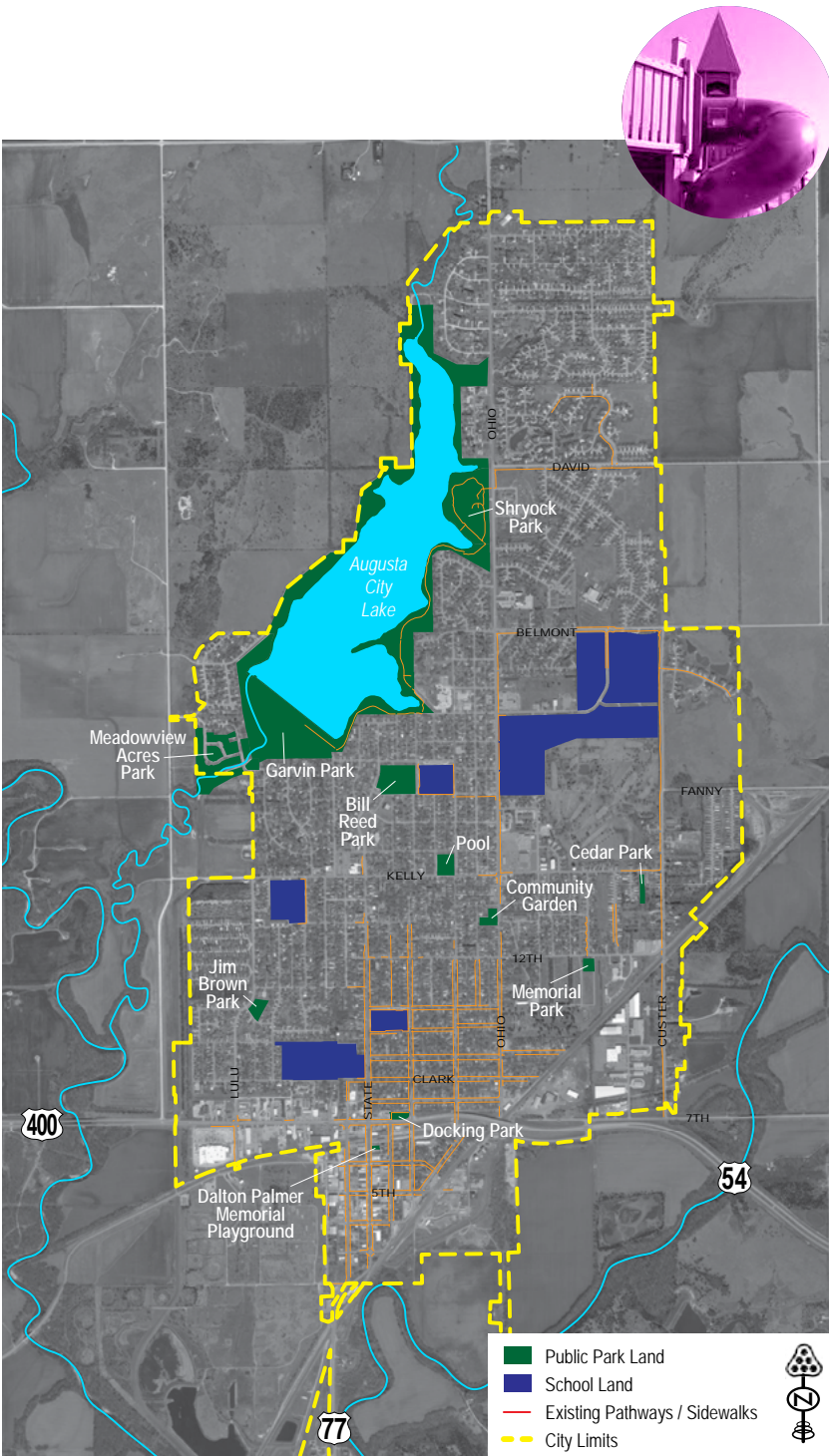
Augusta has **13 public parks** of varying sizes that offer a range of amenities and activities. Although not public parks, school land and facilities offer recreational opportunities and supplement the public parks system.

Augusta's parks are fairly well distributed throughout the community. The majority of residential areas in Augusta are within 1/2 mile of a park.

Most Augustans travel to parks via motor vehicle. Although this may be due to the prevalence and ease of vehicle travel, the pedestrian and bicycle network lacks connections from residential neighborhoods to parks. There is also a general lack of bicycle and pedestrian connections between parks.

Augusta values its park system and uses them frequently. Over 75% of residents visit a park at least once a month for a wide range of active and leisure activities from sports and fishing to enjoying nature and exercising.





Policies

P21. Provide community connectivity through a parks, greenway, and trails system.

Use the Future Land Use Map to identify potential linkages between park sites in order to create a network.

Design and implement safe and appealing pedestrian and bicycle connections to and between parks in the City.

Protect and enhance connections where parks and recreational uses may be linked to create greenways.

Develop GIS-based mapping of the parks, greenway, and trails system.

P22. Ensure parks and recreation facilities are adequately and efficiently provided.

Implement the Augusta Parks System Master Plan.

Provide appropriate maintenance of parks and recreational facilities.

Identify opportunities for funding and implementation.

Identify opportunities to expand parks system and recreational facilities in the City.

Promote developers to dedicate land for parks. Consider implementing an impact fee where dedication of land and facilities is not feasible.

Use GIS-based mapping of the parks to evaluate the system in relation to other City functions and resources.

P23. Create a resilient and sustainable parks system.

Promote water conservation. Evaluate maintenance practices and landscaping materials within existing and future facilities to reduce water consumption.

Promote energy efficiency. Consider incorporating on-site energy production facilities infrastructure such as solar panels and constructing park buildings to LEED standards.

Incorporate green infrastructure components in park designs. Consider design options that minimize impervious surfaces and avoid proximity to water bodies.

Consider how much carbon can be sequestered with tree planting programs.

Consider implementing an Adopt-A-Park program to assist with park maintenance activities.

Seek opportunities that support the City's economy through the provision of complementary services on parks property.

9 - Finances



Budget

Augusta strives to balance the financial reality with the needs and desires of the community, as expressed in the Plan goals.

Augusta desires to grow and expand efficiently. New development will place significant demands for new spending on public services and infrastructure. The City budget is the mechanism to balance the needs of existing development and the needs for infrastructure and services to support new development.

Municipal budgets are generally comprised of revenues, expenditures, and debt.

Revenues represent the financial resources available and generally include local property tax, intergovernmental aid, and fees for local services such as potable water and electric power. The City aims to be conservative in its annual revenue estimates and bases them on trend analysis, economic conditions, and other factors the City Manager determines to be relevant. The City generally avoids using non-recurring and unpredictable revenues to fund ongoing expenditures. Fees and charges established by the City are based on cost recovery best practices.

Expenditures represent the cost for providing services and facilities to support the community needs. Spending is generally related to providing

services and infrastructure ranging from police and fire protection to building inspections and administration. The City ensures that such ongoing expenditures are funded with reliable, ongoing sources of revenue.

Debt allows the City to distribute large expenditures into smaller payments over time. The City ensures that debt is issued in such a manner that the term of the financing will not extend beyond the asset's useful life. Debt is also not allowed to exceed 30% of the assessed valuation, as authorized under K.S.A. 10-380.

City revenues, expenditures, and debt will be impacted by characteristics of new development. These characteristics include the type of development (use), the location, infrastructure needs, and service levels demanded. Careful consideration should be given to the long-term financial impacts of development decisions.

Staffing

As the community grows, additional demands will be placed on City staff. The characteristics of development will impact individual departments differently.

If the City is to maintain current service levels, additional staff will be needed. Based upon 2020 budgeted staffing levels and projected growth, the City will need approximately 28 additional staff over the next 10 years and 45 over the next 20 years.

Additional staff will also require additional resources such as building and office space, equipment, and training. Consideration of the needs of increased staffing and related expenses should be regularly reviewed and considered during the budget development process.

City Departments (3)	Budgeted Staffing (1)		Projected Staffing Needs (2)			
	2020 FTE	Per Capita	2030		2040	
			Total FTE	Added FTE	Total FTE	Added FTE
Administration Department	15.00	0.0016	18.56	3.56	20.72	2.16
Community Development Department	23.95	0.0026	29.63	5.68	33.09	3.45
<i>Community Development</i>	4.00	0.0004	4.95	0.95	5.53	0.58
<i>Parks & Recreation (4)</i>	16.95	0.0018	20.97	4.02	23.42	2.45
<i>Airport</i>	3.00	0.0003	3.71	0.71	4.14	0.43
Public Works Department	29.00	0.0031	35.88	6.88	40.07	4.18
<i>Streets & Highways</i>	7.00	0.0007	8.66	1.66	9.67	1.01
<i>Solid Waste</i>	8.67	0.0009	10.73	2.06	11.98	1.25
<i>Wastewater</i>	5.33	0.0006	6.60	1.27	7.36	0.77
<i>Water</i>	8.00	0.0009	9.90	1.90	11.05	1.15
Public Safety Department	34.50	0.0037	42.69	8.19	47.67	4.98
Electric (Utility) Department	14.50	0.0016	17.94	3.44	20.03	2.09
Totals	116.95		144.71	27.76	161.58	16.87
Population	9,345 (5)		11,563		12,911	

Notes:

- (1) Staffing shown as full-time equivalencies (FTE) or hours by position per 40-hour work week. Full-time position = 1 FTE.
- (2) Assumes staffing to maintain current level-of-service for existing City functions and facilities based on current per capita staffing levels.
- (3) Assumes current City organizational structure for all years.
- (4) Includes parks/recreation, city pool, Santa Fe Lake, and Elmwood Cemetery.
- (5) US Census Bureau 2019 Population Estimate



CITY OF AUGUSTA, KANSAS SUBDIVISION REGULATIONS

City of Augusta, Kansas

Subdivision Regulations

Incorporated into the City of Augusta Municipal Code

by Ordinance No. XXXX

Public Hearing Notice Publication Date
(Date)

Public Hearing Date
(Date)

Adopted by Augusta Planning Commission
(Date)

Adopted by Augusta City Council
(Date)

Effective Date/Publication Date
(Date)

Prepared for the City of Augusta by
Professional Engineering Consultants, P.A. (PEC)
303 South Topeka
Wichita, KS 67202

Public Hearing Notice

Adopting Ordinance

Publication of Adopting Ordinance

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CHAPTER 1 TITLE, PURPOSE, AUTHORITY, JURISDICTION, APPLICABILITY AND EXEMPTIONS

100 TITLE

The regulations herein shall be known and may be cited as the “Subdivision Regulations of the City of Augusta, Kansas” and shall hereinafter be referred to as “these regulations.”

101 PURPOSE

Responsible land subdivision is the beginning step in the process of orderly community development. These regulations are designed and intended to serve the following purposes:

1. To realize the goals and policies contained in the Comprehensive Development Plan;
2. To provide for the harmonious development of the City and the “Planning Area” in Butler County;
3. To provide for the proper location and width of streets, lot layouts, drainage, safety, population and open spaces for public parks;
4. To minimize water and air pollution, flooding, impact on the city infrastructure and traffic congestion;
5. To facilitate fire and police protection;
6. To establish administrative procedures to assure a fair and uniform basis for a working relationship with sub-dividers, utility companies, and other governmental agencies.

102 AUTHORITY

These regulations are adopted under authority established by [K.S.A. 12-741](#) et seq. as amended, [12-742](#), [12-749](#), [12-751](#) and [12-752](#), [12-760](#) and [12-761](#), [12-764](#), [12-766](#), [12-3009](#) through [12-3012](#), and [12-3301](#) and [12-3302](#).

103 JURISDICTION

These regulations shall apply to all subdivisions of land within the corporate limits of the City as presently exists or hereafter established, and within the “Planning Area” located outside the City limits as described in the Zoning Regulations, Article 16 “Planning Area Regulations” as it existed prior to Ordinance No. 1933 (approved September 18, 2006) shall be repealed.

104 APPLICABILITY

The owner(s) of any land within the jurisdiction of these regulations desiring to:

1. Divide or further divide land into two or more lots or parcels, or
2. Otherwise alter the boundaries of lots or parcels of land, or
3. Establish land for use as streets or alleys or other property intended for public use or for the use of a purchaser or owner(s) of lots or parcels, or
4. To obtain a building permit on a parcel of land so created after the effective date of these subdivision regulations (January 18, 1984) shall cause a plat to be made in accordance with the provisions of these regulations.

105 EXEMPTIONS

1. These regulations shall not apply whenever any lot, parcel or tract of land located within the jurisdiction governed by these regulations had been created prior to the effective date of these regulations.
2. A Transaction between owners of adjoining land which involves only a change in the boundary between the land owned by such persons and which does not create an additional lot or which does not result in the creation of a substandard lot by either owner according to the zoning regulations or sanitary code. The City strongly suggests contacting City Staff to identify easement locations, potential code violations,

and other issues.

3. Land used for highway or other public purposes relating to the dedication of a parcel of land for a public use or instruments relating to the vacation of land impressed with a public use.
4. A conveyance made to correct a description in a prior conveyance and clearly labeled as a "Correction Conveyance".
5. Any land transfer by operation of law.
6. Parcels of land in the unincorporated area which contain 10 acres or more.
7. Any request made in writing for a determination as to qualifications as to being exempt from these regulations shall be answered by the Administrator within 30 days of filing said request.

CHAPTER 2 INTERPRETATION AND CONSTRUCTION

200 INTERPRETATION

1. Where the conditions imposed by these regulations are either more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
2. These regulations are not intended to abrogate any easement, covenant or other private agreement, provided, however, that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.
3. These regulations are cumulative and additional limitations upon all other laws, ordinances or resolutions heretofore passed or which may be passed hereafter governing any subject matter set forth in these regulations.
4. A subdivision of land which was not lawfully existing at the time of the adoption of these regulations shall not become or made lawful solely by reason of the adoption of these regulations.

201 RULES OF CONSTRUCTION

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction:

1. The singular number includes the plural and plural the singular.
2. The present tense includes the past and future tenses and the future the present.
3. The word “shall” is mandatory while the word “may” is permissive.

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CHAPTER 3 ADMINISTRATION, ENFORCEMENT, AND FILING FEES

300 DIVISION OF RESPONSIBILITY

The administration of these regulations is vested in the following governmental bodies of the City:

1. Administrator
2. Planning Commission
3. Governing Body

301 DUTIES OF THE ADMINISTRATOR

The administrator shall administer the provisions of these regulations and in furtherance of such authority, shall:

1. Maintain an up-to-date copy of these regulations, including amendments thereto.
2. Assist the Planning Commission in informing applicants of required procedures and of decisions on plats.
3. Provide application forms to applicants and process the filing fee.
4. Receive and transmit Sketch Plat, Preliminary and Final Plat to the Planning Commission and governmental, public and private organizations as appropriate.
5. Receive and process lot splits.
6. Maintain a filing system for all applications, correspondence, plats, and related materials.
7. Administrative Exception. If, in the opinion of the Administrator, the strict application of one or more provisions of the subdivision regulations will create a manifest injustice to a property owner and variance or exception relief is not otherwise herein provided, the Administrator may issue an administrative exception from said provisions. The administrative exception shall be in writing, dated and signed by Administrator and filed with the case decisions. The Administrator may establish conditions for the administrative exception to remain in force. An administrative exception is solely an equitable remedy, within the complete and absolute discretion of the Administrator, and therefore is not subject to administrative, legislative or judicial review. The fee to request an administrative exception is the same fee amount as the application fee.

302 DUTIES OF THE PLANNING COMMISSION

The Planning Commission shall:

1. Review and approve, approve conditionally, or disapprove the Sketch Plat.
2. Review and approve, approve conditionally, or disapprove the Preliminary Plat.
3. Review and approve or disapprove the Final Plat and transmit the same to the Governing Body.
4. Make such other determinations and decisions as may be required of the Planning Commission acting as the Board of Zoning Appeals in granting variances to these regulations, and as required by these regulations, or the applicable sections of the Kansas Statutes Annotated.

303 DUTIES OF THE GOVERNING BODY

The Governing Body shall review and approve or disapprove all final plats and, in cases of approval and where appropriate, accept dedications of streets, alleys, and other public ways and sites shown on such plats. In cases of disapproval, the sub-divider shall be informed in writing of the reasons for disapproval.

The City Council shall be responsible for all required improvements required by these regulations within the corporate limits of the City. The Board of County Commissioners of Butler County shall be responsible for all required improvements required by these regulations within the "Planning Area."

304 ENFORCEMENT

No plat shall be approved which does not comply with the provisions of these regulations, or be entitled to record at the office of the County Register of Deeds, or have any validity until it shall have been approved in the manner prescribed by these regulations.

305 BUILDING PERMITS

1. No building permit or occupancy permit shall be issued by the City of Augusta Community Development Department until there has been compliance with all of the provisions of these regulations and conditions of plat approval.
2. No building permit or occupancy permit shall be issued by the Butler County Community Development Department until there has been a Planning Area zoning certificate issued by the City of Augusta Community Development Department.

306 FILING FEES

Filing fees for all planning and zoning actions shall be assessed in accordance with the adopted fee schedule resolution that may be amended from time to time by the Augusta City Council. Filing fees shall be required at the time all required documents are submitted to the Community Development Office for consideration.

A written receipt shall be issued to the person(s) making such payment. No fee shall be required when such proposed plat or lot-split is owned by any agency, political subdivision, board or commission of any township, City, the County, the State, or Federal Government. No fee shall be refunded in the event any Sketch Plat, Preliminary Plat, Final Plat, or lot-split is disapproved. (Ordinance No. 1813)

307 ENGINEERING PLAN REVIEW FEE

The developer shall pay the engineering plan review fee to the City before the Planning Commission will approve the Master Drainage Plan. (Ordinance No. 1872)

CHAPTER 4 PROCEDURE FOR APPROVAL OF SKETCH PLAT, PRELIMINARY PLATS, FINAL PLATS AND MASTER DRAINAGE PLANS

400 SKETCH PLAT

Developers are encouraged to submit a Sketch Plat, regardless of property size, zoning, number of lots, etc. to the City to obtain information regarding the City's platting process; infrastructure locations, sizes, and requirements; flood data; traffic issues; fire protection; utilities; etc. Sketch Plats for subdivisions creating thirty (30) or more lots are recommended to be presented to Planning Commission for input.

1. The Sketch Plat may be submitted to the Administrator before consideration of any Preliminary for Final Plat for the same subdivision.
2. The Sketch Plat shall encompass all land to be developed (entire Preliminary Plat area).
3. In addition, the Sketch Plat shall have an "Area Map" that encompass land surrounding the subdivision to a distance of an including the nearest major collector or arterial streets, the nearest adjacent subdivisions, and/or undeveloped land to the nearest quarter section line. (Ordinance No. 1813)
4. The Sketch Plat shall include proposed lot sizes, reserves, drainageways, sewer, water and street locations, setbacks, and easements.
5. The Sketch Plat shall be submitted electronically to the Community Development Department in PDF format.
6. The Administrator shall distribute the Sketch Plat to affected City departments, public and private utility companies and the Butler County Engineer and Zoning Administrator (for development projects located within the Planning Area).
7. The Administrator shall hold a meeting with all affected City departments, utility representatives, and the developer and his/her surveyor and submit a report to the Planning Commission with recommendations related to the development of the subdivision(s) affected.

401 PRELIMINARY PLAT

Applications for Preliminary Plats shall be filed with the Administrator a minimum of 20 days prior to the Planning Commission meeting established for review of the Preliminary Plat. The preliminary plat application shall be accompanied by such number of copies of the Preliminary Plat as may be determined necessary by the Administrator for proper review by affected and interested governmental, public, and private organizations. The Preliminary Plat shall contain the information as set out in [Section 501](#) of these regulations. Such plats shall not be accepted for filing until a filing fee has been paid by the Sub-divider. A pre-application conference with the Administrator shall be required on all plats except a replat.

1. After the filing of the preliminary plat application, the Administrator shall distribute copies of the Preliminary Plat to affected and interested governmental, public, and private organizations as deemed appropriate by the Administrator. Organizations receiving copies shall have 10 days to review the Preliminary Plat and to make their recommendations to the Planning Commission. A lack of response within 10 days from the date of mailing shall, at the discretion of the Planning Commission, signify approval. The Administrator shall prepare a written report outlining any pertinent information concerning the Preliminary Plat including recommendations, and shall submit the written report to the Planning Commission, the applicant and the applicant's agent.
2. At the discretion of the Administrator, a meeting may be held with all affected City department and utility representatives prior to preparation of the staff report.
3. The Planning Commission shall review the Preliminary Plat and the Staff Report. The Planning Commission may conduct a public hearing if deemed desirable, for the purpose of receiving information supporting or opposing the Preliminary Plat. The Planning Commission shall approve or disapprove the Preliminary Plat within 60 days after the plat is submitted to the Administrator or within 60 days after receipt of requested information, or extended by mutual consent of the sub-divider.

4. Preliminary Plat Approval. The Planning Commission shall determine whether the Preliminary Plat meets the design standards and requirements of these regulations, the Comprehensive Plan, the Zoning Regulations, and other applicable provisions of the regulations of the City. If the Planning Commission is satisfied, it shall approve the Preliminary Plat and so notify the sub-divider in writing.
 - 4.1. Approval of the Preliminary Plat shall not constitute approval of the subdivision by the Planning Commission, but shall signify in general the acceptability of the proposed subdivision. (Revised)
 - 4.2. Such approval shall be considered permission to submit the Final Plat.
 - 4.3. Such approval shall be effective for no more than 12 months from the date approval was granted. The Planning Commission may grant an extension based on a written request by the sub-divider.
5. Preliminary Plat Disapproval. If the Planning Commission determines that the Preliminary Plat does not meet the requirements as stated above, it may require modifications so as to satisfy such conditions.
 - 5.1. The sub-divider may amend the Preliminary Plat so as to incorporate such modifications and resubmit the plat to the Planning Commission, which shall then grant its approval.
 - 5.2. The sub-divider may appeal the disapproval of the Preliminary Plat to the Governing Body. Such appeal shall be made in writing and filed with the Administrator within 60 days after the date the Planning Commission issued its disapproval.

402 FINAL PLAT

After the Preliminary Plat has been approved by the Planning Commission, the sub-divider may submit a Final Plat of the entire Preliminary Plat or a portion of the Preliminary Platted area.

1. The Final Plat shall be submitted to the City not less than 20 days prior to the next regular scheduled Planning Commission meeting date.
2. The Final Plat shall be submitted electronically to the Community Development Department in PDF format.
3. The Administrator shall distribute the Final Plat to affected City departments, public and private utility companies and the Butler County Engineer and Zoning Administrator (for development projects located within the Planning Area).
4. The Administrator shall hold a Staff Meeting with all affected City department and utility representatives and submit a report to the Planning Commission with recommendations related to the Final Plat and all other required documents. Utilities receiving copies who do not attend the Administrator's Staff Meeting shall signify approval of the plan.
5. The Planning Commission shall review the Final Plat and the Staff Report. The Planning Commission shall approve or disapprove the Final Plat within 60 days after the plat is submitted to the Administrator or within 60 days after receipt of requested information, or extended by mutual consent of the sub-divider. The Planning Commission shall approve the Final Plat if:
 - 5.1. It is substantially the same as the approved Preliminary Plat;
 - 5.2. There has been compliance with all conditions which may have been attached to the approval of the Preliminary Plat; and
 - 5.3. It complies with all the provisions contained in these regulations and of other applicable regulations or laws.

403 FINAL PLAT AS A UNIT DEVELOPMENT

A Final Plat may be submitted for final approval in separate geographic units rather than the entire Preliminary Platted area under the following conditions:

1. The Planning Commission shall approve the Final Plat units at the time the Preliminary Plat is approved.
2. A Final Plat of at least one unit shall be submitted for approval within one year from the date the Preliminary Plat was approved. The Final Plats for the entire Preliminary Plat shall be submitted for approval within five years from the date the Preliminary Plat was approved. The Planning Commission

may grant extensions upon written request by the sub-divider.

404 APPROVAL OF FINAL PLATS FOR SMALL TRACTS

A Preliminary Plat shall not be required for any Final Plat where only one lot of one acre or less and no public street or easement of access is to be dedicated.

405 ONE-STEP PRELIMINARY AND FINAL PLAT

1. Authorization. For any plat required by these regulations, but not creating more than ten (10) lots, the applicant may choose to submit such plat as a one-step preliminary and final plat for purposes of required review and approval by the Planning Commission and Governing Body. An applicant shall submit simultaneously a preliminary and final plat for property intended to be subdivided. Such preliminary and final plats shall be subject to all applicable requirements of these regulations. A pre-application conference with the Administrator shall be required on all plats except a replat.
2. Submittal. Such one-step preliminary and final plat shall be submitted at least 20 days prior to the next regular meeting of the Planning Commission. The plat shall clearly note that the plat is being submitted as a one-step preliminary and final plat. The one-step preliminary and final plat shall be submitted electronically to the Community Development Department in PDF format for proper review by the Planning Commission. Further, supplemental information shall be provided at the same time that the one-step preliminary and final plat is submitted.
3. Fees. Application fees shall be paid by the sub-divider at the time of submission to the Community Development Department pursuant to the adopted fee schedule resolution that may be amended by the Augusta City Council from time to time.
4. Contents of a One-Step Plat. A one-step preliminary and final plat shall contain all information required of a preliminary plat (as described in [Section 501](#)) and a final plat (as described in [Section 504](#)).
5. Action by Planning Commission on a One-Step Plat. The Planning Commission shall review the one-step plat and may conduct a public hearing. The Planning Commission shall determine, based on the information presented, whether the combined plat meets the design and development standards prescribed by these Regulations, the Comprehensive Plan, applicable ordinances, regulations, and policies.
 - 5.1. If the foregoing considerations are satisfied, the Planning Commission shall approve, in writing, the combined plat.
 - 5.2. If the Planning Commission determines that the plat does not satisfy the foregoing conditions, it may:
 - 5.2.1. Recommend changes needed to satisfy the committee's concerns, and the applicant can agree to incorporate said changes in the plat without further review by the Planning Commission;
 - 5.2.2. The Sub-divider may amend the one-step plat to incorporate the changes needed and resubmit the combined plat to the Planning Commission. The Planning Commission shall then grant its approval if the amendments satisfy the changes needed;
 - 5.2.3. The Sub-divider may reject the changes required by the Planning Commission and appeal the findings of the Planning Commission to the Governing Body, as provided for in [Section 900](#) of these Regulations. In the event the combined plat is not approved by the Governing Body, the Administrator shall furnish the Sub-divider with a written statement setting forth the reasons for disapproval.
 - 5.3. If the Planning Commission determines that the one-step plat does not satisfy the foregoing conditions and that changes needed would be too extensive or impractical, it shall disapprove the combined plat and the Sub-divider shall, within ten days, be advised of its actions and reasons for disapproval.
 - 5.4. The Planning Commission shall approve or disapprove the one-step plat within sixty days from the date of filing of the plat or the plat shall be deemed to have been approved unless such time is

extended by mutual consent.

6. One-Step Plat Submittal for Governing Body Approval. Following Planning Commission approval of a one-step plat, the plat shall be scheduled as appropriate for governing body review and action.

406 GOVERNING BODY ACTION ON THE FINAL PLAT

The Governing Body shall either approve or disapprove the Final Plat and the dedication of any land for public purposes within 30 days after the Planning Commission has approved the same.

1. The Governing Body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the Governing Body.
2. If the Governing Body defers or disapproves of the plat and any dedications thereto, it shall advise the Planning Commission and the sub-divider in writing of the reasons the plat was disapproved.

407 BOARD OF COUNTY COMMISSIONERS

All Final Plats located in the Planning Area shall be submitted to the Butler County Public Works Department for review by the County Engineer and to the Butler County Community Development Department for review by the county planning and zoning administrator. Following county staff review, and prior to consideration of the Final Plat by the Augusta Planning Commission, the Butler County Board of County Commissioners shall review the proposed Final Plat and provide a recommendation to approve or disapprove to the Augusta Planning Commission.

408 COUNTY REGISTER OF DEEDS

The Final Plat with all required signatures and in the form as approved by the City shall be recorded by the sub-divider with the Butler County, Kansas Register of Deeds.

1. The sub-divider shall pay the recording fee.
2. The sub-divider shall return one copy of the plat to the City after it has been recorded.
3. The Final Plat shall be considered null and void if the plat is not recorded within 180 days after acceptance by the Governing Body.

CHAPTER 5 CONTENTS OF SKETCH PLATS, PRELIMINARY PLATS, FINAL PLATS AND DRAINAGE PLANS

500 CONTENTS OF SKETCH PLATS

The Sketch Plat, if submitted by the Sub-divider, shall include the information described in this section.

1. The Sub-divider shall provide a report to City staff estimating the impact the Sketch Plat will have on city traffic flow, utility production and distribution, and all franchised utilities. The Rural Water District shall provide a report in the Planning Area.
2. The Sub-divider shall provide a report describing the following:
 - 2.1. Narrative describing the project.
 - 2.2. Project phasing and timing.
 - 2.3. Proposed land use including type, size, and density along with activities to take place.
 - 2.4. Adjacent and surrounding land uses.
3. The Sketch Plat shall be drawn to scale and contain the following:
 - 3.1. Boundary lines.
 - 3.2. Lots.
 - 3.3. Existing streets, utility facilities, and major easements.
 - 3.4. Motor vehicle, pedestrian, and other traffic and circulation.
 - 3.5. Community facilities.
 - 3.6. Natural environmental features such as habitat, wetlands, and natural hazards.

501 CONTENTS OF PRELIMINARY PLAT

The Preliminary Plat and vicinity map shall be drawn to an appropriate scale approved by the Zoning Administrator. The engineer/surveyor preparing the plat shall provide one copy in the scale of one inch equals 100 feet.

1. Narrative. The following information shall be described in a project narrative report.
 - 1.1. Narrative describing the project.
 - 1.2. Project phasing and timing.
 - 1.3. Proposed land use including type, size, and density along with activities to take place.
 - 1.4. Adjacent and surrounding land uses.
 - 1.5. Utilities.
 - 1.6. Motor vehicle, bicycle, and pedestrian circulation and traffic.
 - 1.7. Community facilities.
 - 1.8. Natural environmental features such as habitat, wetlands, and natural hazards.
 - 1.9. Market analysis, if deemed necessary by the Administrator.
2. General Information. The following general information shall be shown on the Preliminary Plat:
 - 2.1. The proposed name of the subdivision.
 - 2.2. Date of Preparation, north pointing arrow, and scale of drawing.
 - 2.3. Identification as a Preliminary Plat.
 - 2.4. Location of the subdivision by quarter-section, township and range and by measured distances to a section corner to further define the location and boundaries of the tract.
 - 2.5. Names of adjacent subdivisions or, in the case of un-platted land, the name of the owner(s) of adjacent property.

- 2.6. The name and address of the owner, the sub-divider, and the surveyor who prepared the plat.
3. Existing Conditions. The following existing conditions shall be shown on the Preliminary Plat:
 - 3.1. The location, width and names of all existing public or private streets within or adjacent to the tract, together with easements, rights-of-way, and other important features such as section lines and corners, city and township boundary lines and monuments.
 - 3.2. The horizontal location and elevation within the subdivision and the horizontal location in the adjoining streets and property of existing sanitary sewer and storm water sewers including flow lines, water mains, culverts, underground wiring, pipe lines and gas lines proposed to serve the property to be subdivided.
4. Contour lines or spot elevations based on Mean Sea Level (MSL) or other datum approved by the Planning Commission having the contour intervals of two foot contours for ground slopes less than 10%, five foot intervals for ground slopes exceeding 10% and spot elevations where the ground is too flat for contours.
 - 4.1. The date of the topographic survey(s) shall be shown including the location, elevation and description of the benchmark controlling the vertical survey and the location of existing monuments and survey markers.
5. The location and direction of all watercourses and area subject to flooding, including the floodway and flood fringes areas, where available.
6. Significant natural features such as rock outcroppings, marshes, lakes and wooded areas.
7. Existing use of the property including the location of all existing structures showing those that will be removed and those that will remain on the property after the Final Plat is recorded.
8. Boundary line of proposed subdivision clearly indicated and total acreage therein.
9. Streets, showing the location, width, names and approximate grades thereof. The Preliminary Plat shall show the relationship of all streets to any projected streets shown, or any applicable Comprehensive Plan proposal, or if none proposed, then as suggested by the Planning Commission.
10. Easements showing the width and purpose.
11. Lots showing approximate dimensions, minimum lot sizes and proposed lot and block numbers.
12. Location and type of utilities to be installed including provisions for storm water drainage including existing and proposed drainage easements and detention facilities.
13. Sites, if any, to be dedicated or reserved for park, playground or other public purposes.
14. Minimum front yard building setback lines as established by applicable zoning or other regulations, or more restrictive setbacks if desired by the sub-divider.
15. A vicinity map showing existing subdivisions, streets and un-subdivided tracts adjacent to the proposed subdivision and showing the manner in which the proposed streets may be extended to connect with existing streets.
16. The following information shall be submitted with the Preliminary Plat:
 - 16.1. Preliminary Master Drainage Plan. (See [Section 502](#) and [Section 503](#) for Preliminary Master Drainage Plan requirements)
 - 16.2. Preliminary Utility Plan.
 - 16.3. A statement of the manner in which it is proposed to finance improvements including any improvements that are to be installed by petition.

502 CONTENTS OF PRELIMINARY MASTER DRAINAGE PLAN WITHIN THE CITY LIMITS

The Preliminary Master Drainage Plan presented to the Planning Commission at the time the Planning Commission considers a Preliminary Plat must have the following:

1. Existing ground contours shall be shown at the same interval as required for Preliminary Plats. Benchmark information shall be included.

2. Existing spot elevations shall be shown at top of curbs on connecting streets, inlets, storm sewers and other physical sections that will govern the runoff from the proposed subdivision.
3. Areas where the proposed subdivision will accept drainage from outside the perimeter of the proposed subdivision.
4. Locations of discharges from the proposed subdivision and characteristic of the receiving system (ditches, storm sewer, etc.)
5. Proposed top of curb elevations at control points such as intersections and vertical point of intersections.
6. Proposed percent grade of streets.
7. Preliminary locations and sizes of storm sewers and channels.
8. Arrows and labels showing proposed direction of lot drainage, cross-lot drainage and locations of drainage swales.
9. Proposed location of drainage easements.
10. Proposed type of foundation/basement system for each lot.

503 CONTENTS OF PRELIMINARY MASTER DRAINAGE PLAN WITHIN THE PLANNING AREA

In the Planning Area, a drainage plan shall be presented to the Planning Commission at the time the Planning Commission considers the Preliminary Plat that includes the following:

1. Existing ground contours shall be shown at the same interval as required for Preliminary Plats. Benchmark information shall be included.
2. Areas where the proposed subdivision will accept drainage from outside the perimeter of the proposed subdivision.
3. Locations of discharges from the proposed subdivision and characteristic of the receiving system (ditches, storm water, etc.).
4. Proposed percent grade of ditches.
5. Preliminary locations and sizes of storm sewers, ditches and channels.
6. Arrows and labels showing proposed direction of lot drainage, cross-lot drainage and locations of drainage swales.
7. Proposed location of drainage easements.
8. For lots less than 1 acre and/or subdivisions with planned water features, the following additional information may be required:
 - 8.1. Type of foundation (i.e. view-out basement; walk-out basement; slab floor; pad elevation; etc.).
 - 8.2. Lowest structure opening.
 - 8.3. Water feature 100-year flood elevations.

504 CONTENTS OF THE FINAL PLAT

The Final Plat shall be prepared by a Kansas Licensed Surveyor, and drawn in waterproof black ink on tracing cloth, Mylar or their equivalent. Alternatively, a Final Plat may be prepared by a photographic process provided it is submitted on 0.004 inch polyester photographic film such as Mylar or its equivalent. The permitted page size shall be 24 inches by 36 inches, or a size acceptable for recording. Larger sizes will not be accepted. The scale shall be 100 feet to one inch except that a variation in scale may be allowed where the Zoning Administrator determines it is necessary for proper exhibit of the subdivision. When more than one sheet is used for any plat, each sheet shall be numbered in relation to the total number of sheets. Linear dimensions shall be given in feet and decimals of a foot. (Ordinance No. 1697)

1. Narrative. The following information shall be described in a project narrative report.
 - 1.1. Narrative describing the project.
 - 1.2. Project phasing and timing.

- 1.3. Proposed land use including type, size, and density along with activities to take place.
- 1.4. Adjacent and surrounding land uses.
- 1.5. Utilities.
- 1.6. Motor vehicle, bicycle, and pedestrian circulation and traffic.
- 1.7. Community facilities.
- 1.8. Natural environmental features such as habitat, wetlands, and natural hazards.
- 1.9. Market analysis, if deemed necessary by the Administrator.
- 1.10. Any other relevant factors for the development proposal as deemed appropriate and necessary by the Administrator.

The Final Plat shall show on the face thereof:

2. The name of the Subdivision, its legal description with reference to its location by quarter-section, township and range.
3. The date of preparation, scale, north pointing arrow, legend and controlling physical features, such as watercourses, highways and railroads.
4. A small vicinity map showing the proposed subdivision as related to adjacent streets and/or existing subdivisions.
5. A legal description of the tract boundaries.
6. Reference ties to previous surveys and plats, as follows:
 - 6.1. Distance and direction to the monuments used to locate the land described in the certificate of survey.
 - 6.2. The location of all other monuments required to be installed by the provisions of these regulations.
7. Tract boundary, block boundary, street and other right-of-way lines with distances and angles (and/or bearings). Where these lines follow a curve (all curves must be circular), the central angle, the radius and points of curvature. Error of closure of the perimeter survey shall not exceed one foot for each 10,000 feet.
8. Lot lines with dimensions. Side lot lines shall be at right angles or radial to street lines unless otherwise shown. Rear lot lines shall be parallel to block or tract lines unless otherwise indicated. Point of deflection of rear lot lines shall be indicated by angles and distances.
9. Block numbers or letters continuing consecutively without omission or duplication throughout the subdivision. Such identification shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure.
10. Lot numbers beginning with the number one, and numbered consecutively in each block.
11. Minimum front yard setback lines as established by applicable zoning or other regulations, or more restrictive setback if desired by the sub-divider.
12. All easements shall be denoted by the fine dashed lines, clearly identified, and if already on record, the recorded reference of such easements. If an easement is not definitely located of record, a statement of such easement shall be included.
 - 12.1. The width of the easement with sufficient ties to locate it definitely with respect to the subdivision must be shown. If the easement is being dedicated through the plat map, it shall be properly referenced in the owner's certificate of dedication and identification.
13. The width of the streets being dedicated and the width of any existing right-of-way.
14. The name of each street shown on the subdivision plat.
15. Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots or tracts intended for sale.
16. A statement that the Final Plat is covered by a Required Master Drainage Plan. For plats within the City Limits:

The statement shall be placed under the subdivision name.

17. Marginal lines encircling the sheet. All information shall be within this margin.

18. The following certificates, which may be combined where appropriate: certificates requiring a seal should be located near the edge of the plat to facilitate affixing the seal. All names on the plat must also be typed of clearly printed under the signatures.

18.1. OWNER'S CERTIFICATE AND DEDICATION. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided; consenting to the preparation and recording of the plat; and dedicating all parcels of land shown on the Final Plat which are intended for public use as highways, streets, alleys, easements and public grounds. This certificate may be in the form:

OWNER'S CERTIFICATION AND DEDICATION

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

This is to certify that the undersigned owner(s) of the land described in the Engineer's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of _____; that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purposes of constructing, operating, maintaining, and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any restrictions, reservations, and covenants on file or hereafter filed in the Office of the Register of Deeds of Butler County, Kansas.

Date Signed: _____ Date Signed: _____
(Signature) (Signature)

NAME PRINTED OR TYPED NAME PRINTED OR TYPED

18.2. NOTARY CERTIFICATE. The acknowledgment of a notary in the following form:

NOTARY CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____
(Signature)

_____, Notary Public
NAME PRINTED OR TYPED

(SEAL)

My appointment expires: _____

18.3. SURVEY CERTIFICATE DESCRIPTION. A certificate signed by the surveyor responsible for the survey and final plat. The surveyor shall not sign the plat until all monuments, irons, or benchmarks are set as required by these regulations. Said signature shall be accompanied by a legal description of the land surveyed, the total acreage, the month and year such survey was made, and the surveyor's seal.

SURVEY CERTIFICATE AND DESCRIPTION

I, the undersigned, licensed professional (engineer or surveyor) of the State of Kansas, do hereby certify that the following described tract of land was surveyed on _____ and the accompanying Final Plat prepared and that all monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

(Legal description and total acreage):

Date: _____

(SEAL)

(Engineer/Surveyor Name and License Number)

18.4. PLANNING COMMISSION CERTIFICATE. The certificate of the Planning Commission in the following form:

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

This plat approved by the Augusta City Planning Commission on this _____ day of _____, _____.

(Chairman Signature)

NAME PRINTED OR TYPED

ATTEST:

(Secretary Signature)

_____, Secretary

NAME PRINTED OR TYPED

18.5. CITY ATTORNEY’S CERTIFICATE. If a plat is an addition to the City, a certificate signed by the City Attorney indicating that all conditions of [K.S.A. 12-401](#) have been met.

CITY ATTORNEY’S CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

This plat is approved as an addition to the City of Augusta, Kansas pursuant to the provisions of [K.S.A. 12-401](#).
Date Signed: _____

(City Attorney Signature)

NAME PRINTED OR TYPED

18.6. GOVERNING BODY CERTIFICATE. A certificate signed by the Governing Body approving the Final Plat and acceptance of dedications in the following form:

GOVERNING BODY CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

This plat approved and all dedications shown hereon, if any, are hereby accepted by the City Council of the City of Augusta, Kansas on _____.

(Mayor Signature)

_____, Mayor
NAME PRINTED OR TYPED

(SEAL)

ATTEST:
 (City Clerk Signature)
_____, City Clerk
NAME PRINTED OR TYPED

18.7. BOARD OF COUNTY COMMISSIONERS' CERTIFICATE. A certificate signed by the Board of County Commissioners acceptance of dedications in the Planning Area in the following form:

COUNTY COMMISSIONERS' CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

The dedications shown on this plat are hereby accepted by the Board of County Commissioners, Butler County, Kansas, on _____
_____.

(Chairman Signature)
_____, Chairman
NAME PRINTED OR TYPED

ATTEST:

(County Clerk Signature)
_____, County Clerk
NAME PRINTED OR TYPED (SEAL)

(County Commissioner Signature)
_____, Commissioner
NAME PRINTED OR TYPED

18.8. TRANSFER RECORD. A place to note the transfer record date of the Butler County Clerk in the following form:

TRANSFER RECORD

Entered on transfer record this _____ day of _____.

(County Clerk Signature)
_____, County Clerk
NAME PRINTED OR TYPED

18.9. REGISTER OF DEEDS CERTIFICATE. The recording certificate of the Butler County Register of Deeds in the following form:

REGISTER OF DEEDS CERTIFICATE

STATE OF KANSAS)
) ss:
COUNTY OF BUTLER)

This is to certify that this instrument was filed for record in the Register of Deeds Office at _____ (Time)_____, on the ____ day of _____ and is duly recorded.

Book _____ Page _____

(Register of Deeds Signature)

_____, Register of Deeds
NAME PRINTED OR TYPED

(Deputy Register of Deeds Signature)

_____, Deputy Register of Deeds
NAME PRINTED OR TYPED

18.10. LAND SURVEYOR’S REVIEW. A certificate signed by a licensed Kansas land surveyor has reviewed the Final Plat. ([K.S.A. 58-2005](#))

LAND SURVEYOR’S CERTIFICATION

Reviewed in accordance with [K.S.A. 58-2005](#) on this ____ day of _____.

(Registered Land Surveyor’s Name)

_____, Appointed Land Surveyor, Butler County, Kansas
NAME PRINTED OR TYPED

R.L.S. Number

19. Planning Area Subdivision Waiver of Annexation. Subdivisions which lie in the “Planning Area” for which a request has been made for the extension of one or more City utility services shall agree to a waiver of protest of potential future annexation by a statement waiving the right to protest annexation, and such statement shall be included in the covenants of the subdivision which must be filed with the Butler County Register of Deeds. Such statement shall be located below the name of the subdivision.

19.1. “Owners of land within this subdivision do hereby bind themselves to waive any protest to annexation by the City of Augusta.”

20. MASTER DRAINAGE PLAN CERTIFICATION. A statement shall be included on the Final Plat to the effect that a Master Drainage Plan has been approved and made mandatory for all lots in the subdivision. The statement shall be located below the name of the subdivision. This certification is required only on plats within the City Limits.

21. The following information shall be submitted with the Final Plat:

21.1. A copy, if any, of restrictive covenants applicable to the subdivision. Such covenants shall be reviewed by the Planning Commission and City Staff to determine if any potential conflicts exist with the City’s statutes.

21.2. A title report by an abstract or a title insurance company, or an attorney’s opinion of title, showing the owner of the land and all other persons who have an interest therein, and describing any encumbrances on the plat, including such items as rights-of-way, easements, pipelines, leases, mortgages, real estate taxes, special assessments, and other encumbrances affecting the

ownership.

- 21.3. A Final Master Drainage Plan. (See [Section 505](#) and [Section 506](#) for Final Master Drainage Plan requirements)
- 21.4. If determined necessary, a letter from the utility(ies) involved stating that satisfactory arrangements have been made by the Sub-divider guaranteeing the installation of their respective services.
- 21.5. Petitions and cost estimates for all proposed improvements within all phases of the subdivision.
- 21.6. A letter from the County Engineer which states that the guarantees for improvements, which may be required by these regulations for subdivisions or land outside of the City and not otherwise under the responsibility of City Officials, are satisfactory and in accordance with county standards.
- 21.7. Final Utility Plan.

505 CONTENTS OF MASTER DRAINAGE PLAN WITHIN THE CITY LIMITS

The Master Drainage Plan shall be prepared by a licensed engineer that is familiar with the design of all streets, sewer and water installations within this jurisdiction. Storm water runoff from the site will exit the site in drainage easements or public right-of-way. The developer shall be responsible for obtaining all off-site drainage easements from the effected property owners. The engineer designated by the City shall review all proposed Master Drainage Plans. The developer shall pay the City for the engineering review based on the reviewing engineer's fees.

In addition to the content requirements for the Preliminary Master Drainage Plan, the Master Drainage Plan shall also contain the following information:

1. All drainage easements shall be identified and dedicated on the final plat. Cross-lot drainage shall be discouraged without drainage easements. Cross-lot drainage may be accepted when it can be demonstrated that run-off from adjacent areas is insignificant or undue hardship is created by requiring a drainage easement.
2. Four-Corner Grading Plan.
 - 2.1. Elevation of property corners.
 - 2.2. Elevation and location of drainage swales and drainage appurtenances.
 - 2.3. Street curb elevations at property lines, drainage structures and locations that could affect the drainage.
 - 2.4. Benchmark information with one or more benchmarks with the subdivision.
 - 2.5. Pad type and elevations. The Master Drainage Plan shall have the pad elevations for:
 - 2.5.1. Garage floor;
 - 2.5.2. Foundation wall/slab floor;
 - 2.5.3. Basement window and/or lowest opening below foundation wall;
 - 2.5.3.1. The recommended slope for drainage swales is 2%. The minimum slope for drainage swales shall be 1%. Flatter slopes will require paving of the swale or underground pipe with inlets to maintain positive drainage. The ground elevation 10 feet away from the house shall be a minimum of 6 inches (finished grade including sod, etc.) below the lowest house opening.
 - 2.5.3.2. Each lot on the Master Drainage Plan shall stipulate the type of foundation that may be constructed on the lot with the following designations: (WO) walk-out basement; (B) Basement; and/or (VO) view-out basement, is allowed.
3. All calculations indicating storm sewer pipe sizes, pipe slopes, inlet sizes, street flow widths, storm water detention areas, static pool, 100-year flood elevations, and minimum pad elevations.
4. Utility Companies. The Administrator shall provide a copy of the Four-Corner Grading Plan and said utility companies shall comply with these regulations. City staff or an engineer appointed by the City shall coordinate the proper placement of all utilities within the utility/drainage easement. The design engineer shall hold a pre-construction meeting with all utility companies prior to the placement of streets and other utilities. The design engineer shall coordinate the installation of all underground utilities with

the appropriate utility engineering staffs and contractors. All underground utilities shall be installed in the utility/drainage easement before the drainage way is constructed do r shall require the utility companies to put the grade back to the original level after construction. Utility and building contractors are required to protect and maintain rear flow line monuments during construction. Utility and building contractors who remove any lot monuments, front or back, shall be required to hire a licensed surveyor to replace the missing monument before the final occupancy inspection and provide documentation of same.

506 CONTENTS OF MASTER DRAINAGE PLAN IN THE PLANNING AREA

The Master Drainage Plan shall be prepared by a licensed engineer that is familiar with the design of all roads, sewer and water installations within Butler County. The design engineer will determine if water detention areas and downstream drainage easements are required. The developer shall be responsible for obtaining all off-site drainage easements from the effected property owners. The engineer designated by the City or the City staff may review all proposed Master Drainage Plan. The developer shall pay the City for the engineering review based on the reviewing engineer's fees.

1. All drainage easements shall be identified and dedicated on the final plat. Cross-lot drainage shall be discouraged without drainage easements. Cross-lot drainage may be accepted when it can be demonstrated that run-off from adjacent areas is insignificant or undue hardship is created by requiring a drainage easement.
2. Four-Corner Grading Plan.
 - 2.1. Elevation of property corners.
 - 2.2. Elevation and location of drainage swales and drainage appurtenances.
 - 2.3. Street curb elevations at property lines, drainage structures and locations that could affect the drainage.
 - 2.4. Benchmark information with one or more benchmarks with the subdivision.
 - 2.5. Pad type and elevations. The Master Drainage Plan shall have the pad elevations for:
 - 2.5.1. Garage floor;
 - 2.5.2. Foundation wall/slab floor;
 - 2.5.3. Basement window and/or lowest opening below foundation wall;
 - 2.5.3.1. The recommended slope for drainage swales is 2%. The minimum slope for drainage swales shall be 1%. Flatter slopes will require paving of the swale or underground pipe with inlets to maintain positive drainage. The ground elevation 10 feet away from the house shall be a minimum of 6 inches (finished grade including sod, etc.) below the lowest house opening.
 - 2.5.3.2. Each lot on the Master Drainage Plan shall stipulate the type of foundation that may be constructed on the lot with the following designations: (WO) walk-out basement; (B) Basement; and/or (VO) view-out basement, is allowed.
3. All calculations indicating storm sewer pipe sizes, pipe slopes, inlet sizes, street flow widths, storm water detention areas, static pool, 100-year flood elevations, and minimum pad elevations.
4. Utility Companies. The Administrator shall provide a copy of the Four-Corner Grading Plan and said utility companies shall comply with these regulations. City staff or an engineer appointed by the City shall coordinate the proper placement of all utilities within the utility/drainage easement. The design engineer shall hold a pre-construction meeting with all utility companies prior to the placement of streets and other utilities. The design engineer shall coordinate the installation of all underground utilities with the appropriate utility engineering staffs and contractors. All underground utilities shall be installed in the utility/drainage easement before the drainage way is constructed do r shall require the utility companies to put the grade back to the original level after construction. Utility and building contractors are required to protect and maintain rear flow line monuments during construction. Utility and building contractors who remove any lot monuments, front or back, shall be required to hire a licensed surveyor to replace the missing monument before the final occupancy inspection and provide documentation of same.

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CHAPTER 6 MINIMUM DESIGN STANDARDS

600 SCOPE

All subdivision of land subject to these regulations shall conform to the minimum design standards of this article and the classification of urban and rural type subdivisions as defined in [Chapter 10](#).

601 COMPREHENSIVE DEVELOPMENT PLAN

Subdivisions shall conform to the intent of the Comprehensive Plan.

602 LAND FOR PUBLIC FACILITY SITES

Public agencies using the Comprehensive Development Plan as a guide may use the following procedure for acquiring sites for public facilities which does not preclude voluntary dedications and mutual negotiations for land or the use of the condemnation laws of the State:

1. The sub-divider offers to sell the appropriate public body, agency or authority, lands, sites and locations for parks, playgrounds, schools, fire stations, or other public facilities. As soon as the Preliminary Plat has been received and reviewed, the Planning Commission shall give 45 days' notice to the public body, agency and authority that it appears that lands should be considered for public acquisition. If within that 45 days the body receiving notice fails to act or submits a negative report on acquisition, then the subdivision and design thereof shall be treated as if no such request for land had been made.
2. If the organization receiving notice replies in writing that they desire to acquire land within the subdivision, they shall have an additional 45 days after making such reply to make arrangements for such land acquisition.
3. The time allocated for making the above determination may be extended with the mutual consent of the sub-divider and the organization involved.

603 LAND SUBJECT TO FLOODING

All land subject to the Federal Flood Plain Management Ordinance as adopted by the City of Augusta shall be subdivided in accordance with the adopted City of Augusta Floodplain Management Ordinance. New or replacement water supply and/or sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site sewage disposal systems shall not be located in a flood plain or floodway.

604 LAND FOR OPEN SPACE

The following conditions may be required as part of the approval of any subdivision plat:

1. That the sub-divider provide appropriate easements or reserves for the preservation of open space areas within a subdivision. Such open space may be needed to preserve areas containing watercourses, drainage ways, land periodically flooded, substantial woodland, rugged topography, and wildlife habitat; to maintain water quality and quantity. Such land is not normally considered as buildable land and should not be developed in order to maintain the quality of the environment.
2. When accepted by the appropriate Governing Body, such land may be voluntarily dedicated to public use by the sub-divider.

605 LAND SUBJECT TO EXCESSIVE EROSION BY WIND OR WATER

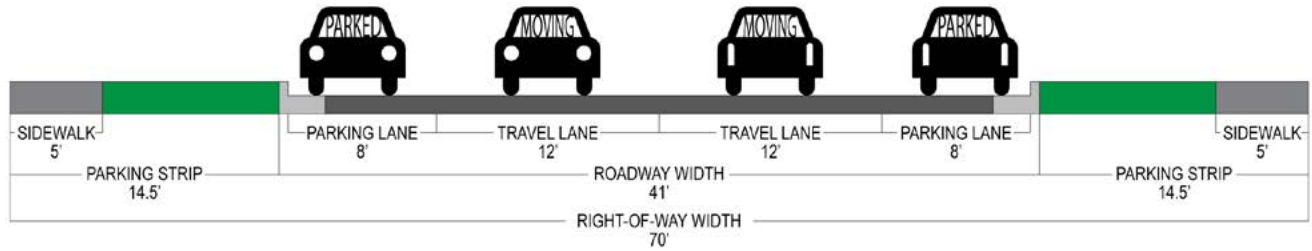
On land subject to excessive soil movement by the forces of wind and/or water and that may cause environmental health hazards, necessary preventative measures shall be a part of the subdivision plat. Conservation standards applicable to subdivisions shall be adhered to which are used by the County Conservation District.

606 STREETS – LAYOUT AND DESIGN

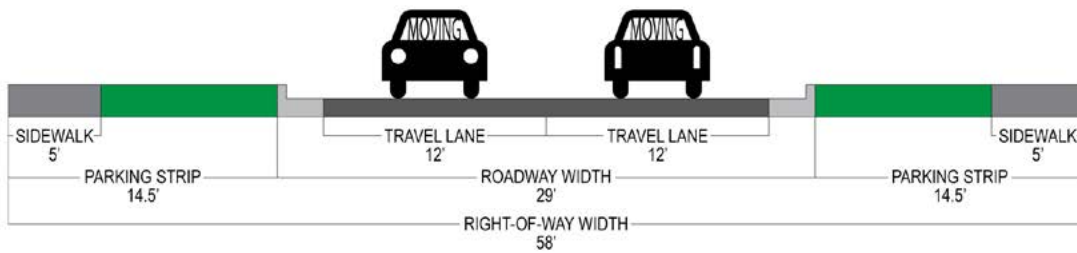
1. Definitions – See [Chapter 10](#) of these regulations.
2. All lots located in any subdivision shall be served directly by a public street. However, for commercial lots, cross lot access agreements will be allowed.
3. The arrangement, character, extent, width, grade and location of all streets shall conform to the intent of the Comprehensive Development Plan, and shall be considered in their relation to existing and planned streets; to reasonable circulation to traffic within the subdivision and adjoining lands; to topographical conditions; to the run-off of storm water; to public convenience and safety; and in their appropriate relations to the proposed uses of the land to be served by such street.
4. Where such is not shown on the Comprehensive Development Plan, the arrangement of streets in a subdivision shall either provide for the continuation or appropriate projection of existing streets in surrounding areas; or conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographic or other conditions make continuance or conformance to existing streets impractical.
5. Local Streets shall be laid out so that their use by through traffic will be discouraged.
6. If a subdivision abuts or contains an existing or proposed limited access highway or arterial street or railroad right-of-way, the Planning Commission may require marginal access streets, reverse frontage lots with access control provisions along the rear property line and screening, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
7. Reserve strips controlling access to streets shall be prohibited except where their control is placed with the applicable Governing body under acceptable conditions.
8. Street right-of-way requirements. Street right-of-way requirements shall be determined by the total aggregate needs for the functional components for the particular system being considered. The total aggregates shall be in increments of even numbers only. The components involved shall be as follows depending upon the urban or rural type characteristics of the street needed based on land use, traffic and density:
 - 8.1. Moving or traffic lanes may be variable from 9 to 12 feet depending on function, e.g., low density residential, cul-de-sac residential, collector, industrial, etc. and on design speed of the roadway. A moving lane shall not include any portion of the curb and gutter section.
 - 8.2. Parking lanes for on-street temporary parking of vehicles shall be at least 8 feet in width, measured from the face of curb for urban streets and from the outside edge of shoulder for rural roadways.
 - 8.3. Curb and gutter shall have a width of 2 feet 6 inches and be comprised of a six inch wide curb and two foot wide gutter. Standard curb height shall be 6 inches.
 - 8.4. Shoulders for streets without curbs shall be not less than 3 feet in width.
 - 8.5. Parking strips for streets shall be at least 14 1/2 feet in width from the back of curb to the right-of-way line. This area shall be used for the installation of utilities, street signs, street lights, traffic control devices, fire hydrants, sidewalks, driveways, street furniture, street trees, and to provide a transition area in grades, if necessary, between the roadway and the property adjacent to the right-of-way. The parking strip for rural type roads shall be variable in width based on drainage needs.
 - 8.6. For streets and roadways on the Federal Aid Secondary System (FAS) or any comparable functional system, prevailing design standards shall apply.
 - 8.7. Sidewalks shall comply with the requirements set forth in [Section 706.3](#).
9. Based on the above general criteria defined in Section 606.8, street rights-of-way and roadways shall be calculated from the following guidelines. Roadway widths shall be measured from back of curb to back of curb or from outside edge of shoulder to outside edge of shoulder.

9.1. Collector street that serves primarily industrial, office, and/or moderate to high-intensity commercial uses.

9.1.1. With parking on both sides of street: R-O-W width shall be 70 feet and roadway width shall be 41 feet.

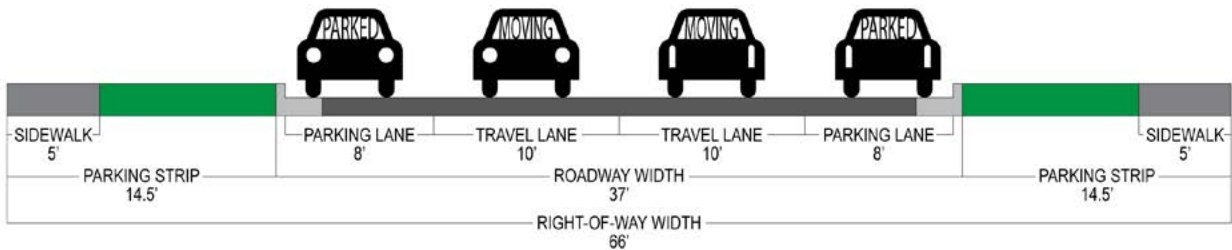


9.1.2. With no on-street parking: R-O-W width shall be 58 feet and roadway width shall be 29 feet.

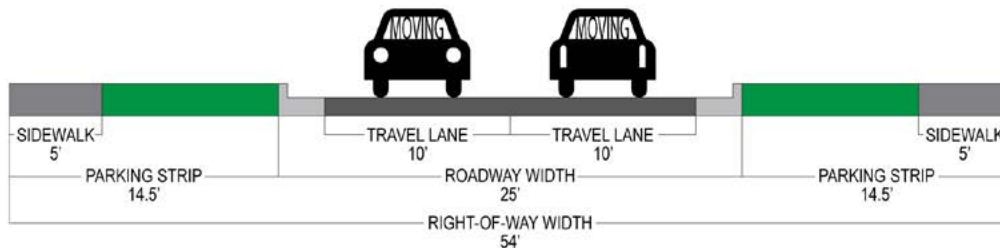


9.2. Collector street that serves primarily residential and/or low-intensity commercial uses. Collector streets without parking shall not have direct access from adjacent lots onto the collector street.

9.2.1. With parking on both sides of street: R-O-W width shall be 66 feet and roadway width shall be 37 feet.

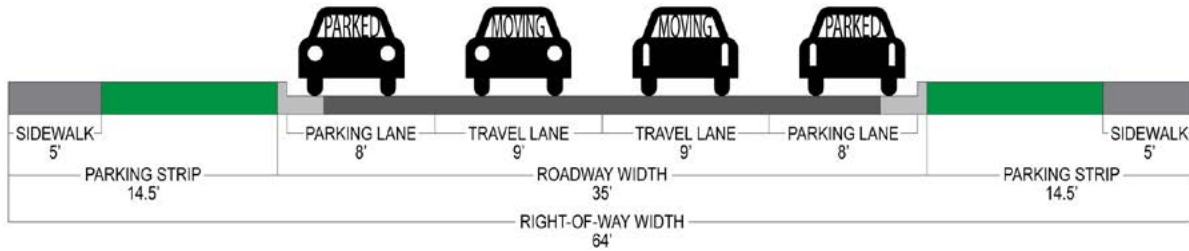


9.2.2. With no on-street parking: R-O-W width shall be 54 feet and roadway width shall be 25 feet.

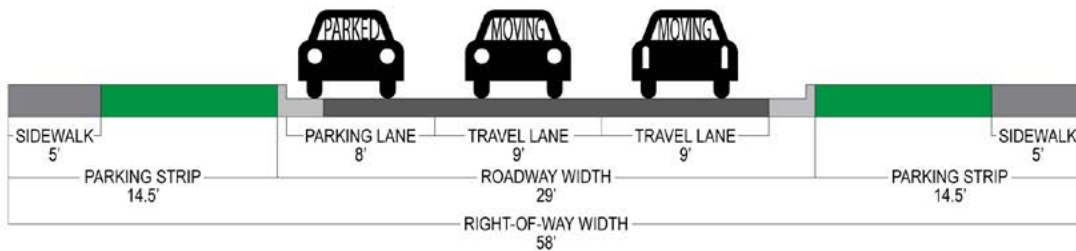


9.3. Local street on a continuous route for 4 or more blocks in length.

9.3.1. With parking on both sides of street: R-O-W width shall be 64 feet and roadway width shall be 35 feet.

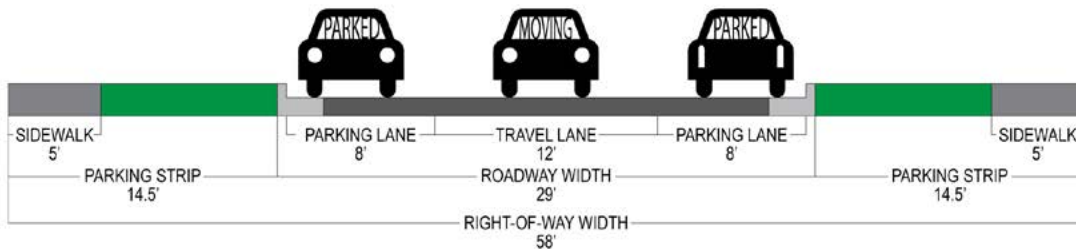


9.3.2. With parking on one side of the street: R-O-W width shall be 58 feet and roadway width shall be 29 feet.



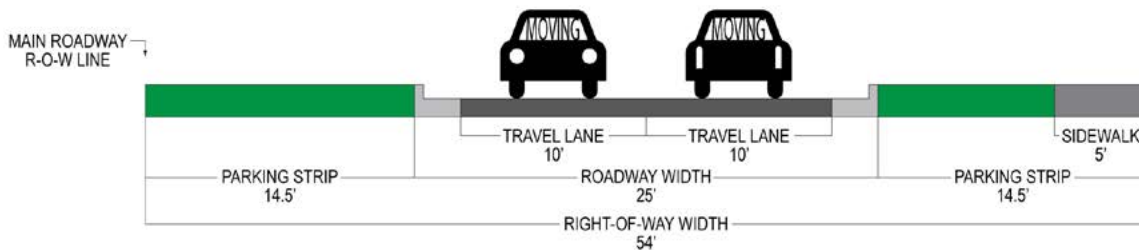
9.4. Local street that is not continuous for more than 3 blocks in length.

9.4.1. With parking on both sides of street: R-O-W width shall be 58 feet and roadway width shall be 29 feet.



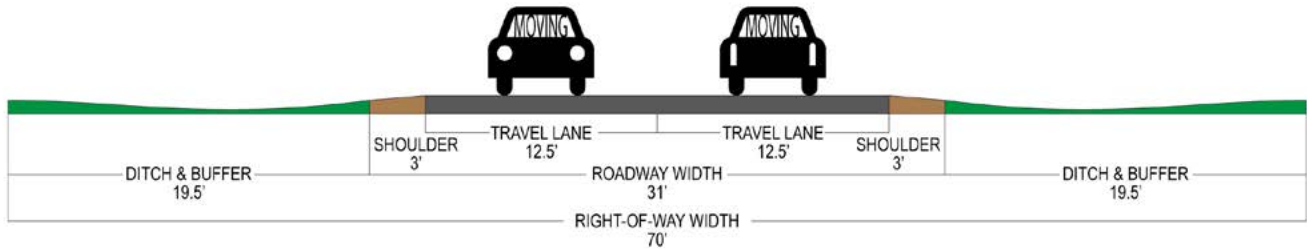
9.5. Local frontage street (marginal access street).

9.5.1. With no on-street parking: R-O-W width shall be 54 feet and roadway width shall be 25 feet.

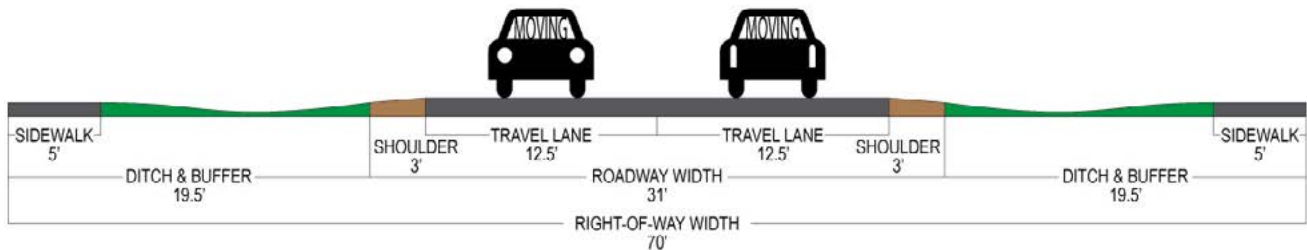


- 9.6. Rural or suburban street. This street type is appropriate for residential subdivisions that have a density of one dwelling unit per acre or less.

R-O-W width shall be 70 feet and roadway width shall be at least 31 feet.



There is also the option to include sidewalk.



- 9.7. Street right-of-way and roadway widths for collector streets may be required to be greater than the width listed for the portion within 150 feet from the intersection with an arterial.

- 9.8. Arterial street right-of-way widths shall be 120 to 150 feet. Right-of-way width shall be 150 feet wide for a distance of 250 feet from the section line with a 100 foot taper to normal width of 120 feet. Arterial roadway width varies depending on number of travel and turning lanes.

These widths may be modified by the Planning Commission on a showing that special conditions exist such as drainage and utility requirements, safe and efficient traffic and pedestrian movement, intersection design, etc. In applying these standards, workable street systems must be established. When a pattern of widths based on function for a given area has been established, the pattern shall be followed until another system can be established or ties into a collector or arterial system. Access control and acceleration and deceleration lanes may be required to properly handle traffic flow and to protect the carrying capacity of the street. Deviations to these requirements, recommended by the Planning Commission and approved by the Governing Body, shall be recorded on the Final Plat. (Ordinance No. 1872)

- 10. The horizontal sight distance shall be measured within street rights-of-way from a height of four and one-half feet above the proposed pavement surface in the right-hand lane of the roadway. Horizontal sight distance shall be a minimum of 500 feet for arterial streets, 300 feet for collector streets, and 200 feet for local streets and marginal access streets.
- 11. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than 80 degrees.
- 12. Street jogs are to be avoided on arterial and collector streets. On local streets, centerline offsets of less than 150 feet should be avoided.
- 13. Roadway pavement at intersections shall be rounded by the following minimum radii:

Type of Roadway	Intersecting Width	Min. Curb Radii
Local Residential	Local Residential	20 feet
Local Residential	Collector	25 feet
Local Residential	Arterial	50 feet
Collector or Arterial	Collector or Arterial	50 feet

14. No street names shall be used which will duplicate or be confused with the names of existing streets. Existing street names shall be used where they are or would be logical extensions of existing streets even though separated by undeveloped land.
15. Half-streets shall not be permitted.
16. Cul-de-sacs in single-family residential areas shall not be longer than seven times the average lot width or 500 feet, whichever is less as measured to the throat of the cul-de-sac. In multiple-family residential areas, such streets shall not exceed 300 feet. Urban type streets shall have a turn-around diameter of at least 70 feet and a street property line diameter of at least 100 feet, or shall have an alternative turn-around area such as hammerheads, as providing service equal to the foregoing requirement. For rural type streets, a minimum street property line diameter of 120 feet or more may be required for fire protection and other equipment. In industrial zoned properties, cul-de-sacs shall have a diameter of 130 feet to property line and a diameter of 100 feet to the face of curb.
17. Wherever possible, there shall be a tangent at least 100 feet in length between reverse curves on arterial and collector streets.
18. Collector streets, if they curve, shall have a minimum centerline curve radius of at least 350-feet. This is based on a design speed of 30 m.p.h. The curve radius may be modified to meet special conditions for other design speeds.

607 ALLEYS

1. Alleys shall be provided in commercial and industrial areas, except that the Planning Commission may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking spaces consistent and adequate for the uses proposed. Alleys in residential districts are to be discouraged.
2. When provided, the minimum width of an alley shall be 20 feet.
3. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, a turning radius shall be provided to permit safe vehicular movement.
4. Dead-end alleys shall be provided with adequate turn-around facilities.

608 BLOCKS

1. The lengths, width and shapes of blocks shall be determined with due regard to:
 - 1.1. Provisions of adequate building sites suitable for the special needs of the type of use contemplated.
 - 1.2. Zoning requirements as to lot sizes and dimensions, off-street parking and loading.
 - 1.3. Need for convenient access, circulation, control and safety of street traffic.
 - 1.4. Limitations and opportunities of topography.
2. A block should not exceed 1,320 feet in length unless the previous layout or topographic conditions justify a variation.
3. All blocks shall be so designed so as to provide two tiers of lots, unless a different arrangement is required in order to comply with or be permitted by other sections of these regulations.
4. Blocks may be irregular in shape, provided they are harmonious with the overall pattern of blocks in the proposed subdivision.
5. In extra-long blocks, a public pedestrian way may be required to provide access to public or private facilities such as schools or parks.

609 LOTS

1. The lot size, width, depth, shape and orientation, and the minimum building setback lines, shall be appropriate for the location of the subdivision and for the type of urban or rural development and use contemplated.
2. Lot dimensions shall conform to the minimum requirements of any applicable zoning regulations or

sanitary or building codes, unless higher standards are established in accordance with this section:

- 2.1. Each lot within a subdivision in the City shall be connected to the public water and sewage disposal systems.
 - 2.2. Within the City limits where no water or sewer system is available, the provisions of the most current sewage disposal code adopted by the City of Augusta shall apply. The sub-divider and/or property owners shall sign a waiver stating that they will connect to public water and public sewer within 180 days after said lines are constructed and that all private sewage systems will be disconnected and destroyed according to applicable regulations.
 - 2.3. Within the "Planning Area" where no public water or sewer system is available, the provisions of the Butler County Sanitation Code shall apply. The sub-divider and/or property owners shall sign a waiver stating that they will connect to public water and public sewer within 180 days after said lines are constructed and that all private sewage systems will be disconnected and destroyed according to applicable regulations.
 - 2.4. It is the intent of these regulations to require the installation of a public water supply and public disposal systems wherever feasible.
3. In those areas where there may be public water supply and public sewage disposal systems anticipated in the foreseeable future, the Planning Commission may require that the subdivision be designed to urban standards and lots be added together to meet the minimum rural lot requirements. In such case, only one single family dwelling shall be erected to the rural lot requirements and shall be placed on the lots in such a manner that the additional lots can be sold at a later date. The creation of such a building site through use of multiple groups of lots shall be contingent upon the establishment for record of restrictive covenants satisfactory to the legal counsel of the Planning Commission.
 4. As a general guideline, the maximum depth of all residential lots shall not exceed two and one-half times the width thereof. For all other types of lots, the depth shall not exceed three times the width.
 5. The area of the street right-of-way shall not be included and calculated in the area of the lot with respect to minimum lot area requirements of the Zoning Regulations.
 6. There shall be no double frontage lots for single family and two family dwellings, except where the lots abut upon a limited access highway or arterial street. Double frontage lots shall not have vehicular access between such lots and an abutting limited access highway or arterial street.
 7. Reversed frontage lots shall be avoided except where such are essential to provide a separation of residential development from limited access highways or arterial streets or to overcome specific disadvantages of topography and orientation.
 8. Corner lots for residential use shall have extra width when necessary to permit appropriate building setback from and orientation to both streets.
 9. Side lot lines, where delineated, shall be at right angles or radial to the street line, or substantially so.
 10. For lots adjacent to railroad tracks, "complete access control" shall be dedicated across the lot's street frontage for a minimum distance of 150 feet from the centerline of the nearest railroad track.
 11. For lots located adjacent to an arterial street, access control shall be dedicated across the lot's frontage to the arterial street. The number of permitted access points shall be determined by the Planning Commission based upon the recommendations of the engineer having jurisdiction and planning staff.
Staff recommendations on the number of permitted access points and distance between access points, shall be a function of the amount of lot frontage, the arterial street operating speed and the traffic carrying capacity of street improvements.

For commercial or industrial subdivisions along arterial streets, sub-dividers are encouraged to establish shared access points to the arterial street and provide access easements between lots to reduce the number and frequency of driveways onto the major street. Based upon the recommendations of the engineer having jurisdiction and planning staff, the Planning Commission may require the platting of access controls that establish:

- 11.1. Joint access points along common property lines; or

- 11.2. A cross-lot access agreement provided by the subject plat to the benefit of the adjoining property, whereby the adjoining property would subsequently, upon platting, be required to dedicate complete access control. In both above instances, a Cross-Lot Circulation Agreement would be required to ensure internal access among the lots.
12. For lots abutting local platted floodways, or in areas of inadequate drainage, the platting of a minimum building opening elevation shall be required. For lots in or abutting the mapped floodplain, the platting of the lowest floor elevation shall be required. The minimum building opening elevation shall be expressed in North American Vertical Datum of 1988 (NAVD 88). The elevation requirement shall be indicated on the face of the plat as well as referenced in the platting text.
13. For subdivisions that propose the use of individual sewage lagoons, the gross area of each lot shall not be less than five (5) acres. This minimum area requirement is exclusive of adjacent street right-of-way that has been dedicated previous to the submission of the plat. The lot area may be reduced to not less than 4.5 acres in recognition of the additional street right-of-way dedicated through the plat for internal access or to meet desired standards along section line roads. Regardless of the lot size, the configuration or each lot must:
 - 13.1. Ensure that adequate lot area exists for the construction and maintenance of the lagoon.
 - 13.2. Ensure that adequate separation will be maintained between the lagoon and on-site water wells.
 - 13.3. Ensure that adequate separation will be maintained between the lagoon and adjacent property lines and public or private rights-of-way, i.e., 100 feet minimum setback and 250 feet by 250 feet minimum building area unless lagoons are designed to be "twinned" along common property lines.
 - 13.4. Be consistent with the area requirements for sewage lagoons that is stated in associated health codes.

610 EASEMENTS

1. Utility easements shall be provided where necessary, and centered on rear or side lot lines and shall be at least 20 feet wide along rear lot lines and ten feet wide alongside lot lines, except that easements for street lighting purposes shall not in any event be required to exceed 10 feet. Side lot easements, when needed for other than street lighting purposes such as drainage, may be 20 feet.
2. Where a lot or group of lots side or back on an existing high pressure oil or gas line, a building setback easement shall be provided along the high pressure oil or gas easement line. No building or structure shall be constructed within the high pressure oil or gas easement. Utility easements may abut the pipeline easement but not be located inside said easement.
3. If a subdivision is traversed by a watercourse, drainage way, or channel, then a storm water easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of such watercourse and shall be of such width or construction as may be necessary to provide adequate storm water drainage and for access for maintenance purposes. Parallel streets may be required in connection therewith. Drainage easements shall be vegetated with adapted perennial grasses or otherwise stabilized to prevent soil erosion and sediment movement by wind and water.
4. Vision triangle easements may be required on any corner lot to provide an open and usable vision path for drivers of vehicles approaching the intersection. The vision triangle shall be engineered to meet the conditions of the two streets intersecting.
5. Emergency access easements shall be dedicated to mitigate the concerns regarding emergency access that are created by cul-de-sac streets that exceed 800 feet in length in urban subdivisions or 1,200 feet in length in suburban subdivisions. A guarantee shall be submitted by the sub-divider that assures the construction of an all-weather roadway surface within an emergency access easement along with all planned access points to adjacent public or private street systems. The sub-divider shall also guarantee any required gating, fencing or special signing necessitated by the platting of an emergency access easement.
6. Where pedestrian ways are required, a pedestrian access easement 10 feet in width shall be granted.
7. Private Utility Easements. Private utility easements shall be established only when an easement

is needed to cover an existing sewer service or water service line. The private easement shall be established by separate instrument and depicted on the final plat tracing along with pertinent recording information. The establishment of a private utility easement shall not be considered an alternative to guaranteeing the extension of sanitary sewer and municipal water to a proposed lot that is not already served by these required utilities with in place private service lines.

The establishment of a private utility easement over an existing utility service line shall be accompanied with the granting of a public utility easement at a suitable location for future extension of public utilities to directly serve the lot or building site benefiting from the terms of the private utility easement. A guarantee for this future public utility extension shall also be submitted.

8. **Pipeline Easements.** Pipeline easements existing on the property being subdivided shall be depicted on the face of the plat. The pipeline easement shall be clearly dimensioned, and the recording information for the instrument establishing the easement shall be referenced. The platting surveyor shall research the text of the pipeline easement agreement to be sure that utilities and buildings may be located adjacent to the easement without restriction of an established setback from the easement. If a setback from the pipeline easement is provided for in the pipeline easement agreement, it shall be indicated on the face of the plat. If the pipeline easement agreement does not establish building setbacks from the pipeline, or if the setbacks provided for in the agreement are determined to be inadequate, the Planning Commission may establish setbacks to be indicated on the plat. Any relocation, lowering or encasement of a pipeline, made necessary by a subdivision, shall not be at the expense of the City, the County, or any public utility company.
9. **Wall Easements.** In order to set aside land for the construction of walls, the platting of wall easements are permitted. Wall easements shall typically be five feet in width, shall be referenced in the platting text and shall not encroach into any street easement or land being dedicated for street or drainage purposes.
A wall easement shall be platted separately from a utility, storm sewer, drainage easement or reserve if provided for by the utility layout plan or drainage plan of a subdivision. Based upon the recommendation of the engineer having jurisdiction, the platting of wall easements within utility or storm sewer easements may require the execution of a Hold Harmless Agreement, a commitment for special wall construction provisions, i.e., removable wall sections, or the making of satisfactory arrangements with affected utility companies. Any special arrangements made necessary by the platting of wall easements shall be completed prior to submitting the plat for scheduling before any governing body.
10. **Private Drainage Easements or Agreements.** Private drainage easements or agreements shall be established when required by the drainage plan for the subdivision. Private drainage easements shall be established by separate instrument and depicted on the final plat tracing along with pertinent recording information.
11. **No Documented Easement.** When a utility exists but there is no easement documented, an easement may be required as a condition of approval.

611 ASSEMBLY, COMMERCIAL AND INDUSTRIAL SUBDIVISIONS

1. The minimum width of streets adjacent to areas designated, proposed or zoned for assembly, commercial or industrial use may be increased by the Planning Commission to such extent as may be deemed necessary to assure the free flow of through traffic without interference from parked or parking motor vehicles.
2. Blocks intended for assembly, commercial or industrial use shall be designed specifically for such purpose, with adequate spaces set aside for off-street parking and loading.

612 RESERVES

1. When the sub-divider desires to set aside land for amenities to be enjoyed by the residents of the subdivision, the land shall be platted as a reserve. Such amenities may include: open space, landscaping and associated irrigation systems, entry monuments, private sidewalk systems, walls, fences, earth berms, recreational facilities, group mailbox structures, guardhouses or gatehouses, lakes and ponds. In order to avoid future conflicts with the purposes platted for a reserve, it is suggested that utility easement uses within the reserve be confined to appropriately wide utility easements. Reserves shall not be

landlocked, and must either abut a street or be connected to a street by an access easement.

2. Whenever the Planning Commission determines that land within a subdivision may be needed for a future public purpose, e.g., park, school site, public facility, etc., the land shall be platted as a reserve for possible future acquisition by a public agency.
3. Whenever reserves are platted as a part of a subdivision, the platting of the reserves shall be referenced in the plat's text. This reference shall clearly state the purposes of the reserve in addition to who is going to own and maintain the reserves. On the face of the plat, the perimeter of reserves shall be indicated with a solid line that is identical to a lot line.
4. When reserves are platted, a covenant shall be filed that specifies that future ownership and maintenance of reserves will be the responsibility of a homeowner's or lot owner's association made up of the property owners of lots benefiting from the reserves. The covenant shall state when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
5. Except when reserves are required to be platted under the provisions of these regulations, ownership of reserves shall not be vested with individuals or corporations. Reserves are to be owned by an association representing the owners of lots that benefit from the amenities of the reserves.
6. The platting of a reserve for a specific use does not override the requirements of the zoning district in which the reserve is located. Land use is determined by the zoning text, not by the uses listed for a reserve on a plat.
7. For reserves being platted for drainage purposes, the required covenant, which provides for ownership and maintenance of the reserves, shall grant to the appropriate governing body the authority to maintain the drainage reserves in the event the owner(s) fail to do so. This covenant shall provide that the cost of such maintenance may be charged back to the owner(s) by the governing body.
8. A reserve may be platted for purposes of a neighborhood swimming pool provided the following criteria are met:
 - 8.1. The restrictive covenant submitted regarding ownership and maintenance of reserves in the subdivision shall specify that the reserve being platted for the neighborhood pool will be owned and maintained by a homeowner's or lot owner's association.
 - 8.2. A detailed site plan of the neighborhood swimming pool facility shall be submitted to the Administrator for review and approval. The site plan shall be submitted at the time the final plat is submitted for scheduling before the Planning Commission.
 - 8.3. The detailed site plan shall be to scale and shall identify the location of all proposed uses including the pool, clubhouse, outside activity areas, mechanical equipment, parking, screening, landscaping, points of ingress and egress, and any other appropriate dimensions or information that would assist in review of the plan.
 - 8.4. The reserve shall not be platted as a blanket utility or drainage easement. Utility and drainage easement uses within the reserve shall be confined to appropriately wide easements.
 - 8.5. Plat's text shall reference platting of the reserve for "recreational uses including neighborhood swimming pools".

CHAPTER 7 IMPROVEMENT PROCEDURES AND REQUIREMENTS

700 GOVERNMENTAL JURISDICTION AND ENGINEERING

1. Corporate limits of the City of Augusta. The City Council of the City of Augusta shall be responsible for the acceptance of installation improvements within the corporate limits of the City. The City shall designate a Kansas licensed engineer to set standards and specifications, approve engineering drawings, inspect improvements, recommend acceptance of improvements, prepare petition forms and establish the amount of surety for guaranteeing the installation of such improvements.
2. Planning Area. The Board of County Commissioners of Butler County, Kansas shall be responsible for the acceptance of installation improvements within the "Planning Area." The County Engineer has the authority for final acceptance of utilities within their jurisdiction.
3. Utilities. The utility companies shall designate an engineer as responsible for the improvements of their utility as required. The City or County Engineer has the authority for final acceptance of utilities within their jurisdiction.

701 SUBMITTAL OF IMPROVEMENT GUARANTEES OR PETITIONS

The sub-divider shall so indicate at the time the Final Plat is approved by the Governing Body if the required improvements are to be installed by Fiscal Sureties or Petitions. This does not preclude the possibility that the applicable Governing Body may, at its discretion and in recognition of its financial position, share in the cost of oversized improvements which may benefit other related areas of the jurisdiction-at-large.

1. Fiscal Sureties for Improvements. Fiscal sureties for improvements shall follow the City policy on financing public improvements.
2. Petitions for Improvements

Petitions to the Governing Body of the City of Augusta may be submitted as a means of guaranteeing to the Governing Body the authority to install improvements at such time as they deem appropriate. Petitions may be submitted only when the following conditions exist:

- 2.1. The petitions must be valid petitions as may be required by Kansas law.
- 2.2. The petitions must be provided for all public improvements for all phases of development within the subdivision and must be approved by the applicable Governing Body.
- 2.3. The initiating resolution of such improvement must be adopted by the applicable Governing Body concurrently with the petition approval or as soon thereafter as may be provided by law.
- 2.4. The initiating resolution must be recorded with the Butler County Register of Deeds after it has been adopted by the applicable Governing Body showing that the land described in the resolution will be liable in the future for special assessments for the improvements authorized.
- 2.5. A certificate signed by the petitioners, which that states that petitions have been filed and approved by the Governing Body and that the property within the plat will be liable for the payment of special assessments in the future, has been submitted for recording with the Register of Deeds.
- 2.6. Petitions for future municipal services for urban developments within a City's adopted Planning Area must include consent to annexation. Annexation petitions will not be activated until the development is contiguous to established corporate city limits, unless approved by the County Commission.
- 2.7. To initiate the design and construction of a public improvement project as described in a specific petition and authorized by resolution approved by the Governing Body, the sub-divider shall provide a irrevocable letter of credit (LOC) in the amount stated in City policy on financing public improvements.
- 2.8. With the submittal of the LOCs, the City shall initiate contracts with an engineering firm of their choice to design the infrastructure improvements and provide assistance to the City in the City's bidding process.
- 2.9. The City shall also arrange for the financing of the project through cash on hand or temporary note

financing.

- 2.10. Upon completion of the project, and final acceptance by the inspector, the final project costs, including, but not limited to design engineering, construction, construction administration, inspection, legal and administration fees shall be tabulated and provided to the City Clerk.
- 2.11. Final project costs shall be included in appropriate municipal bond sale as scheduled by the City.
- 2.12. The sub-divider's LOC shall be reduced by the amount stated in City policy on financing public improvements at the trigger event stated in the policy.
- 2.13. The sub-divider's LOC shall be released in its entirety based upon the City's policy on financing public improvements.
3. For streets and drainage in the Planning Area, pre-construction of improvements as an alternative method of guaranteeing their installation may be used if approved by the Board of County Commissioners and the County Engineer.
4. The sub-divider shall submit to the Governing Body at the time the Final Plat is approved, letters from the utility companies involved stating that arrangements have been made by the sub-divider guaranteeing the installation of their respective utilities.
5. Monuments and benchmarks shall be installed by the sub-divider before the Final Plat is recorded with the Butler County Register of Deeds.

702 FINAL IMPROVEMENT PLANS

All improvement plans shall be prepared by a Kansas licensed engineer. Engineered drawings shall be submitted in duplicate to the jurisdiction involved for review and approval.

1. Content. Engineering drawings for improvements, when required, shall contain the following information plus any additional information deemed necessary by the applicable engineer, including standardized specifications:
 - 1.1. Plans, details, specifications and cost estimates for roadway, alley, sidewalk construction; including plans, profile indicating existing topography and elevation including curb and sidewalk elevation when required, intersection control elevation and paving geometrics for each street with a typical cross section of the roadway. The profiles of grade lines shall be shown to a scale of one inch equals 100 feet horizontal, and one inch equals ten feet vertical; or to a scale approved by the applicable civil engineer.
 - 1.2. Plans, profiles, details, specifications and cost estimates of proposed storm drainage improvements.
 - 1.3. Plans, profiles, details, specifications and cost estimates of proposed water distribution systems, water supply facilities and fire hydrants.
 - 1.4. Plans, profiles, details, specifications and cost estimates of proposed sanitary sewage systems.
 - 1.5. All plans for other utilities shall be prepared by or at the direction of the utility providing the service.
2. Review. An engineer appointed by the City or County Engineer shall be responsible for determining specifications, standards and conformity of the engineered drawings to the requirements of these regulations and engineering practices. The applicable engineer shall either correct such deficiencies as found during the review or cause the design engineer to correct the deficiencies. A report shall be compiled by the applicable engineer and submitted to the applicable Governing Body.
3. Approval. The applicable Governing Body shall approve the engineering drawings, plans, specifications and standards upon recommendation of the applicable engineer.

703 CONSTRUCTION OF IMPROVEMENTS

No improvements shall be constructed nor shall any work preliminary thereto be done under a pre-construction agreement, until such time as the improvements have been approved and in compliance with all of the requirements relating to any agreement and guarantees as specified in these regulations.

1. Inspection. All improvements constructed or erected shall be subject to inspection by the applicable engineer responsible for setting and enforcing the applicable design and construction standards of the required improvements. The cost attributable to all inspections required by these regulations shall be charged to and paid by the sub-divider or special assessments against the subdivision. The contractor installing the improvements shall make arrangements with the applicable engineer to insure all inspections are made.
2. Inspection Procedures. After an inspection notice is received the applicable engineer may conduct an on-site inspection to determine that the work complies with the approved engineering plans and specifications. If in the opinion of the applicable engineer, the work does not comply with the final drawings, the engineer shall have authority to order that all such work shall be terminated until such time as necessary steps are taken to correct any defects or deficiencies. Upon the correction of such defects or deficiencies, the contractor shall again notify the applicable engineer for a re-inspection.
3. Final Inspection. Upon completion of all improvements within the area covered by the Final Plat, the applicable engineer shall conduct a final inspection of all improvements installed. After the final inspection is made the applicable engineer shall prepare a report to the Governing Body stating that all improvements have been installed according to the design drawings and specifications and that the installed improvements meet all the requirements of these regulations. The applicable engineer shall also file a report to the Governing Body certifying that all obligations incurred in the engineering and construction of the improvement have been properly paid and settled, and prepare a report of the total costs of the improvements.

704 ACCEPTANCE OF IMPROVEMENTS

Upon the receipt of a favorable report from the applicable engineer, the Governing Body shall by resolution, or utility, by letter formally accept such improvements. The improvements shall become the property of the applicable Governing Body or utility company involved.

705 EXCEPTIONS FOR EXISTING IMPROVEMENTS

Where the proposed plat is a re-plat of an existing subdivision and no additional improvements are required, no duplication of improvements shall be required. If the improvements are not in good condition, the Governing Body may require repair, correction or replacement of such improvements.

706 REQUIRED IMPROVEMENTS

As a condition to Final Plat approval, the sub-divider of a proposed subdivision shall be responsible to install or, in cooperation with governmental bodies and utility companies, cause to be installed the following necessary facilities and improvements:

1. Urban Developments. All roadways, alleys, curbs, gutters, and street drainage facilities shall be installed in accordance with the standards set by the Governing Body. All urban streets shall be constructed of concrete, asphalt, or asphaltic concrete and no gravel or sanded roadways shall be constructed.
2. Planning Area Developments. All roadways located in the "Planning Area" shall be constructed to standard specifications as approved by the County Engineer. Lot entrances shall be as specified in the "Planning Area" regulations adopted by the Zoning Regulations of the City of Augusta.
3. Sidewalks shall be constructed 5 feet wide as required by ADA Regulations, 4 inches thick and using 3,000 psi (minimum) concrete mix. (Ordinance No. 1643)
 - 3.1. In general, sidewalks shall be constructed nearer to property lines rather than curb lines; except in assembly, commercial and industrial areas.
 - 3.2. Construction of sidewalks shall take place concurrently with the installation of driveways.
 - 3.3. The requirement for sidewalks may be waived where there is clearly a minimum amount of pedestrian traffic such as on the perimeter of cemeteries and parks.
 - 3.4. Sidewalks may be installed on designated local streets.
 - 3.5. Sidewalks are mandatory on all designated collector and arterial streets constructed after the

effective dates of these regulations.

4. **Urban Sanitary Sewer Systems.** Whenever sanitary sewers are to be installed as required by these regulations, laterals, mains, and sub-mains shall be constructed at the direction of the applicable Governing Body subject to the regulations of the Kansas Department of Health and Environment. In those areas within the corporate city limits where a sanitary sewer system is not to be installed within a reasonable time, private sewer systems may be installed according to these regulations and the International Private Sewer Disposal Code.
5. **Planning Area Sanitary Sewer Systems.** All sanitary sewer systems installed in the "Planning Area" shall comply with the "Planning Area" provisions in the zoning regulations, and shall be constructed to standard specifications as approved by the County Engineer and the Kansas Department of Health and Environment.
6. **Urban Water Distribution Systems.** Whenever a public water distribution system is required by these regulations, said system shall be designed and constructed according to the specifications of the city engineer and the Kansas Department of Health and Environment.
7. **Planning Area Water Distribution Systems.** Whenever five or more lots with each lot containing less than 10 acres, a public water distribution system is required. (Ordinance 1643) Said water distribution systems, where required, shall be designed according to the specifications of the County Engineer and the Kansas Department of Health and Environment. Individual water systems shall comply with the regulations established by the Bi-County Health Department.
8. **Fire Hydrants.** Fire hydrants shall be installed according to the standards of the applicable Fire Chief, but not less than the minimum standards of the National Board of Fire Underwriters.
9. **Storm Drainage System.** A storm drainage system shall be constructed, separate and independent of the sanitary sewer system, meeting all of the specifications of the Governing Body and applicable engineer. The storm drainage system shall be connected to any existing storm sewer system discharging into the nearest major water channel. A Master Drainage Plan shall be designed for all subdivisions according to these regulations.
10. **Electrical Distribution Systems.** Underground wiring for electric power, street lights, telephone and other cable systems shall be mandatory within the City and encouraged in the Planning Area.
11. If landscaping is required, a landscaping plan shall be submitted and the landscaping installed.
12. Street signs shall be approved by the applicable Governing Body.
13. Monuments shall be placed at all block corners, angle points, points of curves in streets, and all intermediate points as shall be required by the Planning Commission. Monuments shall be made of iron rebar not less than 5/8 inch in outside diameter and not less than 18 inches in length. All monuments shall be securely placed and set in such a manner that the top of the monument shall be at ground level. All monuments shall include a plastic cap that identifies the surveyor or surveyor's firm responsible for setting the monument. Benchmarks may also be required of such material, size, and length as may be approved by the Planning Commission.
14. **Relocation of Existing Facilities.** Whenever existing facilities or utilities, known or unknown, are required to be relocated due to the required improvements, the costs of such relocations shall be the responsibility of the sub-divider and/or jurisdiction if the improvements are being installed by petition as special assessments.
15. Where required, measures will be taken during construction to minimize soil erosion and sedimentation by wind or water. Conservation standards shall be adhered to which have been adopted by the County Conservation District.
16. **Off-site Improvements.** For all subdivisions, the sub-divider shall guarantee any off-site improvements determined by the Planning Commission to be necessary for the development of the proposed subdivision. Such off-site improvements may include, but are not limited to, construction of accel/decel lanes or other widenings of existing street pavement, installation of street intersection signalization and/or channelization, street construction, installation of drainage channels or swales and the extension of

municipal water, storm sewer or sanitary sewer lines.

17. **Street Lighting.** For new residential streets in all urban-scale plats located within the City of Augusta and in the Planning Area, street lights shall be installed at each intersection. Mid-block lights shall be installed if the distance between intersections exceeds one thousand feet or as necessary to enhance traffic safety on curvilinear streets. A street light shall be installed in those cul-de-sacs exceeding five hundred feet in length or as necessary to enhance traffic safety on curvilinear cul-de-sacs. All street lights in new residential areas shall be served underground.
18. **Exceptions for Existing Improvements.** When a proposed subdivision is for an area presently having some of the required improvements set out in these regulations, and where the existing improvements meet the minimum requirements of these regulations and are in good condition as determined by the appropriate engineer, the sub-divider shall not be required to guarantee installation of duplicate improvements. However, if existing improvements do not meet the requirements of these regulations or are not in good condition, the sub-divider shall guarantee the repair, correction, or replacement of the existing improvements.

707 BUILDING CONTRACTORS

The building permit process shall include the following:

1. Prior to the issuance of a building permit and the start of construction, the builder will develop an individual Lot Grading Plan consistent with the Master Drainage Plan. The Lot Grading Plan will show the following:
 - 1.1. Boundary of lot with setbacks and easements;
 - 1.2. The house "footprint;"
 - 1.3. Street curb with top of curb elevations along lot;
 - 1.4. Swale and drainage appurtenance locations and elevations of high and low points within lot, where applicable;
 - 1.5. Foundation wall/slab floor elevation;
 - 1.6. Garage floor elevation;
 - 1.7. House opening elevation if below foundation; and
 - 1.8. Arrows showing direction of all lot drainage. Location and elevation of drainage swales. Location and elevations of high and low points within lot that are not mentioned above.
2. Prior to issuance of a building permit and the start of construction, the builder shall have an initial lot survey conducted. This survey shall consist of the following:
 - 2.1. All lot corners are to be set and/or checked;
 - 2.2. Controlling elevations shall be checked for compliance with Lot Grading Plan. This will include top or curb, drainage swales, appurtenances and relevant lot corners;
 - 2.3. Set 2 benchmarks at lot or cut/fill stakes for builder/inspector use;
 - 2.4. Provide plat or survey to builder showing the above information certified by a registered land surveyor; and
 - 2.5. After an acceptable Lot Grading Plan and the initial lot survey have been received, the Building Inspector will issue a building permit. In the event the survey is substantially different from the Master Drainage Plan, the builder shall prepare a new Lot Grading Plan and have the Master Drainage Plan revised.
3. **Foundation Survey** – After the foundation/slab is constructed, a registered land surveyor shall check the elevation of the foundation/slab and furnish a certificate of actual elevation to the builder and the Building Inspector.
4. **Framing Permit** – Foundation/slab elevation certificate will be checked for compliance with the Lot Grading Plan. A framing permit will be issued by the Building Inspector upon substantial compliance with

the Lot Grading Plan.

5. "As-Built Survey" – After completion of the house and all landscaping, an "As-Built Survey" will be performed. The plat of survey will show the actual elevations of all points shown on the Lot Drainage Plan. This survey will be signed by a registered land surveyor. A copy of the "As-Built Survey" shall be provided to the Building Inspector.
6. Occupancy Permit – The Building Inspector will check "As-Built Survey" for compliance with the Lot Grading Plan and issue an Occupancy Permit upon substantial compliance.

CHAPTER 8 PROCEDURES FOR APPROVAL OF LOT SPLITS

800 AUTHORIZATION FOR APPROVAL OF LOT SPLITS

The Planning Commission hereby delegates to the Subdivision Administrator the authorization to approve or disapprove lot splits in accordance with this Chapter. If necessary, appeals of the decision of the Subdivision Administrator may be made to the Planning Commission for final determination.

1. LOT SPLITS AND LEGAL SURVEYS

(Revised and approved by Ordinance No. 1789)

- 1.1. Lot Splits.** A Lot Split shall be required when the division of land creates no more than one additional lot or tract of land and which:
 - 1.1.1.** Does not involve any new streets or easements of access;
 - 1.1.2.** Is not located in a flood plain;
 - 1.1.3.** Meets the standards set by these regulations for the disposal of sewage and for water supply including lot size; and
 - 1.1.4.** Conforms to the zoning regulations.
 - 1.1.5.** If the tract of land is not platted at the time the request for a lot split is made, the property shall be platted in accordance with these regulations.

801 APPLICATION PROCEDURES

Requests for lot split approval shall be made to the Administrator by the owner of the land. Four copies of a Legal Survey Drawing to scale of the lot involved showing the precise location and dimensions of the split.

802 APPROVAL GUIDELINES

Approval or disapproval of lot splits shall be made based on the following guidelines. No lot split shall be approved if:

- 1.** A new street or alley is needed or proposed.
- 2.** There is less street right-of-way than required by these regulations or the Comprehensive Development Plan unless such dedications can be made by separate instrument.
- 3.** A vacation of streets, alleys, setback lines, access control or easements is required or proposed.
- 4.** All easement requirements have not been satisfied.
- 5.** Such split will result in a tract of land without direct access to a street or which cannot meet flood plain requirements.
- 6.** A substandard sized lot or parcel will be created according to these regulations or any applicable zoning regulation, except in the case of splitting a lot containing a duplex (two-family attached dwelling), no lot created by the split shall contain less than forty percent (40%) of the square footage of the original lot (Ordinance No. 1506)
- 7.** Such action will result in significant increases in service requirement, e.g., utilities, schools, traffic control, streets, etc.; or will significantly interfere with maintaining existing service levels, e.g. pumping stations, repaving, storm drainage, etc.

803 ADDITIONAL REQUIREMENTS

The Subdivision Administrator may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easement, and providing restrictive covenants for the protection of other landowners in the original subdivision.

804 REQUIREMENTS FOR LOT SPLIT DRAWINGS

CHAPTER 9 REPLATS, APPEALS, WAIVERS, VARIANCES, VACATIONS, AND CORRECTIONS

900 REPLATS

The Administrator may require the Sub-divider to replat. The processes, procedures, and requirements for a plat are the same for a replat.

901 APPEALS GENERAL

The sub-divider of a proposed subdivision may appeal decisions of the Planning Commission to the Governing Body. The applicable Governing Body shall make its decision and notify the Planning Commission and sub-divider. No further action will be taken on a plat during the appeal to the Governing Body.

902 APPEALS ON IMPROVEMENT STANDARDS

Any appeal as to the approval of standards, or plans and engineering drawings in connection with required improvements shall be directed to the applicable Governing Body and that action shall be final.

903 WAIVER OF REQUIRED IMPROVEMENTS OR GUARANTEES OF INSTALLATION OF SAME

Any waiver of the required improvements or guarantees of installation may be made only by the applicable governing Body on a showing that such improvements are not feasible or needed.

904 VARIANCES

In cases in which there is unwarranted hardship in carrying out the literal provisions of these regulations as to design criteria on the plat, the Planning Commission may grant a variance from such provision based on the following criteria:

1. A request for a variance shall be made to the Administrator who shall transmit it to the Planning Commission. The Planning Commission shall give the sub-divider and any other interested person an opportunity to be heard with respect to the requested variance.
2. The Planning Commission shall not grant a variance unless it shall find that the strict application of these regulations will create an unwarranted hardship, and unless the variance is in harmony with the intended purpose of these regulations and that the public safety and welfare will be protected. The term "unwarranted hardship" shall mean the effective deprivation of use as distinguished from a mere inconvenience.
3. Variances permitted under the provisions of this Section shall not include improvement standards, waiver of required improvements or guarantees of installation. Consideration of a request for a variance does not relieve the sub-divider from the necessity of proceeding under the applicable provisions of any other regulations including zoning.

905 VACATIONS

1. Vacation of Unrecorded Plat

- 1.1. Upon written request by the developer, a preliminary or final plat may be withdrawn from consideration either before or after approval by the Commission. Upon approval of such request by the Commission, the Secretary shall close the case.
- 1.2. Upon written request by the developer to the City Clerk, the Governing Body may vacate a final plat which has previously been approved; provided, that such plat has not been recorded, no lots have been sold or transferred and no improvements have been installed. After such plat is vacated, the City Clerk shall return all financial security instruments, other than those securing expenses incurred by the City for administrative, legal or engineering services prior to the date of the request for vacation, to the developer. Upon return of such securities, the Secretary shall close the case.
- 1.3. In the event a final plat has not been recorded within 180 days from and after final approval by the

Governing Body, as required by [Section 408](#), such plat shall be null and void and the Secretary shall so notify the developer and close the case unless, within 180 days of the notification date, the developer reapplies for approval of such plat.

2. Vacation of Recorded Plat

2.1. A recorded plat of land located within the City or in the City's extraterritorial subdivision jurisdiction area may be vacated as provided in this section.

2.2. All or part of a recorded plat, or any street, alley or other public reservation, easement, dedicated building setback line, and access control, shall be vacated upon filing of a duly executed and approved plat or replat which includes the same lands as those included in such earlier plat.

2.2.1. Streets, alleys or other public reservations so vacated shall revert to abutting property owners as provided by law.

2.2.2. Proper completion of the Owner's Certification and Dedication as required by [Section 504.17.1](#) shall constitute appropriate notice to all persons having property rights or interests affected by the above platting or replatting.

2.2.3. A recorded plat may also be vacated without replatting using the procedure set forth in [Section 904.2.3](#).

2.3. Vacation of Streets, Alleys, Easements, and Plats.

2.3.1. Property located outside of the City and within the City's subdivision jurisdiction.

2.3.1.1. Upon notification that the owner(s) of any platted land or the adjoining owners on both sides of any street, alley, public easement or public reservation, or part thereof located outside of the City but in the City's subdivision jurisdiction have duly petitioned the Board of County Commissioners for vacation thereof, the Planning Commission shall hold a public hearing to consider whether to recommend approval of such vacation to the Governing Body, with or without conditions.

2.3.1.2. Petitioners, other than governmental entities, shall pay such fee as may be established therefor by resolution, together with all associated publication costs, and shall furnish to the City a list of all land owners and other parties entitled to notice of such hearing, including names, addresses and zip codes.

2.3.1.3. Affected utility providers; owner(s) of land proposed for vacation; owner(s) of all land abutting a street, alley or easement proposed for vacation, including any segment remaining open; owner(s) of land on the opposite side of the street from setbacks and access controls proposed for vacation; and the County Engineer shall be notified by mail at least 10 days in advance of such hearing.

2.3.1.4. At such public hearing, the Planning Commission shall announce the date when the Governing Body will consider the proposed vacation and, if known, the date and time at which the Board of County Commissioners will consider such request.

2.3.1.5. Upon receipt of the Planning Commission's recommendation with respect to the proposed vacation, the Governing Body shall adopt a resolution recommending approval of the proposed vacation to the Board of County Commissioners, with or without conditions, or opposing such vacation. Such resolution shall be published upon its adoption or, if conditions are required, upon satisfaction of such conditions. Upon publication, the Secretary shall furnish a certified copy of the published resolution to the petitioner(s).

2.3.2. Property located within the City.

2.3.2.1. The owner(s) of platted land or of land adjoining on both sides of a street, alley, easement or other public reservation, including but not limited to public easements, dedicated building setback lines, or access controls may petition the City for vacation thereof. Such petitions shall be filed with the Secretary.

2.3.2.2. Petitioners, other than governmental entities, shall pay such fee as may be established therefor by resolution, together with all associated publication and recording costs, and shall furnish to the City a list of all landowners and other parties entitled to notice of such hearing, including names, addresses and zip codes.

- 2.3.2.3. Affected utility providers; owner(s) of land burdened by a right or interest proposed for vacation; owner(s) of all land abutting a street, alley or easement proposed for vacation, including any segment remaining open; owner(s) of land on the opposite side of the street from setbacks and access controls proposed for vacation; and the City Engineer shall be notified by mail at least 10 days in advance of such hearing.
- 2.3.2.4. At the conclusion of such hearing, the Planning Commission shall, by resolution:
 - 2.3.2.4.1. Recommend approval of the proposed vacation, with or without conditions; or
 - 2.3.2.4.2. Recommend denial of such vacation; and
 - 2.3.2.4.3. Announce the date upon which the Governing Body will consider the proposed vacation.
- 2.3.2.5. Such resolution shall be forthwith forwarded to the Governing Body for consideration.
- 2.3.2.6. Upon receipt of the Planning Commission's recommendation, the Governing Body shall:
 - 2.3.2.6.1. Approve of the proposed vacation by ordinance, with or without conditions; or
 - 2.3.2.6.2. Deny such vacation.
- 2.3.2.7. If the vacation is approved, the City Clerk shall furnish a certified copy of the ordinance to the petitioner(s), file a certified copy with the County Clerk, and record the ordinance in the office of the Register of Deeds.
- 2.3.2.8. Such ordinance shall be effective 30 days after publication unless one or more interested parties sooner files a written protest with the City Clerk. Upon timely filing of a protest, the Governing Body shall set a hearing date not less than 40 days after publication of the ordinance and notify the protester(s) thereof by mail at least 10 days in advance of such hearing. At the conclusion of such hearing, which may be continued from time to time, the Governing Body may:
 - 2.3.2.8.1. Adopt a resolution confirming the vacation ordinance and file the same with the County Clerk and Register of Deeds; or
 - 2.3.2.8.2. Take no further action.
- 2.3.2.9. If not confirmed by resolution, the vacation ordinance shall be null and void and the County Clerk and Register of Deeds shall be so notified.
- 2.3.2.10. Whenever a street, avenue, alley or lane is vacated hereunder, the same shall revert to the adjacent owners as provided by law

906 CORRECTION OF PLATTING ERRORS

1. In the event a recorded plat is found to be in error with respect to distances, angles, bearings, subdivision or street names, block or lot numbers, computation of dimensions or elevations, or other details of the plat, not affecting the outer boundaries of the plat, and if the property affected by the error is owned by the developer, the Administrator may, upon payment of all engineering costs and recording fees by the person requesting the correction, file with the County Register of Deeds an affidavit describing the nature and extent of the error and the appropriate correction. Filing of the affidavit shall correct any such errors, but shall not affect the validity of such plat or any property interest created pursuant to such plat. The Secretary shall place a copy of such affidavit in the plat file.
2. In the event new floodway/drainage information affecting minimum pad elevations shown on a recorded plat becomes available, the City or County Engineer, as appropriate, may after:
 - 2.1. Receiving a request from the owner(s) of record any lots affected; or
 - 2.2. Notifying such owner(s) by certified mail at their last known address; and
 - 2.3. Verifying such information;
 file an affidavit with the Register of Deeds, describing the nature and extent of all changes to the minimum pad elevations. No such change shall be effective as to a lot which has been developed prior to recording of such affidavit. The filing of the affidavit shall change the minimum pad elevations on the lots as noted in the affidavit, but shall not otherwise affect the validity of such plat or any property interest created pursuant to such plat.

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CHAPTER 10 DEFINITIONS

1000 DEFINITIONS

Any word or phrase that is defined in this Section shall have the meaning assigned to it by this Section whenever the word or phrase is used in these regulations.

ABUT: Touching, adjoining, or contiguous; as distinguished from lying near to or adjacent.

ACCEL LANE: An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular traffic stream.

ACCESS CONTROL: The limitation of public access rights to and from properties abutting streets or highways used to preserve high-level traffic service and improve safety.

ADMINISTRATOR: A person designated by the City Manager as the administrator of these regulations.

AGRICULTURE: The use of a tract of land for growing crops, pasturage, nurseries, dairying, or the raising of poultry or cattle and other livestock, including the structures necessary for carrying out farming operations and the residence(s) of those owning and operating the premises such as a member of the family thereof, or persons employed thereon and their families. The feeding or disposal of community or collected garbage shall not be deemed an agricultural use, nor shall riding academies, livery or boarding stables, dog kennels, commercial feedlots, or commercial greenhouses; however, forested and non-producing open space land are considered agricultural.

ALLEY: A strip of land along the side of or in the rear of lots intended to provide a secondary means of access to and from streets and such lots.

AMENITY: A natural or man-made feature that enhances or makes more attractive or satisfying a particular property.

ANNEXATION: The incorporation of land area into the city limits of Augusta.

APPLICANT: A person submitting an application for approval.

ARTERIAL STREET: Any street serving major traffic movements which is designed primarily as a traffic carrier between cities or between various sections of a city or county, which forms part of a network of through streets, and which prohibits direct access from residential lots. No parking is permitted on arterial streets except in designated areas.

BASE FLOOD ELEVATION: The highest elevation, expressed in feet above sea level, of the level of flood waters having a one percent chance of being equaled or exceeded in any give year (commonly called the 100-year flood).

BENCHMARK: Surveying monument permanently fixed in the ground showing the height of that monument in relation to sea level.

BLOCK: A series of lots or tract of land bounded by streets, railway rights-of-way, waterways, parks or open land.

BOUNDARY SHIFT: A change in the boundary between adjoining lands that does not create an additional building site and such transaction, when completed, shall result in tracts of land or lots that comply with the design requirements for lots described in these regulations and with the applicable provisions of the Zoning Code and other applicable codes.

BUILDING SETBACK LINE: A line on a lot indicating the limit beyond which buildings or structures may not be erected or altered and establishing the minimum open space to be provided. Such line may be more, but not less restrictive than applicable zoning or other regulations.

CITY: The City of Augusta, Kansas

CITY CLERK: The City Clerk of the City of Augusta or his or her representative.

CITY ENGINEER: The City Engineer of the City of Augusta or his or her representative.

COLLECTOR STREET: Any street serving a neighborhood or large subdivision designed primarily to gather traffic from local or residential streets, connect them to an arterial street system and with community facilities. Existing collector streets shall have no parking when safety needs are determined by the Governing Body. There shall be no parking permitted on all new collector streets constructed after the effective

date of these regulations except where additional street width is provided for parking. Specifying collector streets will depend on housing density and the development plan of the areas served.

COMPREHENSIVE PLAN: The adopted Comprehensive Development Plan for the City and the surrounding "Planning Area."

COUNTY: Butler County, Kansas

COUNTY ENGINEER: The officially appointed engineer for the County.

CROSS LOT DRAINAGE: The passage of storm water runoff from adjacent areas that is outside the perimeter of the lot onto the lot.

CUL-DE-SAC: A street having only one outlet and being permanently terminated by a vehicle turn-around at the other end.

CURB CUT: The opening along the curb line to accommodate a driveway or wheelchair ramp.

DEAD-END STREET: A street having only one outlet and is not terminated by a vehicle turn-around at the other end.

DECEL LANE: An added roadway lane that permits vehicles to slow down and leave the main vehicle traffic stream.

DEDICATION: Gift or donation of property by the landowner to a governmental unit. The transfer is conveyed by a plat or a written separate instrument. The dedication is completed with a formal acceptance by the Governing Body.

DESIGN STANDARDS or **DESIGN REQUIREMENTS:** All requirements and regulations relating to design and layout of subdivisions contained in these regulations.

DETENTION FACILITY: A facility for the temporary storage of storm water runoff, designed to limit the maximum discharge to an amount equal to or less than the discharge from pre-developed conditions.

DEVELOPER: The legal or beneficial owner or owners of a lot or of land proposed to be subdivided including the holder of an option or contract to purchase, or other person having enforceable proprietary interest in the land.

DRAINAGE SWALE: A shallow ditch that will carry storm water runoff to the street or drainage channel.

DRAINAGE CHANNEL: A drainage ditch constructed to a specific cross section that will receive runoff from streets and drainage swales.

DRIVING SURFACES: Shall be considered from back of curb to back of curb for urban streets and the width of the driving surface plus an 8-foot-wide shoulder on each side of the driving surface for rural streets.

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

EGRESS: An exit.

ENCROACHMENT: Any obstruction in a delineated floodway, right-of-way, easement, building setback, or adjacent land.

ENCUMBER: To place a legal claim or restriction upon a tract or parcel of land.

ENGINEER: When used in connection with designing or engineering any improvements, including drainage, either on site or off-site, he or she shall be a professional engineer licensed by the State of Kansas or licensed to practice in the State.

FINAL PLAT: A subdivision as it is represented as a formal document by drawing and writing which is prepared in accordance with these regulations to be placed on record with the County Register of Deeds.

FLOOD INSURANCE STUDY (FIS): The official report provided by the Federal Emergency Management Agency (FEMA). The report contains flood profiles, as well as the Flood Insurance Rate Map (FIRM) and Flood Boundary/Floodway Map and the water surface elevation of the base flood.

FLOODWAY: The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river, without increasing the water surface elevation at any point more than one foot.

FLOODWAY FRINGE: The area of the mapped flood plain, outside of the regulatory floodway, that is likely to be flooded by the base flood.

FLOODWAY, REGULATORY: The channel of a river or other watercourse and the adjacent land areas as tabulated in the Flood Insurance Study (FIS) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.

FRONTAGE: The property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street; or with a dead-end street, all property abutting one side of such street measured from the nearest intersecting street and the end of the dead-end street.

GROUNDWATER: Any subsurface water in the zone of saturation, including but not limited to spring water, perched water tables, seasonal water tables, and aquifers.

PLANNING AREA: The area around the City of Augusta as designated by Ordinance No. 1789 and Inter-local Agreement with Butler County, Kansas whereby the City of Augusta exercises both subdivision and zoning control.

GOVERNING BODY: The City Council of Augusta, Kansas or the County Board of Commissioners of Butler County, Kansas.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, that is organized in a development where individual owners share common interests in open space or facilities. The homeowners association usually holds title to reserves, manages and maintains the common property, and enforces certain covenants and restrictions. Condominium associations differ from homeowners associations in that condominium associations do not have title to the common property.

IMPROVEMENTS: All facilities constructed or erected by a sub-divider and/or a city, township, or the county within a subdivision to permit and facilitate the use of lots or blocks for residential, assembly, recreational, commercial, industrial or other regulations.

INGRESS: An entrance.

LAND SURVEYOR: When used in connection with designing or surveying a plat or subdivision, a professional surveyor licensed by the State of Kansas.

LOCAL STREET: Any street designed primarily to provide access to other streets from individual property and of limited continuity within a neighborhood.

LOT: A portion of land in a subdivision or other parcel of land intended to be the unity by which such land would be individually transferred and/or developed, whether immediate or future.

LOT DEPTH: The distance between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT, DOUBLE FRONTAGE: A lot, two opposite lot lines of which abut upon streets which are more or less parallel.

LOT FRONTAGE: The distance measured along the street right-of-way line between a lot's two side lot lines.

LOT LINE: The boundary line of a lot.

LOT SPLIT: The dividing or re-dividing of a lot or lots in a recorded plat of a subdivision into not more than two tracts which meet the criteria established by these regulations.

LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

MANUFACTURED HOME PARK: A parcel of land that has been planned and improved in some manner, and used or intended to be used by occupied manufactured homes not placed on permanent foundations. The term "Manufactured home park" does not include sales lots where unoccupied manufactured homes, whether new or used, are parked for the purposes of storage, inspection, or sale; nor does it include a tract of land where a manufactured home as a second dwelling unit has been permitted on a temporary bases as a conditional use in accordance with the Augusta Zoning Code.

MANUFACTURED HOME SUBDIVISION: A subdivision that is platted for the development as individual home sites for manufactured homes, modular homes, residential-design manufactured homes, and site-built, single-family dwellings to be placed on permanent foundations.

MARGINAL ACCESS STREET: A local street which is parallel with and adjacent to a limited access highway or arterial street and which

provides access to abutting properties and protection from fast through traffic on the limited access highway or arterial street.

MAYOR: The Mayor of the City of Augusta, Kansas.

METES AND BOUNDS: A method of describing the boundaries of a land parcel using distances and directions from a known point of reference.

OFF SITE IMPROVEMENTS: Improvements located on property outside the perimeter of the subdivision that are determined by the Planning Commission to be necessary to be constructed to serve the subdivision (e.g. construction of streets, sanitary sewers, water distribution systems, drainage, traffic signals, etc.)

ON-SITE: Located within the perimeter of the property that is subject to these regulations.

OPEN SPACE, COMMON: Land within or related to a development, not individually owned or dedicated for use, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. Common open space is platted as a Reserve and is owned and maintained by a Homeowners Association.

OWNER: Any person or persons, firm or firms, corporation or corporations, or any other legal entity having legal title to land to be subdivided under these regulations.

OWNERSHIP LIST: A list of land owners as prepared and certified by a licensed, qualified and bonded abstractor in the County and State, containing the names, addresses, and zip codes of said land owners.

PAD, MINIMUM: The elevation of the lowest opening of a habitable structure where flood waters can enter said structure. For structures located outside a FEMA designated Flood Hazard Area (FHA), the minimum pad elevation shall be established 3 feet above Base Flood Elevation. For structures located within the FHA, the basement floor of said structure shall be established 3 feet above Base Flood Elevation.

PARKING AREA: That portion of the legal right-of-way between the back of the street curb and the property line. The property owner does not own the parking area, but does have exclusive use to the parking area under certain conditions.

PLANNING COMMISSION: The Planning Commission of the City of Augusta, Kansas.

PLAT: A subdivision, as it is represented as a formal document by drawing and writing, that is presented to the Planning Commission for review and approval in accordance with these regulations and to the Governing Body for the acceptance of easements and dedications.

PLATTING BINDER: A report issued by a title insurance company setting forth the conditions to be met for certain property to be platted, e.g. easements filed for record, mortgages, fee title owners, etc.

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

PROPERTY LINE: The legal boundary encompassing a specific lot or tract of land. Said line may encompass any legal easements located within the property line on the lot or tract of land. The property line does not include any legal right-of-way (streets or alleys) controlled by the City, County, State or federal governments except such rights-of-way in the Planning Area.

PUBLIC UTILITY FACILITIES: Telephone, electric, and cable television lines, poles, equipment, and structures; water or gas pipes, mains, valves or structures; sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or a public utility.

PUMPING STATION: A pumping facility that transports waste water between two gravity flow sewer lines. A pumping station is used when topographic conditions do not allow a continuous gravity flow system.

RESERVE: An area of property within a subdivision which is platted for specific uses, e.g., open space, landscaping, entry monuments, recreational facilities, utilities and drainage, floodway, private street, etc. Typically, future ownership and maintenance responsibilities for a reserve are set forth by a restrictive covenant which provides that a homeowner's or lot owner's association will hold title to the reserve and therefore be responsible for the reserve's maintenance. The restrictive covenant may provide for ownership and maintenance to be tied to the ownership of an adjacent lot. Ownership and maintenance is not assigned to an individual, partnership or corporation except in the case of a reserve platted for possible future sales to a public body for a public facility.

RESTRICTIVE COVENANTS: Contracts entered into between private parties which constitute a restriction on the use of all private property

within a subdivision for the benefit of property owners; and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values. The City of Augusta is not a party to any subdivision restrictive covenants.

RE-SUBDIVISION: The subdivision of a tract of land that has previously been lawfully subdivided and a plat of such prior sub-division duly recorded. (Sometimes referred to as a "replat".)

RIGHT-OF-WAY: The area between boundary lines of a street or other easement.

ROAD OR ROADWAY: The paved or improved area existing on the street right-of-way which is used for vehicular traffic, exclusive of sidewalks, driveways or related uses.

RURAL STREETS: Those streets located within the "Planning Area." Rural streets may be located within the corporate limits of the City, but only in the Agricultural Districts.

SANITARY SEWERS: Pipes that carry only domestic, commercial and industrial sewage and into which storm, surface and ground waters are not intentionally admitted.

SCREENING: Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such fencing or evergreen vegetation.

SECRETARY: The elected secretary of the planning commission or his or her designated deputy.

SEPTIC TANK: An individual sewage disposal system involving a water tight receptacle that receives the discharge of sewage from a building and is designed and constructed to permit settling of solids from liquid, digestion of the organic matter (sludge), and discharge of the liquid portion into an underground lateral disposal area. The sludge is pumped out of the tanks, usually by commercial firms, at regular intervals. Septic tanks are used for domestic wastes when a sanitary sewer line is not available to carry the wastes to a wastewater treatment plant. Approval of a site for use of a septic tank system involves establishing a minimum lot area to provide for the system's operation, determining that the soil has an acceptable percolation rate and ensuring separation of the system from groundwater.

SEWAGE: The total of organic waste and waste water generated by residential, commercial and industrial establishments.

SEWAGE LAGOON: A shallow, artificial pond where sunlight, bacterial action and oxygen interact to restore waste water to a reasonable state of purity.

SIDEWALK: That portion of a street, paved or otherwise surfaced, intended for pedestrian use only.

SIGHT DISTANCE: Sight distance is the length of roadway ahead visible to the driver. Two types of sight distance criteria are primary design controls for urban streets and highways; intersection sight distance and stopping sight distance.

SIGHT DISTANCE, INTERSECTION: This is the unobstructed sight distance along both approaches of both roads at an intersection and across their included corners. The minimum distance must be sufficient to allow the operators of vehicles approaching simultaneously to see each other in time to prevent collisions at the intersection.

SIGHT DISTANCE, STOPPING: The minimum sight distance available on a roadway must be sufficiently long to enable a vehicle traveling at the design speed to stop before reaching a stationary object in its path. The stopping sight distance is the sum of two distances; 1) the distance a vehicle travels after the driver sights an object and before braking; and 2) the distance it travels after braking.

STORM WATER: All runoff, including but not limited to runoff from storms, snow melt, and drainage.

STREET: The street right-of-way or easement, whether public or private, including the paving or other improvements on the street right-of-way. A street may also be called avenue, road, lane, boulevard, way, drive or other name describing the right-of-way for vehicular traffic.

STREET WIDTH: The shortest distance between the property lines abutting both side of a street right-of-way.

SUB-DIVIDE LAND: To partition a parcel of land into two or more parcels, tracts, lots or sites for the purpose of transfer of ownership or development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

SUB-DIVIDER: The owner, or any person, firm or corporation, authorized by the owner, undertaking proceedings under the provisions of these regulations for the purpose of sub-dividing land.

SUB-DIVISION: Either an act of sub-dividing land as defined in this section or a tract of land sub-divided.

SUB-DIVISION DEVELOPMENT PLAN: A proposed development plan for an entire sub-division or tract of land containing more than one sub-division, including a distance surrounding the sub-division(s) on all sides.

SURVEY: A legal document containing a scale drawing and legal description of property, prepared by a licensed Kansas surveyor, and duly recorded with the County Register of Deeds.

TOPOGRAPHY: The configuration of a surface area showing North American Vertical Datum of 1988 (NAVD 88).

TURN-AROUND: An area at the closed end of a dead-end street or cul-de-sac within which vehicles may reverse their direction without any backing up.

URBAN STREETS: Those streets located within the corporate limits of the City.

VISION TRIANGLE: A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles and pedestrians approaching the intersection. Within the vision triangle, no one shall install, construct, plant, park, or maintain any sign, fence, hedge, shrubbery, tree, natural growth or other obstruction which would materially impede vision between the heights of 33 inches and eight feet above the street level. Such restrictions shall not apply to official traffic signs and signals and utility poles.

WATER TABLE: The upper surface of groundwater, or that level below where the soil is seasonally saturated with water.

WATERWAY: Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

ZERO LOT LINE: The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

CHAPTER 11 AMENDMENTS AND REVIEW

1100 AMENDMENT PROCEDURES

These regulations may be amended at any time after the Planning Commission shall have held a public hearing on the proposed amendment. A notice of such public hearing shall be published once in the official city newspaper at least 20 days prior to the date of such hearing. The Planning Commission shall make a recommendation for adoption of the proposed amendment(s) to the Governing Body. The Governing Body shall adopt the proposed amendment(s) by ordinance and such amendment(s) shall become effective and made part of these regulations after once being published in the official city newspaper. A copy of the adopting ordinance shall be added to the Appendix of these regulations.

1101 ANNUAL REVIEW

In order to maintain these regulations, the Planning Commission shall annually hold a public review at their first meeting in January to consider amendments, if any, to these regulations. Notification of such a public review may be distributed to governmental agencies and interested parties. Adoption of such amendments shall comply with the requirements of [Section 1100](#) above.

1102 JUDICIAL REVIEW

As provided by State statutes, any taxpayer or any other person having an interest in property affected may have the reasonableness of these regulations and the ordinances incorporating these regulations by reference determined by bringing an action against the Governing Body in the County District Court.

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CHAPTER 12 SEVERABILITY AND EFFECTIVE DATE

1200 SEVERABILITY

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

1201 EFFECTIVE DATE

These regulations shall take effect and be in force from and after their adoption by the Planning Commission, approval by the Governing Body by ordinance incorporating these regulations by reference, and publication of such ordinance in the official city newspaper.

ADOPTED by the Planning Commission on _____, 20_____.

Chairman

ATTEST:

Secretary

APPROVED by the Governing Body on _____, 20_____.

Mayor

(SEAL)

ATTEST:

City Clerk

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APPENDIX A PARKING ON ARTERIAL STREETS

<u>Designated Arterial Street</u>	<u>On Street Parking Permitted</u>
Belmont Avenue	No
Custer Lane	No
David Avenue	No
Hunter Road	No
Kelly Avenue	Yes
Lulu Street	Yes
Main Avenue	No
Ohio Street	No
Osage Street	Yes
Seventh Avenue	No
SW Seventieth Street	No
State Street	Yes
Walnut Street	No

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CITY OF AUGUSTA, KANSAS ZONING REGULATIONS

City of Augusta, Kansas

Zoning Regulations

Incorporated into the City of Augusta Municipal Code
by Ordinance No. XXXX

Public Hearing Notice Publication Date
(Date)

Public Hearing Date
(Date)

Adopted by Augusta Planning Commission
(Date)

Adopted by Augusta City Council
(Date)

Effective Date/Publication Date
(Date)

Public Hearing Notice

Adopting Ordinance

Publication of Adopting Ordinance

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Article 01 **Enactment and Applicability**

01.01. Title

These regulations, including the zoning district maps made a part hereof, shall be known as the “City of Augusta Zoning Regulations,” hereinafter referred to as “these regulations.”

01.02. Jurisdiction

These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Augusta and the established Planning Area of the City of Augusta, as defined as follows:

A. Legal Description

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

B. This area includes the following sections of land:

1. Township 26 South, Range 4 East
 - a. All of Sections 34, 35, and 36.
2. Township 27 South, Range 3 East
 - a. All of Sections 23, 24, 25, and 26.
3. Township 27 South, Range 4 East
 - a. All of Sections 1, 2, 3, 10, 11, 12, 14, 15, 19, 20, 21, 22, 28, 29 and 30.
 - b. Portions of Sections 4, 5, 8, 9, and 16 east of the Whitewater River.
 - c. Portions of Sections 13, 23, 24, 26, and 27 east of the Whitewater River and north of the Walnut River.
4. Township 27 South, Range 5 East
 - a. All of Sections 6 and 7.
 - b. Portions of Sections 18 and 19 north of the Walnut River.

01.03. Authority

These regulations are adopted under the authority granted to the City under [K.S.A. 12-7](#), [12-30](#), and [12-33](#).

01.04. Purpose

These regulations are intended to:

- A. Promote the health, safety, comfort and general welfare.
- B. Implement the vision, goals, objectives and strategies of the Comprehensive Plan.
- C. Preserve, protect and enhance property values.

- D. Ensure the adequate and efficient provision of public services, utilities, infrastructure and facilities.
- E. Provide adequate open space.
- F. Preserve and protect natural, historic and cultural resources.
- G. Encourage a land use pattern that is consistent with community growth and economic development goals.
- H. Divide the City into districts, each having compatible land uses, building types, density and intensity of development.
- I. Regulate the size, bulk, density and location of structures on properties within each district.
- J. Control the general appearance of buildings, structures and land developed or redeveloped in the City.
- K. Establish the processes and procedures whereby these regulations will be implemented, administered and enforced.

01.05. Separability

It is the intention of the City that the individual provisions of these regulations are separable, as follows:

- A. If a court with jurisdiction over these regulations judges any provision invalid, it shall affect only the invalidated provision; all other provisions shall remain valid.
- B. If a court with jurisdiction over these regulations judges a specific application of any provision invalid, it shall affect only the invalidated application of said provision; all other applications of said provision to any building, structure or property shall remain valid.

Article 02 Rules of Construction and Interpretation

02.01. Rules of Construction

In the construction of these regulations, the provisions and rules of this section shall be preserved and applied, except when the context clearly requires otherwise.

- A. Words used in the present tense include the future; words used in the past tense include the present.
- B. Singular numbers include plural numbers; plural numbers include singular numbers.
- C. "Used for" and similar language include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- D. "Including," "such as" and similar language are used to present examples for clarification purposes, not to limit the intent strictly to listed items.
- E. "Shall (not)," "will (not)," "must (not)," and "may not" are mandatory.
- F. "May," "can," "should," and "could" are permissive.
- G. "Prohibited" means not allowed and there are no provisions for an allowance in these regulations, except variances granted by the Board of Zoning Appeals.
- H. "Authorized" means that applicable permits or other approvals have been received.
- I. "Allowed" means in conformance with applicable provisions of these regulations.
- J. "Person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
- K. "City" means City of Augusta, Kansas.
- L. "Governing Body" means the Mayor and City Council of the City of Augusta.
- M. "Planning Commission" and "Commission" mean the Augusta City Planning Commission.
- N. "Board" means the Augusta City Board of Zoning Appeals.
- O. "Zoning Administrator" means the Augusta City staff position appointed by the City Manager to administer and enforce these regulations. The title of Zoning Administrator and all authorities, duties, responsibilities, etc. assigned to that position shall apply equally to any individual or firm with which the City contracts and appoints to carry out the function of Zoning Administrator.
- P. Unless otherwise specified, all distances shall be measured horizontally.

02.02. Rules of Interpretation

- A. The provisions included in these regulations shall be considered minimum requirements.
- B. When the conditions of any provision in these regulations overlap or conflict with those of any other applicable law, ordinance, resolution, rule or regulations, the more restrictive of these conditions shall apply.
- C. The provisions in these regulations shall govern when they are more restrictive than the provisions of any easement, covenant or other legally binding instrument affecting private property.
- D. No building, structure or use lawfully existing at the time these regulations are adopted shall be made unlawful by said adoption; any building, structure or use that exists unlawfully at the time these regulations are adopted shall remain unlawful only if, and to the extent they are in conflict with these regulations.
- E. Any structure or use authorized by zoning permit, conditional use, special use, variance or other provision of previous zoning regulations of the City shall remain authorized after the adoption of these regulations, provided it is in compliance with said authorization at the time these regulations are adopted.
- F. Should these regulations unintentionally omit specific requirements or fail to account for unanticipated circumstances related to the development of structures or land uses, the City's authority to regulate such shall be limited according to applicable provisions of Kansas State Statutes.

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Article 03 Definitions

03.01. Purpose

The purpose of this article is to define the words and terms used throughout these regulations. Words and terms that are specific to a particular article of these regulations may be defined in said article.

03.02. General

- A. Any definition of a word or term provided in these regulations shall apply to each use of the word or term within these regulations, unless the context clearly indicates otherwise or the meaning or scope is expressly limited.
- B. Words or terms used, but not defined in these regulations, shall have their ordinary meaning as defined in a reputable dictionary.
- C. Drawings, diagrams or other illustrations may be provided to clarify the meaning, interpretation or application of certain definitions.

03.03. Definitions of Words and Terms

Accessory: A structure or use that is subordinate or incidental to the primary land use of a given property parcel. The following definitions are provided for specific related terms.

Accessory Apartment: An accessory residential unit that is constructed within or attached to the primary structure on a parcel or another accessory structure, such as a garage.

Accessory Dwelling: An accessory residential unit that is detached from the primary structure on a parcel.

Accessory Structure: A building or other structure that serves a function that is incidental to that of the primary structure on a parcel. Some typical examples include garages, carports and storage sheds.

Accessory Use: A land use or activity that is incidental to that of the primary use of a parcel. Some typical examples include parking areas, tennis courts, swimming pools, and home occupations.

Aircraft: A vehicle capable of flight, which may or may not carry passengers. Some typical examples include airplanes, helicopters, model aircraft and drones.

Alteration: The physical modification or reconfiguration of an existing or approved structure or its component parts. Some typical examples include room/garage additions (expand building footprint), floor additions (extend building height) and sign relocations.

Applicant: The property owner or other person with legal authorization to request approval for a building, structure or use governed by these regulations and whose signature must certify such authority on permit applications.

Basement: Any usable story of a structure with at least one-half (½) of its height below the adjacent finished grade.

Block: A contiguous tract of one or more parcels within a subdivision that has boundaries defined by streets, public parks, railroad rights-of-way, city limits, other property lines, easements or natural barriers, such as waterways.

Buildable Area: The area of a lot wherein allowable obstructions may exist or may be constructed.

Building: A covered and enclosed structure where activities associated with a primary, secondary or accessory land use take place. Buildings that are interconnected by covered and enclosed walkways, breezeways and similar structures are considered a single building. Buildings sharing a common wall, but having separate entrances are considered individual buildings.

Building Footprint: The area representing the perimeter of a structure at its foundation or point of vertical intersection with the adjacent finished grade.

Bulk Regulations: Requirements or provisions that control the size of a structure and its location on a parcel. Examples included in these regulations are maximum height, maximum lot coverage, minimum yard size and setbacks.

By-Right Use: A structure or use that is allowed within a specific zoning district because it is generally compatible with other uses allowed within the same zoning district. By-right uses must meet only the minimum zoning district requirements for the use, unless it is subject to specific use standards.

Canopy: A covered, but unenclosed accessory structure that provides shelter for individuals performing activities associated with the primary, secondary or accessory use of a parcel. Some typical examples include those found over a building entrance, drive-thru facility, fuel pumps or temporary parking spaces. This does not include structures meeting the definition of carport.

Carport: A covered accessory structure, which may be fully or partially unenclosed, intended to shelter motor vehicles parked in permanent parking spaces. Carports may be freestanding, but if attached to another structure, may only be attached to the primary building on a parcel.

Conditional Use: A structure or use that is not allowed by-right within a specific zoning district because of characteristics that are somewhat incompatible with other uses allowed in the same zoning district. A conditional use may be authorized according to the process and procedures defined in these regulations. Such authorization may be subject to additional provisions (conditions) intended to improve compatibility with other uses allowed in the zoning district.

Density: The degree to which individual properties are developed with structures, which dictates the overall distribution of a community's structures and population. These regulations control density primarily through bulk and lot size requirements.

Condominium: A type of residential ownership wherein a single structure is divided into multiple individually owned dwelling units with common areas owned by a property owners association. Examples of common areas in condominium apartments are hallways, stairs/elevators, lawns, and parking lots. Garden home and townhome condominium developments have separate ownership of individual dwelling units with common ownership of individual lots and amenities such as clubhouses, pools, etc.

Develop: The act of making a tract of property suitable for a specific land use. Includes changing the physical characteristics of land in preparation for structures, utilities, streets and infrastructure or the construction of such improvements (development). Properties having such improvements are developed. Properties without such improvements are undeveloped or vacant. The individual or entity making such improvements is referred to as the developer.

Disability: A physical or mental impairment that substantially limits a person's major life activities or a record of having such an impairment.

District (Zoning): A section or sections of the zoning jurisdiction within which these regulations govern the use of buildings and land, the height of buildings, the size of yards, and the intensity of uses in a uniform manner.

Driveway: A private roadway providing access to a parking space.

Dwelling: A structure designed and used primarily for residential purposes. Each portion of a dwelling specifically intended as an individual residence for one (1) family or household is considered a dwelling unit. Secondary uses and activities, such as allowable home occupations, may also take place within a dwelling unit.

Easement: A legal instrument wherein a landowner grants permanent or temporary use rights for a defined property to another person or legal entity, but retains title and ownership of said property.

Family: One (1) or more individuals living together in the same dwelling unit as a single household.

Fence: A free-standing structure that meets the provisions of these regulations and serves as a protective, confining or decorative barrier between adjacent lots or uses.

Frontage: The length of distance along a lot line that abuts and is shared in common with a public street.

Garage: A covered and enclosed accessory structure that provides direct access to a driveway or parking space, which is intended solely for storage of motor vehicles owned by residents of the primary structure. A garage may be attached to or detached from a primary residential structure.

Gross Floor Area: The unit of measurement for the space within a structure as measured between the exterior faces of exterior walls or centerlines of shared common walls on each story (floor) of a structure. Includes basements and attics having headroom of seven (7) feet or more.

Height (Structure): A vertical dimension measured from the finished lot grade at the front of a structure to the highest point on the structure. For buildings and other covered structures, this is measured to the highest point of the roof. For signs, towers and other uncovered structures, this is measured to the highest point of the structure itself or of anything attached to the structure, whichever is greater.

Home Occupation: A business, profession, service or trade allowed by these regulations to be conducted for gain or support entirely within the primary residence of the business owner. Activities related to a home occupation are restricted from occurring in a secondary or accessory structure, except as allowed by these regulations.

House Pet: A legally-owned domesticated small animal routinely kept as a family pet and generally housed within the primary residential structure. Some typical examples include dogs, cats, birds, hamsters and aquarium fish.

Intensity: The degree of activity generated by a specific land use and the potential impacts those activities have on surrounding properties. The hierarchy of zoning districts is based on the intensity of land uses allowed within each district.

Landscaping: Plants, trees, yard art and other improvements generally intended to beautify a property.

Lot of Record: An individual parcel of land under single ownership that has a legal description and deed recorded with the Butler County Register of Deeds. Various types of lots are defined below and illustrated in [Figure 3.1](#).

Corner Lot: A lot with frontage on two or more intersecting streets.

Flag Lot: A lot shaped like a flag that has street frontage significantly narrower than its main portion, which is typically where the driveway is located.

Interior Lot: A lot other than a corner lot that has frontage on only one street.

Through (Double Frontage) Lot: A lot with frontage on two non-intersecting street.

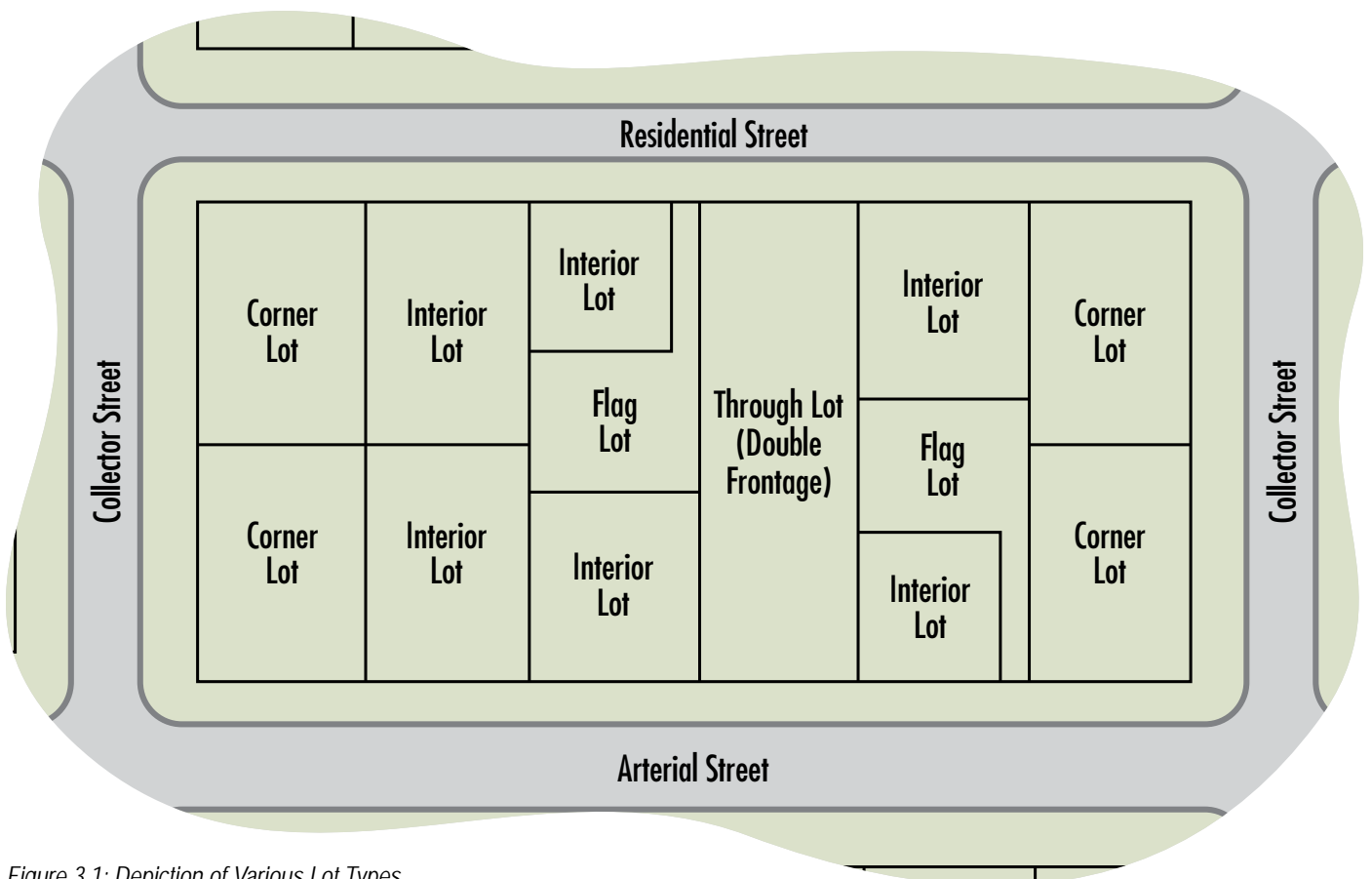


Figure 3.1: Depiction of Various Lot Types

Lot Line: A legal boundary of a lot of record. See [Figure 3.2](#).

Front (interior lot): The lot line with street frontage. May also be referred to as the street line.

Front (corner lot): The lot line along the primary access street, typically the street to which the address is assigned.

Rear: The lot line that is most distant from and generally parallel to the front lot line (primary front lot line on a corner lot).

Side: A lot line that is not a front or rear lot line.

Exterior: A rear or front lot line that is not shared by another lot of record, which typically marks the boundary of a block, right-of-way or natural barrier.

Interior: A rear or side lot line shared by two or more lots of record.

Lot Size Requirements: Restrictions on the dimensions of a lot. See [Figure 3.2](#).

Lot Area: The surface measurement encompassed by a lot's boundaries.

Lot Depth: The dimension between the front and rear lot lines, as measured from their midpoints.

Lot Width: For an interior lot, the dimension between side lot lines as measured along the front yard setback line. For a corner lot, the dimension between the secondary front lot line and side lot line as measured along the primary front yard setback line.

Nonconforming: A lot, structure, sign or land use within the City zoning jurisdiction that does not meet the applicable provisions of these regulations. Such is considered legal nonconforming if it existed lawfully prior to the adoption of these regulations, which is commonly referred to as being "grandfathered."

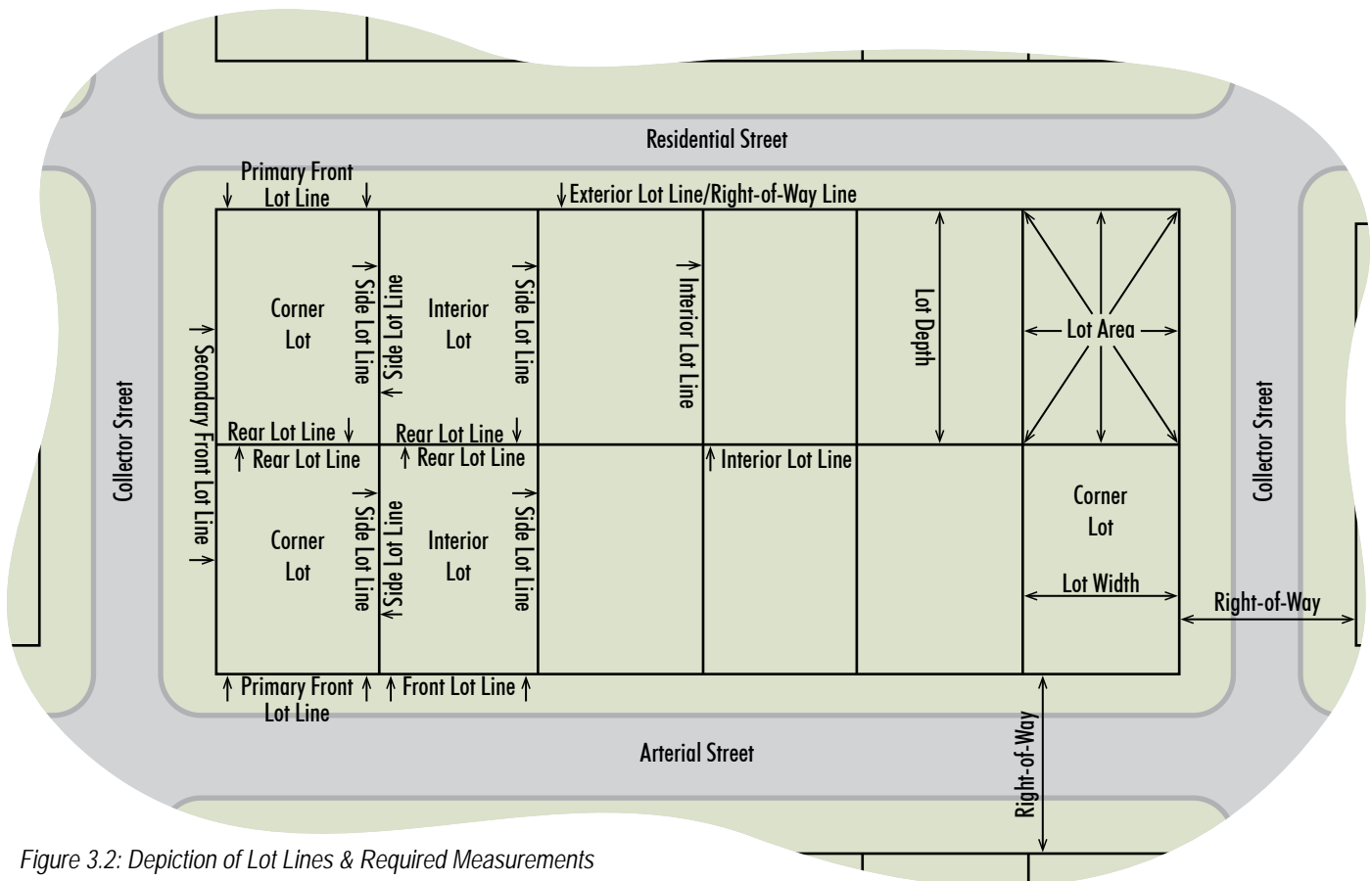


Figure 3.2: Depiction of Lot Lines & Required Measurements

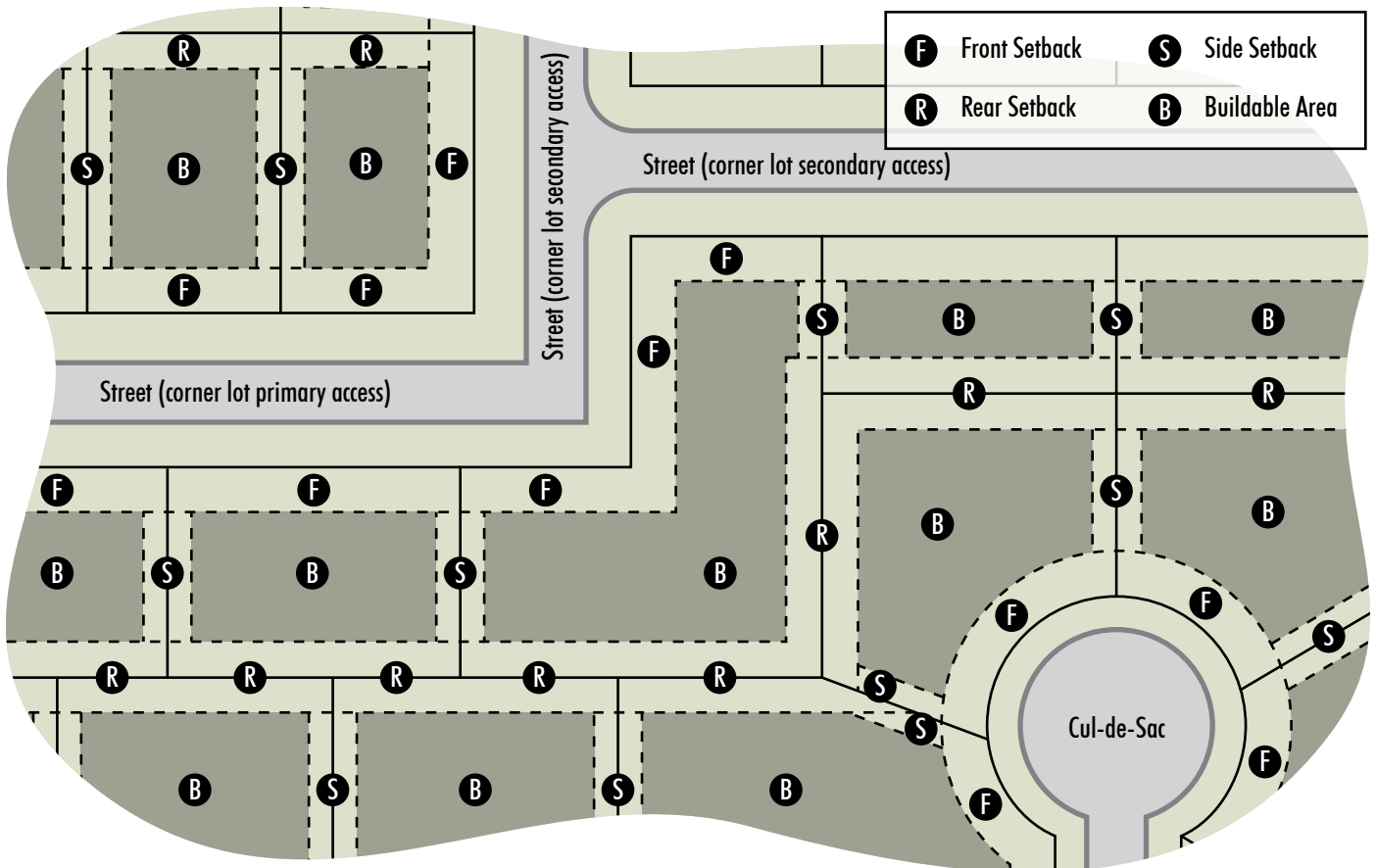


Figure 3.3: Depiction of Setbacks on Various Shaped Lots

Obstruction: Any encroachment within a required setback area (yard), sight triangle or other area where such restrictions are indicated in these regulations.

Permanent: A term referring to a use, structure or activity that is intended to remain in place or be conducted in perpetuity with no limit on its duration.

Premise(s): The land, building and structures located on a lot.

Primary (or Principal) Structure: The structure in which the main activities of a primary use take place.

Primary (or Principal) Use: The main purpose for which a lot of record is used and developed.

Recreational Vehicle (RV): A legally licensed, appropriately registered, and operable single-chassis vehicle or trailer designed as a temporary lodging unit for travel or camping; a trailer-mounted "tiny home."

Right-of-Way: Real property that is dedicated to a public entity for current or future transportation, utility or other infrastructure uses, including the area on, below, and above such property. See [Figure 3.2](#).

Screening: A man-made or natural barrier used to minimize the visual impact of a property from outside its perimeter or minimize the effects of noise, dust or other impacts that may be generated on the site.

Setback: The required minimum distance between a structure and a front, side or rear lot line of the lot on which it is located. These are considered the front, side and rear setback lines respectively. The space between all setback lines is referred to as the buildable area. See [Figure 3.3](#).

Sight Triangle: The area at a street's intersection with another street, alley or driveway that must be kept clear from obstructions that may block a driver's line of sight to oncoming traffic. See [Section 04.06.L](#).

Street: A public right-of-way intended to carry vehicular, pedestrian and bicycle traffic.

Alley: A minor right-of-way intended to provide secondary access to property parcels.

Local Street: A low volume street that functions mainly to provide direct access to property parcels.

Collector Street: A street that carries traffic between local and arterial streets, which has some direct access to property parcels.

Arterial Street: A street that carries traffic through and out of a community, which has limited direct access to property parcels.

Structure: Anything constructed that is permanently attached to the ground or affixed to a permanent location on the ground that is subject to these regulations, unless otherwise exempted.

Subdivision: A contiguous tract of land made up of one or more parcels that has been divided into individual lots intended for separate ownership. Subdivisions are broken into additions, blocks and lots, which are used to identify the properties by a legal description. This hierarchy of divisions is illustrated on a map, referred to as a "plat," which is filed of record with the county Register of Deeds. The subdivision of land in Augusta is governed by the City of Augusta Subdivision Regulations.

Temporary: A term referring to a use, structure or activity that is not intended to remain in place or be conducted in perpetuity. Such may be allowed or permitted for a specific duration with a set time limit.

Use: The purpose for which a lot of record is developed or proposed to be developed. This generally describes the types of human activities that occur or will occur on the subject property.

Utility Pole: A structure owned or operated by a public utility as defined in [K.S.A. 66-104](#), and amendments thereto, a municipality as defined in [K.S.A. 75-6102](#), and amendments thereto, or an electric cooperative as defined in [K.S.A. 2015 Supp. 17-4652](#), and amendments thereto, that is designed specifically for and used to carry lines, cables, or wires for telecommunications, cable, electricity, or to provide lighting.

Utility Trailer: A trailer (loaded or unloaded) with multiple axles or having a bed length that exceeds ten (10) feet that is designed to haul vehicles, watercraft, work equipment, or animals; or used for general utility purposes.

Variance: An approval granted by the Board of Zoning Appeals consistent with [Section 15.05](#), which allows for deviations from one or more requirements of these regulations.

Wireless Communications: Personal wireless services and facilities defined by [47 USC § 332\(c\)\(7\)\(C\)](#), including commercial mobile services defined by [47 USC § 332\(d\)](#), provided to personal mobile communication devices through wireless facilities or any wireless services provided using such facilities. As used herein, the term applies specifically to the services and facilities defined in and regulated by [K.S.A. 17-1902](#) et seq. This includes the following related terms.

Accessory Equipment: Apparatus serving or being used in conjunction with a wireless facility or wireless support structure including, but not limited to utility or transmission equipment; power supplies; generators; batteries; cables; equipment buildings and cabinets; and storage sheds, shelters or similar structures.



MONOPOLE TOWER



SELF-SUPPORTED LATTICE TOWER



GUYED LATTICE TOWER



COLLOCATED ON WATER TOWER

Figure 3.4: Illustrative Examples of Wireless Support Structure Types

Antenna: Equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications services.

Base Station: A structure that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations.

Collocation: The mounting or installation of wireless facilities on a building, structure, wireless support structure, tower, utility pole, base station or existing structure for the purposes of transmitting or receiving radio frequency signals for communication purposes.

Distributed Antenna System: A network that distributes radio frequency signals and consisting of: 1) remote communications or antenna nodes deployed throughout a desired coverage area, each including at least one antenna for transmission and reception; 2) a high capacity signal transport medium that is connected to a central communications hub site; and 3) radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the antennas to provide wireless or mobile service within a geographic area or structure.

Lattice Tower: A type of support structure that consists of an open network of braces forming a tower that is usually triangular or square in cross section.

Modification and/or Replacement: Modification of a support structure or wireless communication facility of comparable proportions and of comparable height or such other height that would not constitute a substantial modification in order to support wireless facilities or to accommodate collocation and includes replacement of any pre-existing wireless communication facility or support structure.

Monopole: A type of support structure that consists of a vertical pole fixed into the ground and/or attached to a foundation.

Small Cell Facility: A wireless communication facility that meets both of the following qualifications: 1) each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements is no more than three cubic feet; and 2) primary equipment enclosures that are no larger than 28 cubic feet in volume, or facilities comprised of such higher limits as the federal communications commission has excluded from review pursuant to 54 U.S.C. § 306108. Associated equipment may be located outside the primary equipment, and if so located, is not to be included in the calculation of equipment volume. Associated equipment includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Substantial Modification: Any change to a wireless communication facility or support structure that will substantially change the physical dimensions under the objective standard for substantial change, established by the Federal Communications Commission pursuant to [47 CFR 1.40001](#).

Transmission Equipment: Apparatus that facilitates transmission for a wireless service licensed or authorized by the Federal Communications Commission including, but not limited to radio transceivers, antennas, coaxial or fiber optic cable and regular and backup power supply.

Wireless Facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network.

Wireless Facility Support Structure: A freestanding structure, such as a monopole, guyed or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities, and any structure that is currently supporting or designed to support the attachment of wireless facilities, including, but not limited to, towers, buildings, and water towers. See [Figure 3.4](#).

Wireless Infrastructure Provider: A person or entity that builds or installs transmission equipment, wireless facilities or wireless support structures, but is not a wireless services provider.

Wireless Services Provider: An entity that provides wireless services.

Yard: The open space on a lot within which only permitted obstructions are allowed. See [Figure 3.5](#).

Front Yard: The required yard extending the full width of a lot, as measured between the front lot line and front setback line. On a corner lot, both yards abutting a street are considered front yards. May also be referred to as the street yard.

Rear Yard: The required yard extending the full width of a lot, as measured between the rear lot line and the rear setback line. On a corner lot, any yard not considered a side or front yard is a rear yard.

Side Yard: The required yard extending the depth of a lot between the front and rear setback lines. On a corner lot, any yard abutting the side yard of an adjacent property is considered a side yard.

Zero Lot Line (ZLL): The location of a building on a lot such that: (A) one or more exterior walls of a detached unit rest directly on an interior lot line, or (B) the shared common wall of two attached units rests on an interior lot line. Some typical examples are patio homes, garden homes, and condominium townhomes.

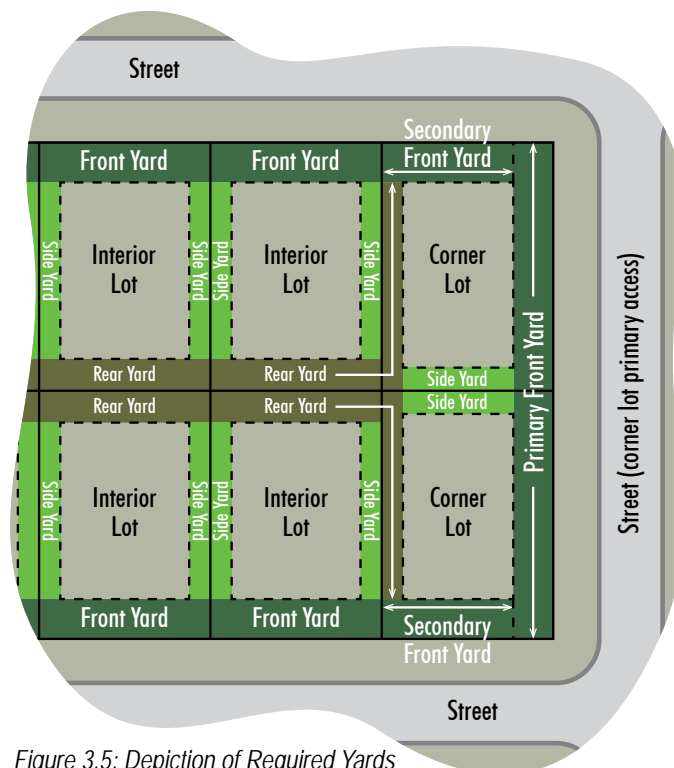


Figure 3.5: Depiction of Required Yards

Zoning Compliance Certificate: A document issued by the Zoning Administrator, which states that a given property is appropriately zoned and meets all applicable provisions of these regulations for: (A) establishing a specific use; (B) changing an established use; (C) constructing, altering, or modifying a structure; or (D) establishing occupancy in an existing structure previously occupied with a different type of use.

Zoning Jurisdiction: The geographic boundaries wherein the City has the legal authority to adopt and enforce zoning regulations. This is the City of Augusta corporate limits.

Zoning Lot: A contiguous area of property on one or more lots of record having the same owner, the entire area of which is within the same zoning district. Where a single lot of record has portions within different zoning districts, each portion within a different zoning district is considered an individual zoning lot. See [Figure 3.6](#).

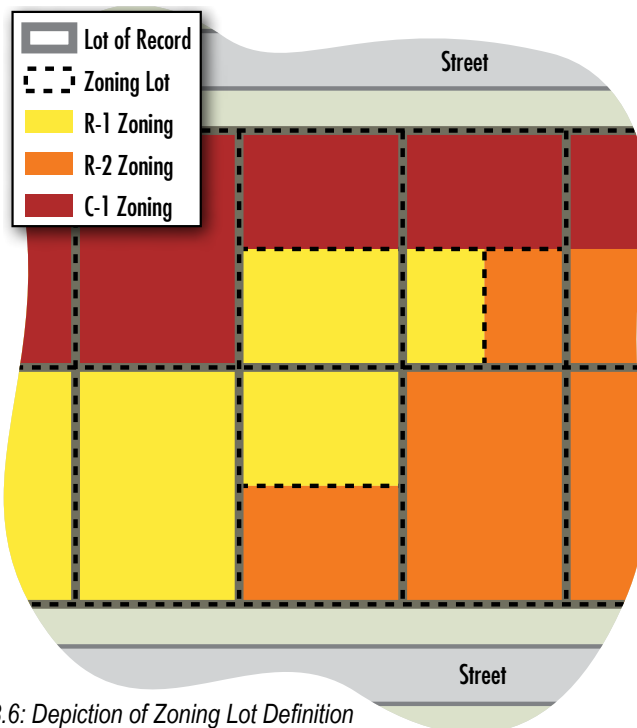


Figure 3.6: Depiction of Zoning Lot Definition

Article 04 General Provisions

04.01. Purpose

The purpose of this article is to outline general requirements of these regulations that apply after the effective date of adoption unless otherwise indicated.

04.02. Uses & Activities Governed

A. Structures

1. These regulations apply to all structures built, moved, rebuilt, remodeled or restored, unless such is exempted by other provisions of these regulations.
2. These regulations apply to any change in the use of a structure, unless such is exempted by other provisions of these regulations. The new use shall comply with all applicable provisions for said use. In cases when a change in structure use does not comply with lot size requirements and bulk regulations, the structure shall be considered legal nonconforming.
3. The following requirements shall apply to structural alterations, as defined in these regulations:
 - a. The entire altered structure shall comply with all applicable use regulations.
 - b. Structural alterations and additions shall comply with applicable bulk regulations, except as otherwise indicated in these regulations.
 - c. Off-street parking shall not be reduced below applicable requirements of these regulations as a result of structural alterations.

B. Undeveloped Lots

All changes in use of undeveloped lots shall comply with the applicable provisions of these regulations.

C. Exemptions

The following structures and uses are exempted from the provisions of these regulations:

1. Underground utility distribution infrastructure for electricity, telecommunications, data transmission, gas, potable water, sanitary sewer and storm water.
2. Electric utility poles or towers, including any power, data, and cable TV lines installed on them.
3. Structures, facilities, improvements, signs, etc. located within railroad rights-of-way or activities in such rights-of-way being conducted by authorized individuals.
4. Buildings, structures or land owned by the State of Kansas or federal government.
5. Agricultural land uses and structures as defined by these regulations or exempted from these regulations by state or federal laws. This exemption does not apply to uses and structures located in a designated floodplain. In cases when a change in use nullifies this agricultural exemption, all applicable provisions of these regulations shall apply to the new use.

04.03. Establishment of Districts

A. The zoning jurisdiction is hereby divided into the following zoning districts:

- | | |
|---|--|
| 1. A-1 Agricultural District | 7. M-1 Mixed-Use Commercial District |
| 2. R-R Single-Family Rural Residential District | 8. C-1 Main Street District |
| 3. R-1 Single-Family Residential District | 9. C-2 Local Commercial District |
| 4. R-2 Single-Family/ZLL Residential District | 10. C-3 General Commercial District |
| 5. R-3 Multiple-Family Residential District | 11. I-1 Industrial District |
| 6. R-4 Manufactured Home Park District | 12. PDO Planned Development Overlay District |
| | 13. Airport Overlay District |

- B. The numbered order of the above listing describes the relationship of land use intensity and density between each of the zoning districts, with A-1 providing for development of the lowest intensity land uses at the lowest density and I-1 providing the highest intensity and density. This relationship of intensity may not apply to the PDO district.

04.04. Official Zoning Map

- A. The boundaries of the districts listed in [Section 04.03](#) are shown on the Official Zoning Map of the City of Augusta.
- B. The Official Zoning Map shall be identified on its face as part of these regulations, including all notes, references and other information as indicated by these regulations.
- C. The Official Zoning Map shall be kept on file with the Zoning Administrator and accessible to the public during regular business hours of the City of Augusta.
- D. All natural and man-made features encompassed by the zoning jurisdiction are included in the zoning district boundaries shown on the Official Zoning Map.
- E. Areas within the zoning jurisdiction that are not shown within a zoning district on the Official Zoning Map are deemed to be within the R-1 Single-Family Zoning District if within the city limits of the City of Augusta, or the A-1 if outside the Augusta city limits, unless specifically zoned otherwise.

04.05. Zoning District Boundaries

The following rules shall apply when interpreting zoning district boundaries on the Official Zoning Map:

- A. District boundaries shall be interpreted as following lot lines or property parcel boundaries, unless otherwise indicated.
- B. District boundaries appearing to follow rights-of-way, easements, streams or bodies of water shall be interpreted as following the centerlines of said features, unless otherwise indicated. When any such feature is not within the boundaries of a zoning district, it shall be deemed to be in the zoning district of the abutting properties to its centerline, as drawn on the same bearing as the property lines that mark the extents of the abutting properties.
- C. District boundaries that do not coincide with another identifiable boundary shall be determined by the scale of the Official Zoning Map, unless an exact distance is shown.
- D. District boundaries that divide a lot of record, may be extended to the ownership boundaries by the Zoning Administrator, upon written request by the property owner of record. Such requests shall not apply in cases where the zoning district boundary will be extended more than twenty-five (25) feet.
- E. Where district boundaries divide a lot of record, they shall be parallel to a lot line and in no case shall they be allowed to divide any structure on that lot.

04.06. General Provisions

The following requirements shall apply, except as otherwise provided in these regulations.

A. Conformance Required for By-Right Uses & Structures

No lot or structure shall be occupied or designed for occupancy as a matter of right unless it is in conformance with the applicable provisions for by-right uses or structures of the zoning district in which it is located.

B. Specific Use Standards

No use or structure subject to the specific use standards of these regulations shall be established without being in conformance with the applicable standards.

C. Conditional Uses

1. No use or structure designated as a conditional use in any zoning district shall be established, except according to applicable provisions, processes and procedures of these regulations.
2. The authorization of a conditional use shall apply only to the specific structure or use approved and

shall not transfer to other uses or structures designated as a conditional use without authorization according to these regulations.

3. Changes or modifications to a use or structure authorized by conditional use shall remain in compliance with the conditions and provisions of the conditional use permit, except those authorized according to these regulations.
4. Approved conditional uses shall remain authorized upon transfer of property ownership, provided they remain in full compliance with the original conditional use permit.

D. Conformance Required for Modifications

No use or structure shall be established, changed or altered without being in conformance with applicable lot size requirements, setback requirements, height requirements and bulk regulations, unless otherwise provided for in these regulations.

E. Off-street Parking and Loading

1. No lot or structure shall be occupied or designed for occupancy without meeting the minimum requirements for off-street parking and loading space provided in these regulations.
2. No use or structure shall be changed or altered without meeting the minimum requirements for off-street parking and loading space for the modified use or structure provided in these regulations.

F. Allowed in All Districts

All of the following shall be allowed in all zoning districts, provided that none shall be established, expanded, changed or altered, except as in compliance with these regulations.

1. Accessory uses or structures
2. Temporary uses or structures
3. Home occupations
4. Signs
5. Off-street parking and loading

G. Use Definitions & Determinations

1. The various uses governed by these regulations are defined by [Article 05](#). Such definitions shall be utilized for determining how the provisions of these regulations apply to a certain property, zoning lot, development, land use, structure, etc.
2. When an applicant's proposed use is undefined by [Article 05](#):
 - a. The Zoning Administrator shall, upon request, provide a written determination of the appropriate definition for the proposed use, based on the most comparable defined use, which shall include explanations for the rationale behind the determination.
 - b. This written determination shall then apply for the purposes of regulating the proposed use and dictate the appropriate application, review, and approval procedures.
 - c. Written determinations of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA) in accordance with these regulations.

H. Primary Uses and Structures

1. Each zoning lot shall be allowed only one primary use and structure; all other uses or structures must be an allowed secondary, accessory or temporary use or structure, except:
 - a. Residential mixed-uses in the M-1 or C-1 district.
 - b. Multi-family dwellings in the R-3 district or approved by conditional use in the C-1 district.
 - c. Nursing, residential care and group homes allowed by-right or approved by conditional use in the indicated zoning districts.
 - d. When allowed in an approved PDO district.
2. A primary structure may be constructed over the interior lot lines of adjacent zoning lots having the

same owner of record only when approved by conditional use. In such cases:

- a. The structure is considered one building, subject to applicable provisions of these regulations and other City codes.
- b. Such a structure shall be considered the primary structure for each zoning lot it occupies.
- c. Each occupied lot shall be considered an individual zoning lot for the determination of setback and yard requirements, except those with interior lot lines crossed by the structure. In such cases, side setbacks are not required for the side lot lines crossed and rear setbacks are not required for the rear lot lines crossed.
- d. Bulk regulations, lot size and lot coverage requirements shall be determined using the aggregate requirements for all zoning lots occupied by the structure.

I. Setbacks

1. Setback requirements for each zoning district shall apply to all uses and structures approved after the adoption of these regulations, except when:
 - a. Setbacks for a zoning lot have previously been established on an approved subdivision plat.
 - b. A deed restriction or other private instrument dictates a setback requirement greater than the applicable minimum for the zoning district.
 - c. A front setback greater or less than the applicable minimum for the zoning district has been maintained on lots covering more than fifty percent (50%) of the block's street frontage. In such cases, the minimum required setback shall be the average setback distance of the existing structures, provided that no minimum front setback shall be required greater than fifty (50) feet or less than twenty (20) feet.

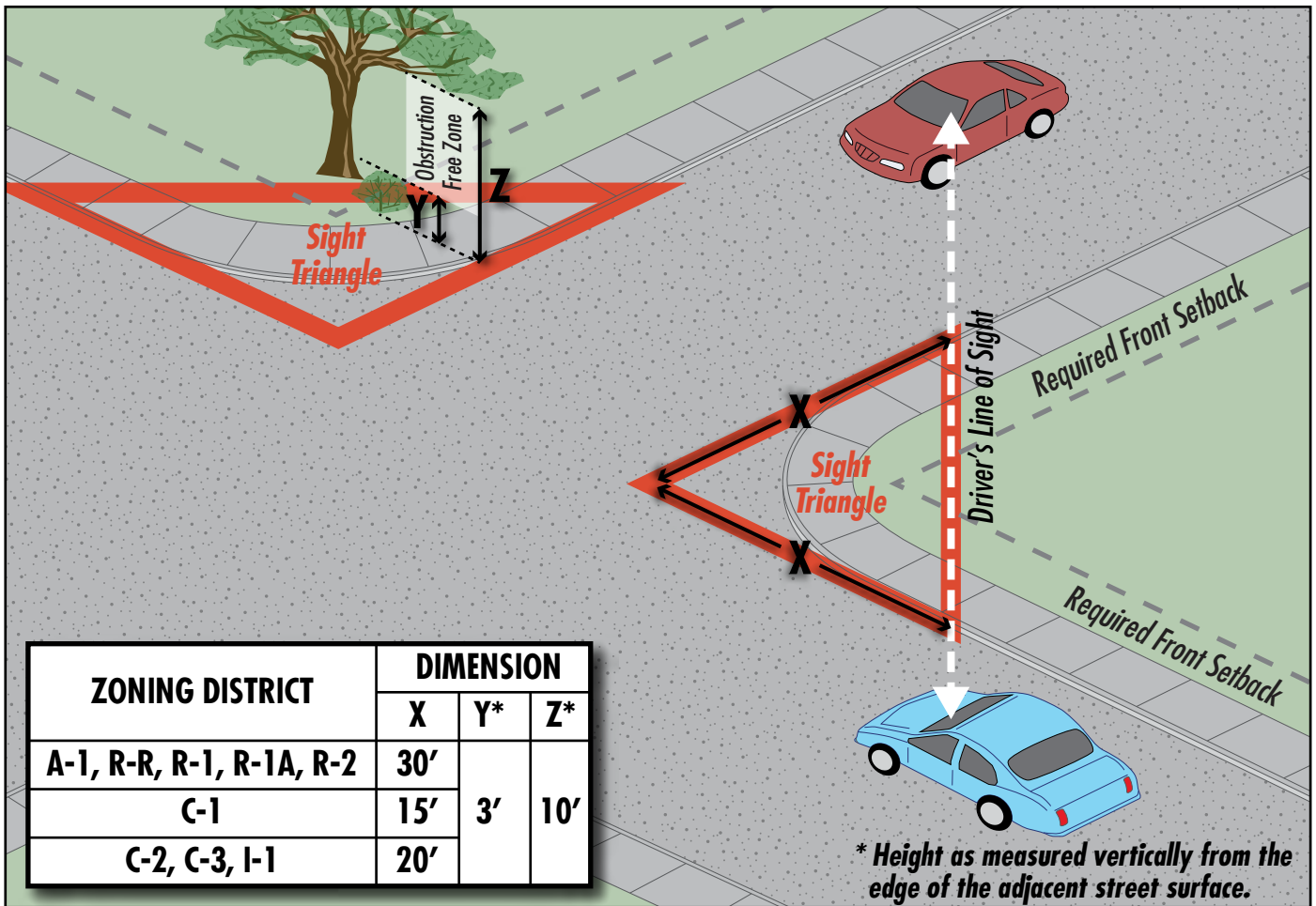
J. Required Yards

1. A zoning lot with a by-right or approved conditional use, but having no structures shall maintain the required yards for the zoning district in which it is located and keep them free from obstructions. Public open spaces, parks, and recreation areas shall be exempt from this requirement.
2. Required yards shall be provided on the same zoning lot for which they are required.
3. No required yard shall be reduced below the minimum area provided in these regulations as a result of change or alteration to a use or structure, except by variance according to the provisions of these regulations.
4. Subject to City codes, the Building Code and other provisions of these regulations, the following obstructions are allowed as indicated within a required yard.
 - a. Allowed in any yard:
 - i. Open terraces or patios not exceeding four (4) feet in height.
 - ii. Awnings and canopies.
 - iii. Stairways, steps and wheelchair ramps necessary to access a property or structure.
 - iv. Fire escapes, bay windows, eaves, gutters, chimneys, window wells and wing walls that project less than two (2) feet into the yard.
 - v. Arbors and trellises.
 - vi. Flagpoles.
 - vii. Basketball goals.
 - viii. Allowed accessory uses, except as otherwise prohibited by these regulations.
 - ix. Fences, subject to applicable provisions of these regulations.
 - x. Signs, subject to applicable provisions of [Article 08](#).
 - b. Allowed in any yard, except the front yard:
 - i. Children's play equipment, such as play houses, swings, slides and other play sets.
 - ii. Clothes lines.

- c. Allowed only in rear yards:
 - i. Jetted spas and in-ground swimming pools.
 - ii. Storage sheds.
- d. Other obstructions expressly allowed by these regulations.
- 5. The following obstructions are expressly prohibited within required yards (See [Section 03.03](#))
 - a. Attached or detached garages and carports.
 - b. Covered patios and porches.
 - c. Decks.
- K. Non-Residential Site Access

Except for public rights-of-way and access easements, no land within a residential zoning district shall be used for a driveway, walkway or other access to a zoning lot located within a commercial or industrial zoning district.
- L. Sight Triangle
 1. No permanent or temporary obstructions are allowed within the sight triangle between the height of three (3) feet and ten (10) feet as measured from the nearest pavement edge of the street surface, except for allowable obstructions placed by government agencies and utility providers. This is generally limited to traffic signs, utility equipment and other similar items.
 2. No use or structure shall be established, changed or altered if it will encroach a sight triangle.
 3. Sight triangles shall be measured as shown in [Figure 4.1](#).

Figure 4.1: Site Triangle Dimensions



M. Height Exemptions

The following structures are exempted from zoning district maximum height restrictions, except for such structures located within City of Augusta street rights-of-way, subject to applicable height provisions of [Article 9](#), [Article 10](#), or as regulated by state or federal law.

1. Freestanding Vertical Structures
 - a. Electric Transmission Towers
 - b. Flagpoles
 - c. Grain Silos & Elevators
 - d. Water Towers/Tanks
2. Freestanding Communication Structures
 - a. Broadcast Towers
 - b. Collocated Wireless Facilities
 - c. Radio Antennas
 - d. Wireless Communication Towers
3. Integrated & Attached Structures (including screening/housings)
 - a. Bell Towers & Carillons
 - b. Chimneys & Flues
 - c. Cupolas & Steeples
 - d. Electric Service Components
 - e. Elevator/Stair Enclosures
 - f. Fire Escapes
 - g. HVAC & Ventilation Components
 - h. Skylights

- N. All lots with primary uses other than agricultural shall provide suitable waste collection facilities meeting applicable specific use standards of [Article 10](#).

04.07. City Utility Connections

- A. Utility Connections within City Limits. All primary structures within the city limits built after the adoption of these regulations shall be served by the City's sanitary sewer, potable water, and electric utilities, except as provided in zoning district regulations or approved by the City Council when such connections are not possible.
- B. Utility Connection within Planning Area. Within the "Planning Area" of the City of Augusta, where no public water and/or sanitary sewer systems are available, the provisions of the Butler County Sanitation Code shall apply. The sub-divider and/or property owner agrees to connect to public water and public sanitary sewer within 180 days after said infrastructure is constructed. Afterwards, all private sewage systems will be disconnected and destroyed according to applicable regulations.

04.08. Conditions of Approval

- A. The following may be required as conditions of approval for any necessary authorizations governed by these regulations.
1. Dedication of street rights-of-way.
 2. Easements for utilities, drainage, access, fire lanes, setback lines and other necessary public uses related to the purposes of these regulations.
 3. Construction, removal or replacement of public improvements necessary for development of the subject property.
 4. Platting, replatting or separate legal instrument for the subject property to enact necessary dedications according to the City Subdivision Regulations.
- B. Conditions of approval may be required regardless of ownership status of the subject property.
- C. A time limit not to exceed one year shall be placed upon all conditions of approval.
- D. When conditions of approval accompany a zoning authorization, the City Council shall withhold publication of the ordinance enacting such authorization until all conditions have been met.
- E. Failure to comply with the conditions of approval during the specified time limit, shall render the authorization null and void. No extensions of the time limit shall be provided without reapplication.

04.09. Annexed Land

Annexation of land into the City zoning jurisdiction may be initiated by the City Council or by property owner petition. To ensure due consideration of the appropriate zoning and adequate provision of municipal services for land to be annexed, the following shall apply.

A. City Council Initiated Annexations

1. Prior to annexation, the Zoning Administrator shall review the subject property and submit a report to the Planning Commission recommending an appropriate zoning district, which the Planning Commission shall consider.
2. If the Zoning Administrator recommends R-1 Single-Family Residential zoning and the Planning Commission concurs, upon completion of annexation proceedings the subject property shall be designated R-1, which is the most restrictive zoning district established in these regulations.
3. If the Zoning Administrator recommends zoning other than R-1 Single-Family Residential or the Planning Commission does not concur with a recommendation of R-1, the Planning Commission shall file an application for the zoning district it deems appropriate.
 - a. The application shall be considered according the process established in these regulations and the Planning Commission shall provide a zoning recommendation to the City Council.
 - b. Upon approval by the City Council, the zoning ordinance shall be published only after annexation proceedings have been completed and the subject property is within the City's zoning jurisdiction.

B. Property Owner Petitioned Annexations

1. In the annexation petition, the property owner shall indicate which zoning district designation is desired for the land being annexed.
2. If the requested zoning is R-1, upon annexation into the City's zoning jurisdiction the subject property shall be designated as R-1, which is the most restrictive zoning district established in these regulations.
3. If a zoning district other than R-1 is requested, the property owner shall file an application for the desired zoning district, which the Planning Commission shall consider according to the procedures established in these regulations.
4. If the requested zoning is approved by the City Council, the zoning ordinance shall be published only when:
 - a. Annexation proceedings have been completed and the subject property is within the City's zoning jurisdiction.
 - b. All conditions of approval have been met.

- C. The City Council shall not approve any annexation of land into the zoning jurisdiction without first determining appropriate zoning of the subject property as provided in [Section 04.09](#).

04.10. Nonconforming Uses & Structures

- A. All legal nonconforming uses and structures shall maintain legal nonconforming status so long as they remain in the state in which they existed at the time of achieving nonconforming status.
- B. Any legal nonconforming use that has been abandoned for a period of six (6) consecutive months, shall not be reestablished or resumed. Any legal nonconforming structure that has been abandoned for a period of six (6) consecutive months shall not be reoccupied or modified in nonconformance. Any use established or structure occupied/altered after that time shall only exist in conformance with these regulations.
- C. Any legal nonconforming structure that has been damaged by any means, except by flooding, to an extent greater than fifty percent (50%) of its county appraised value, shall not be reconstructed or replaced without meeting all requirements of these regulations.
- D. Upon receiving a completed application from the property owner, the Zoning Administrator shall verify the legal nonconforming status of a use or structure and issue a legal nonconforming use certificate for all

validated claims of legal nonconforming status.

04.11. Floodplain Regulations

No use or structure shall be established, changed or altered within a floodplain identified on the Federal Emergency Management Agency's Flood Insurance Rate Maps without being subject to the City's Floodplain Regulations and applicable City Codes.

Article 05 Land Uses

05.01. Purpose

The purpose of this article is to define primary and secondary land uses and structures; differentiate between primary and secondary uses and structures; and identify which land uses and structures are allowed by-right, permitted by conditional use, and disallowed within each zoning district.

05.02. Primary Land Uses

This section defines individual primary land uses, which are listed by major land use category and land use sub-category. A table of primary land uses allowed by zoning district is also provided. For context, definitions include in parentheses North American Industry Classification System (NAICS) 2012 numbers. The NAICS is a hierarchical numbering system used by federal agencies in classifying business establishments for economic analysis purposes. Land uses are not regulated by the NAICS number. However, the numbers provide additional guidance as to the types of uses associated with the land use. Two-digit NAICS numbers identify the industry sector, three-digit numbers identify the industry sub-sector, four-digit numbers identify the industry group, and five- and six-digit numbers identify the specific industry. NAICS numbers are not provided for uses that have no corresponding NAICS numbers and those that generally do not produce income.

Agricultural Land Uses

General Agricultural Uses

Animal or Livestock Production: Establishments primarily engaged in raising or fattening animals for sale of animals or animal products (112111 - 112990).

Crop Production: Establishments primarily engaged in growing or producing crops mainly for food and fiber (111110 - 111219, 111910 - 111998).

Breeding Kennel: Establishments primarily engaged in providing breeding services for house pets and small animals allowed by City Code (112990).

Greenhouse or Hoop House: Establishments primarily engaged in growing and selling flowers, plants, fruits or vegetables that are wholly covered within a transparent or semi-transparent structure (111219, 111419, 111422).

Nursery or Orchard: Establishments primarily engaged in growing and selling trees, flowers, plants, fruits, vegetables or other vegetation that are grown in the open (111310 - 111422).

Residential Land Uses

Single-Family Dwellings

A detached single-family dwelling contains one (1) dwelling unit, which is designed and specifically intended to be occupied by one (1) family. An attached single-family dwelling has two (2) adjoining dwelling units, each unit designed and specifically intended to be occupied by one (1) family.

Duplex: Attached single-family dwellings with two (2) individual dwelling units located on a single lot that share a common wall or floor. The structure and lot have singular ownership, but each unit is intended to be occupied individually by one (1) family.

Earth Sheltered Home: Residential buildings designed to utilize earth as protection from the elements. They may be dug into the ground or have raised or mounded earth extending higher than the floor level on more than one (1) side of the building (not including basements).

Garden Home: Attached single-family dwellings designed for zero lot line development. Each structure has two (2) individual dwelling units, each on a separate lot and sharing a common wall located on the lot line. Each unit is intended to be occupied individually by one (1) family. Garden home subdivisions may be designed as condominium developments or traditional individual-owner developments.

Manufactured or Mobile Home: Transportable, factory-built structures, designed to be used as a year-

round residential dwelling. Mobile homes were built prior to the June 15, 1976 enactment of the [National Manufactured Home Construction and Safety Standards Act](#). Manufactured homes were built after said date and are subject to its provisions. This shall not include “tiny homes” or other portable dwellings mounted on a trailer or having no integrated wheeled framework, which shall be regulated herein as recreational vehicles.

Modular Home: Residential dwellings constructed of components manufactured at a remote location and transported to the home site, where they are assembled and installed on a permanent foundation. Components are fabricated utilizing assembly-line production techniques or other methods unique to the manufacturing process.

Patio Home: Detached single-family dwellings designed for zero lot line development. Each dwelling is owned independently and has one wall located on a side lot line. Patio home subdivisions may be designed as rental developments or traditional individual-owner developments.

Residential-Design Manufactured Home: Manufactured homes defined as such by [K.S.A. 12-742\(a\)\(7\)](#), with a minimum of twenty-two (22) body feet in width placed on permanent foundations, and having a pitched roof, siding and roofing materials that are customarily used on site-built homes, and that comply with the architectural and aesthetic standards of this Code.

Site-Built Home: Residential dwellings constructed of basic materials (i.e. lumber, piping, flooring) delivered to the home site. Building components are fabricated on-site, assembled, and installed on a permanent foundation..

Multi-Family Structures

Apartments: Multi-story residential buildings containing three (3) or more adjoining dwelling units, each unit intended to be occupied individually by one (1) family. Each unit shares a common wall, floor, or ceiling with at least one (1) other unit. Apartments may be developed rental, condominium, or dormitory units. This definition includes all similar dwelling types that are not otherwise defined (53111).

Boarding House: Residential buildings, typically private homes, with rooms rented to individuals on a monthly basis or longer. These generally offer private sleeping quarters with common kitchen, bathroom, and living areas. They may be owner-occupied with rooms rented to other individuals or group living quarters, such as fraternity and sorority houses, that are not defined herein as a Group Home (721310).

Group Home: Dwellings for persons with a disability, which are licensed by the State of Kansas in accordance with [K.S.A. 12-736](#), et seq. Maximum occupancy of such dwellings is ten (10) individuals, which may include up to eight (8) persons with a disability plus no more than two (2) staff residents (623210, 623220, 623990).

Townhome: Residential buildings with three (3) or more adjoining multi-story dwelling units, each unit intended to be occupied independently by one (1) family. Each unit shares a common vertical wall with at least one (1) other unit. Townhome subdivisions may be designed as rental developments, condominium developments, or traditional individual-owner developments (53111).

Triplex or Quadplex: Residential buildings with adjoining one-story dwelling units, each unit intended to be occupied individually by one (1) family. Triplexes have three (3) adjoining units and quadplexes have four (4) adjoining units, each of which shares a common wall with at least one (1) other unit. Triplexes and quadplexes may be developed as rental or condominium units (53111).

Nursing & Residential Care Facilities

Assisted Living Facility: Group living quarters with on-site personal care services for elderly individuals or those needing limited personal care services, which has no on-site nursing care (623312, 623220, 623210).

Continuing Care Facility: Group living quarters with on-site personal care services for elderly individuals or those needing personal care services, which also has on-site nursing care (623311).

Nursing Care Facility: Establishments primarily engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services (623110).

Residential Mixed Uses

Live/Work Office or Studio: A unit or units within a single building having separately defined residential and work spaces. Work spaces are restricted to allowable office-based uses as defined below or arts and culture

uses as defined in this Article.

Loft or Apartment in Commercial Building: A residential unit located within a building primarily used for commercial purposes consistent with the zoning district in which it is located.

Office Land Uses

Administration & Management Offices

Business or Corporate Office: Establishments used for the headquarters or administrative operations of a business or corporation (551111 - 551114).

Governmental or Institutional Office: Establishments used for administrative operations of an institutional or governmental agency/organization (813110 - 813990, 921110 - 928120).

Medical & Health Offices

Medical or Diagnostic Laboratory: Establishments that provide analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner (621511, 621512).

Medical Clinic: Establishments that provide outpatient health care services to ambulatory patients and having four (4) or more licensed medical professionals (621111 - 621498).

Medical Office: Establishments that provide outpatient health care services to ambulatory patients and having three (3) or fewer licensed medical professionals (621111 - 621498).

Professional & Technical Offices

Accounting, Finance or Investment Service: Establishments that provide accounting, tax preparation, bookkeeping, billing, payroll, financial management, and investments services (522210 - 523999, 525110, 525120, 525901 - 525990, 541211 - 541219).

Attorney or Law Office: Establishments of legal practitioners, lawyers or attorneys engaged in the practice of law, which may provide general expertise or practice specific areas of law, such as criminal, corporate, family and estate, patent, real estate, or tax law (541110).

Business Support or Consulting Service: Establishments that provide business support services, which may include routine functions traditionally conducted internally, research, assistance, or expert advice to businesses and other organizations (541611 - 541618, 541810 - 541930).

Design or Technical Profession: Establishments that provide planning and design activities, such as engineering, architecture, geotechnical services, survey, etc. (541310 - 541490, 541620, 541690, 541990).

Information Technology: Establishments that use technology involving the development, maintenance, and use of computer systems, software, and data processing/distribution networks (518210, 519130, 519190, 541511 - 541519).

Insurance or Real Estate: Establishments that provide or service annuities or insurance policies, including related support activities such as sales, underwriting, investing premiums, or processing claims; establishments that provide professional real estate services including brokerage, sales agency, rental/leasing, property management, abstracting, title work, and appraisal services (524113 - 524298, 525190, 531110 - 531390).

Travel Agency: Establishments that sell or operate travel, tour, and accommodation services (561510 - 561599).

Other Office-Based Uses

Corporate, Scientific or Government Campus: Contiguous developments that contain a group of office and support uses by a single entity or group of entities united for a singular purpose, and utilized as a consolidated base of operations (541690 - 541720, 551111 - 551114, 813110 - 813990, 921110 - 928120).

Multi-Tenant Office Building: Structures divided into separate units for conducting office-based activities having some shared common spaces for support functions (531120).

Research & Development Laboratory: Establishments that conduct original investigation undertaken on a systematic basis to gain new knowledge, or apply research findings or scientific knowledge to create or

improve products or processes (541713 - 541720).

Veterinary Clinic (house pets): Establishments that practice veterinary medicine, dentistry, surgery or related testing services. These treat household pets exclusively and may include outdoor support facilities as allowed by these regulations (541940).

Veterinary Clinic (large animal): Establishments that practice veterinary medicine, dentistry, surgery or related testing services. These treat large animals and livestock, either exclusively or in addition to house pets and may include outdoor support facilities (541940).

Arts, Culture & Recreation Land Uses

Arts & Culture Uses

Arts & Crafts Studio or Gallery: Establishments that create, store, display, or sell works of art or individually crafted items (453920, 711510).

Library: Establishments that contain collections of books, periodicals, films, music, or similar items for people to use, borrow, study, and reference (519120).

Motion Picture Studio: Establishments that produce or distribute motion pictures, videos, television programs, or commercials or provide post-production and related services (512110).

Museum: Establishments that contain exhibits of historical, scientific, artistic, or cultural objects and may also store, research, clean, or restore such items (712110).

Sound Recording Studio: Establishments that produce and distribute musical recordings, publish music, or provide sound recording and related services (512240).

Tattoo or Body Piercing Studio: Establishments that provide body tattooing or piercing services (812199).

Theater, Motion Picture: Establishments that project motion pictures or videos onto a screen for viewing by a group of individuals assembled in a venue designed specifically for such purposes (512131).

Theater, Performing Arts: Establishments that produce the performances of actors, singers, dancers, musical groups, or similar artists, and present the performances to a group of individuals assembled in a venue designed specifically for such purposes (711110, 711120, 711130).

Recreation & Sports Uses

Amusement Arcade: Establishments that contain collections of coin-operated games or entertainment devices, board games, card games, and similar items used by individuals solely for recreation and not gambling purposes (713120).

Fitness Center or Health Club: Indoor establishments that contain equipment and related facilities for individuals to engage in exercise or physical fitness activities (713940).

Golf Course or Country Club: Establishments that contain golf courses, which may include associated driving ranges, retail sales, dining facilities, and other sports, fitness or recreational facilities (713910).

Horse Riding Stable: Indoor or outdoor establishments for equestrian instruction, practice, and competition including support facilities. This use includes rodeo grounds and facilities (713990).

Recreation, Sport or Amusement Center: Establishments designed and equipped for conducting specific sports, leisure, fitness, and recreation activities or a variety of such activities in one location. This may include indoor and outdoor facilities either open to the public or operated on a membership basis. Such facilities often include one or more of the following: bowling alleys, video arcades, miniature golf, golf driving ranges, batting cages, go-cart tracks, carnival rides, swimming pools, ballfields, etc. (713990).

Shooting Range, Indoor: Indoor establishments for firearms and archery instruction, practice, and competition designed with separate firing positions for individuals or groups of shooters (713990).

Shooting Range, Outdoor: Outdoor establishments for firearms and archery instruction, practice, and competition designed with separate firing positions for individuals or groups of shooters (713990).

Commercial Service Land Uses

Automotive & Equipment Services

Automotive Maintenance Shop: Establishments, not including tire shops, that provide only minor routine automotive maintenance services for passenger vehicle, such as oil & filter changes. Such businesses are not equipped to conduct minor or major repairs (811191, 811198).

Automotive Repair Shop: Establishments, including tire shops, that provide minor or major automotive repair services for passenger vehicles (811111 - 811122, 811198).

Car Wash: Facilities used for cleaning, washing, waxing, or detailing of passenger vehicles (811192).

Commercial or Industrial Equipment Repair Shop: Establishments that repair or maintain commercial and industrial machinery/equipment, including sharpening or installing blades and saws or minor welding repairs (811310).

Construction & Heavy Equipment Repair Shop: Establishments that repair or maintain construction and heavy equipment, such as forklifts, backhoes, construction equipment, and mining machinery, dump trucks, and semi-trucks/trailers (811310).

Garden Equipment & Small Engine Repair Shop: Establishments that repair or maintain home and garden equipment, such as lawnmowers, trimmers, hand-held power tools, snow blowers, and similar equipment with small engines (811411).

Recreational Vehicle, Camper & Trailer Repair Shop: Establishments that repair or maintain recreational vehicles, campers, and trailers (811111, 811121, 811490).

Semi-Truck/Trailer Wash: Establishments that wash semi-trucks/trailers or washout tank trailers (811192).

Tractor & Farm Implement Repair Shop: Establishments that repair or maintain farm tractors, combines, and similar agricultural machinery and equipment (811310).

Business Support Services

Business Service Center: Establishments that provide mailbox rental and other postal and mailing services (except direct mail advertising); photocopying, duplicating, blueprinting, and other document copying services (but not bulk commercial printing services); and office support services, such as facsimile services, word processing services, on-site personal computer rental services, and office supply sales (561431, 561439, 561410).

Call Center or Telemarketing Agency: Establishments that conduct business, either for themselves or others, solely over the telephone on an incoming or outgoing basis including: call answering services; telemarketing; taking client orders; servicing customer accounts; soliciting contributions; providing information for products or services; and conducting surveys or polls (561421, 561422, 454110).

Credit Bureau or Collection Agency: Establishments that compile information on individuals or businesses, such as credit and employment histories, and provide that information to financial institutions, retailers, and others who evaluate creditworthiness; collecting payments for claims and remitting collected payments to clients (561440, 561450, 561491).

Data Processing Center: Establishments that provide infrastructure for data processing/distribution services including web hosting, streaming services or application hosting, application service provisioning, mainframe facilities, automated data processing, and data entry services (518210).

Office Equipment Repair & Maintenance: Establishments that repair and maintain office electronics including computers, printers, copiers, and other similar equipment (811212, 811213).

Personal Care Services

Barber Shop or Beauty Salon: Establishments that provide hair care services including cutting, trimming, styling, shampooing, coloring, or waving hair or shaving and trimming mens beards; providing facials; or applying makeup, not including permanent makeup (812111, 812112).

Day Spa: Establishments that provide health, beauty, and relaxation services; therapeutic or holistic treatments; any combination of personal care services (812199).

Massage Therapy: Establishments that provide body massage services offered by individuals with appropriate documented education and credentials; and duly authorized by the Butler County Health Department to practice massage therapy (812199).

Nail Salon: Establishments that provide nail care services such as manicures, pedicures, painting, polishing,

trimming, and similar services (812113).

Tanning Salon: Establishments that provide body tanning services and UV or spray equipment (812199).

Personal & Household Services

Coin-Operated Laundry: Establishments that provide coin-operated or similar self-service laundry equipment for customer use on the premises (812310).

Dry Cleaning or Laundry Service: Establishments that provide dry-cleaning, laundry, or other textile or garment cleaning services, typically with drop-off and pickup operations (812320).

Household Items or Furnishings Repair & Maintenance: Establishments that provide repair and service of household-type goods without retailing new goods (811420, 811490).

Locksmith Shop: Establishments that sell and service mechanical or electronic locking devices, safes, and security vaults including installation, repair, rebuilding, or adjusting services (561622).

Personal Goods Repair & Maintenance: Establishments that repair and service small personal goods not included in other personal and household services definitions, without retailing new goods (811490).

Picture Framing Shop: Establishments that provide cutting, assembling, and crafting of picture frames or providing picture framing services for customers (442299).

Tailor or Dressmaker: Establishments that create custom-made clothing and apparel from patterns by cutting and sewing fabric; and make alterations to clothing and apparel owned by others (811490).

Video Rental: Establishments that rent prerecorded video media to individuals to view elsewhere (532282).

Transient Lodging

Bed & Breakfast Inn: Establishments that provide short-term (daily or weekly) lodging in a private home or accessory structure, typically located in a residential zoning district. Owners of the principal structure may or may not occupy the premises at the same time as guests. Meals may be included in the room rate. This includes using Airbnb, VRBO and similar services for rental/booking arrangements (721191).

Campground or Recreational Vehicle (RV) Park: Establishments that operating sites to accommodate campers and their equipment, including tents, tent trailers, and recreational vehicles; and includes recreational vehicle parks and campgrounds and recreational and vacation camps (721211).

Extended Stay Hotel: Establishments that provide lodging for a fee on a per night, per week, or per month basis. Individual units are not intended for permanent residency, but may have kitchens/kitchenettes and separate living and sleeping areas (721110).

Group Shelter: Establishments that provide temporary or emergency shelter for individuals or families, in either private rooms or shared common spaces intended for temporary occupancy. This may include incidental social services, such as meals or counseling, provided to temporary occupants (624221).

Hotel or Motel: Establishments that provide short-term (daily or weekly) lodging in facilities known as hotels, motor hotels, resort hotels, and motels (721110).

Misc. Commercial Services

Auction House: Establishments that sell used merchandise by auction, not including vehicle and equipment auctions (453998, 561990).

Bail Bond Service: Establishments that provide bail bonding or bondsperson services (812990).

Banking Service: Establishments that accept deposits, lend funds from said deposits, provide extensions of credit, and the custody, loan, or exchange of money. Includes only establishments chartered by the State of Kansas or federal government as a bank, credit union, or similar financial institution (522110 - 522310).

Boarding Kennel: Establishments that provide temporary short-term lodging for house pets owned by others and limited pet care services as allowed by City Code (812910).

Day Care Center: Commercial day care establishments for adults or children that are appropriately licensed by the Kansas Department of Health and Environment (KDHE) that provide care for up to twelve (12) hours per day and which are not home-based businesses (624120, 624410).

Event Center: Establishments that provide facilities on a rental basis for hosting private events, such as weddings, birthdays, and social gatherings. Such establishments may serve, or allow to be served by patrons, cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (531120, 722320).

Funeral Home or Mortuary: Establishments that prepare the dead for burial/interment and conduct funerals (812210).

Non-Banking Financial Service: Establishments that provide banking-type services or other financial services, but do not hold deposits and are not chartered by the State of Kansas or federal government. Typical services include check cashing, payday loans, car title loans, and money wiring (522298, 522320, 522390).

Pet Grooming Service: Establishments that provide pet grooming services (812910).

Taxidermy Studio: Establishments that provide taxidermy services (711510).

Retail Land Uses

Automotive & Equipment Sales, Rental or Leasing

Auto Rental Office: Establishments that provide short-term vehicle rental/leasing without drivers, including passenger cars, motorcycles, scooters and pick-up trucks (532111, 532112).

Auto & Personal Vehicle Sales: Establishments that provide sales of new and used automobiles, motorcycles, light trucks, passenger and cargo vans, boats (441110, 441120, 441222, 441228).

Construction & Heavy Equipment Sales/Rental: Establishments that provide sales, rentals, and leasing of new and used construction equipment and other heavy equipment (532412).

Lawn & Garden Equipment Sales: Establishments that provide sales and/or rentals of new and used lawn and garden equipment and supplies (444210, 532310, 532490).

Tool or Equipment Rental: Establishments that provide short-term rental of home and garden, construction, and similar equipment such as hand tools, power tools, and lawn care equipment (532289, 532310).

Tractor & Farm Implement Sales/Rental: Establishments that provide sales, rentals, and leasing of new and used tractors and farm implements and machinery (423820, 423860, 532310, 532490).

Truck, Trailer or Recreational Vehicle Sales/Rental: Establishments that provide sales, rentals, and leasing of heavy trucks, truck trailers, semi-trailers, utility trailers, campers or recreational vehicles (441210, 441228, 532120).

Vehicle or Equipment Auction: Establishments that provide auction services for vehicles and other equipment that are typically owned by others (423110).

Building Material & Supply Sales

Electrical, Heating or Plumbing Contractor Supply: Establishments that provide sales of specialized lines of new electrical, heating, and plumbing appliances, equipment, and materials (423610, 423720, 444190).

Flooring, Paint or Home Decor Store: Establishments that provide retail sales of paint, wallpaper, building flooring materials, home decor items, and related supplies (444120, 444190).

Hardware & Tool Store: Establishments that provide retail sales of new hardware items, such as tools, fasteners, and builders' hardware. These may offer the incidental retail sale of general merchandise, construction materials, home, lawn and garden supplies. This may include temporary or permanent outdoor storage and display of goods for immediate sale (444130).

Home & Garden Center: Establishments, typically associated with a national "big-box" retail chain, that provide retail sales of a variety of home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include permanent outdoor storage and display of goods for immediate sale (444110, 444220).

Lumber Yard: Establishments that provide sales of lumber, which may be stored indoors or outdoors (423310, 444190).

General & Specialty Retail

Adult Retail Store: A sexually oriented establishment considered an adult bookstore, adult novelty store, or adult video store as defined in [K.S.A. 12-770](#), et seq. (N/A).

Antique Shop: Establishments that provide retail sales of used goods known as antiques, which were made earlier than the present period of time and have value because of considerable age (453310).

Book or Music Store: Establishments that provide retail sales of new or used books and other reading material or music recordings (443142, 451211, 451212).

Cable or Satellite TV or Telecommunication Retail Store: Establishments that provide retail sales of cable, satellite, or telecommunication services and associated merchandise (5171, 5174, 5179).

Cigar or Tobacco Product Shop: Establishments that provide retail sales of cigarettes, cigars, tobacco, pipes, e-cigarettes and other supplies for smoking or nicotine delivery (453991, 453998).

Clothing, Shoe or Apparel Store: Establishments that provide retail sales of new clothing, clothing accessories, shoes, or apparel; including formal wear and costume rental (448110 - 448210, 532281).

Cosmetics or Beauty Supply Store: Establishments that provide retail sales of cosmetics, perfumes, toiletries, and personal grooming products (446120).

Farm & Home Store: Establishments that provide retail sales of new building materials and supplies, new lawn and garden equipment, or new general farm equipment, not including heavy machinery. This may include the outdoor storage and display of goods for immediate sale (444220).

Florist: Establishments that offer retail or wholesale sales of cut flowers, floral arrangements, and potted plants. May include sales of plants purchased from others or grown inside greenhouses or hoop houses located on-site (453110, 453998).

Furniture or Home Appliance Store: Establishments that provide sales and/or rental of furniture, home furnishings, household appliances, televisions, stereo equipment, and home electronics (442299, 443141, 443142, 532289).

General Merchandise or Department Store: Establishments that provide retail sales of new general merchandise, with a wide variety of goods available and no single line of merchandise line being predominant (452210, 452319).

Gift, Novelty or Souvenir Shop: Establishments that provide retail sales of new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, or curios (453220).

Health Care or Medical Equipment Store: Establishments that provide retail sales and/or rental of health, personal, and medical equipment (446199, 532283).

Hobby Supply Shop: Establishments that provide retail sales of new toys, games, hobby and craft supplies and materials (451120).

Musical Instrument Store: Establishments that provide retail sales and/or rental of new and used musical instruments, sheet music, and related supplies (451140, 532289).

Office Supply or Stationary Store: Establishments that provide retail sales of new stationary, school supplies, office supplies, office equipment, office furniture, or office supplies (453210).

Pawnshop: Establishments that provide retail sales of general items and providing non-depository credit, pawn brokering, lending money upon personal property, pawns of pledges, or purchasing items at prices agreed upon at or before the time of such purchase (522298).

Pet or Pet Supply Store: Establishments that provide retail sales of pets, pet food, and pet supplies (453910).

Pharmacy or Drug Store: Establishments that provide retail sales of prescription and non-prescription drugs and medicines (446110).

Resale or Thrift Shop: Establishments, not including antique shops or pawnshops, that provide retail sales of a variety of used items, clothing or small household goods. Consignment sales may be offered. These may be operated by non-profit organizations, which gather, sort, and sell donated items on-site (453310).

Sporting or Recreational Goods Store: Establishments that provide retail sales and/or rental of new or used sporting goods, recreational equipment and fitness equipment (451110, 532284).

Supercenter or Warehouse Club: Establishments, typically associated with a national “big-box” retail chain, that provide retail sales of a general line of groceries in combinations with general lines of new merchandise (452311).

Grocery, Food & Beverage Sales

Bakery or Pastry Shops: Establishments that provide retail sales of bread and other baked goods made on the premises. May offer items intended for consumption on- and off-premise (311811, 445291, 722515).

Beer, Wine or Liquor Store: Establishments that provide retail sales of packaged alcoholic beverages (445310).

Convenience Store: Establishments that provide retail sales of a limited line of goods that generally includes milk, bread, soda, and snacks (445120, 447110).

Grocery Store or Supermarket: Establishments that provide retail sales of a general line of food products and miscellaneous general merchandise (445110).

Health Food or Supplement Store: Establishments that provide retail sales of food supplement products such as vitamins, nutrition supplements, and body enhancing supplements (446191).

Specialty Food Market: Establishments that provide retail sales of specialized lines of food (445210, 445220, 445230, 445292, 445299).

Restaurants & Drinking Establishments

Bars or Tavern: Establishments that generate fifty percent (50%) or more of its income from preparing and serving cereal malt or alcoholic beverages for immediate consumption; or classified as a Class A or Class B club per [K.S.A. 41-2601](#), et seq. Such establishments may sell prepared food items when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722410).

Brewpub: Establishments that generate fifty percent (50%) or more of its income from cereal malt or alcoholic beverages brewed on-premise; or classified as a Class B club under [K.S.A. 41-2601](#), et seq. Such establishments may sell prepared food items when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722410, 722511).

Cafeteria or Buffet: Establishments primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service nonalcoholic beverage dispensing equipment (722514).

Drive-In Restaurant: Establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating and which provides primary service to people parked in their vehicles. Such establishments shall not sell cereal malt or alcoholic beverages (722513).

Full Service Restaurant: Establishments that generate at least fifty percent (50%) of their income from food prepared on-premise, which is served to patrons who order while seated and pay after eating. Such establishments may sell cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722511).

Limited Service Restaurant: Establishments that generate at least seventy-five percent (75%) of their income from food prepared on-premise, which is ordered and served to patrons who must pay before eating. Such establishments may sell cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722513).

Misc. Retail Sales

Grain & Feed Store: Establishments that provide retail sales of farm supplies, such as crop seed, livestock supplies, and animal (non-pet) feed (444220).

Manufactured Home Dealer: Establishments that provide retail sales of new or used manufactured homes, parts, and equipment (453930).

Multi-Tenant Lifestyle Center: Specialized shopping centers with a compatible mix of national chain specialty stores, dining, entertainment, and smaller retail, service, and office uses. Individual tenant units may be adjoined or detached, with entrances and circulation between units provided along the exterior of buildings (531120, 531312).

Multi-Tenant Shopping Mall: Specialized shopping centers with a compatible mix of national chain specialty

stores, dining, entertainment, and smaller retail, service, and office uses. Structures have interior common space providing circulation and direct access to individual tenant units (531120, 531312).

Multi-Tenant Strip Center: Shopping centers with street frontage having multiple tenants set side-by-side with adjoining walls and circulation between units provided along the exterior of the building. These typically include a compatible mix of retail, dining, entertainment, service, and office uses (531120, 531312).

Outdoor Market: Outdoor establishments that provide retail sales of a variety of merchandise and products. Some typical examples include farmer's markets and flea markets (453310, 454390, 531190).

Swimming Pool Supply Store: Establishments that provide retail sales of swimming pool supplies, accessories, and chemicals (453998).

Truck Stop: Establishments that support the trucking industry, limited to on-premise fuel, accessory and convenience item sales; truck repair and washes; and restaurants (447110, 447190).

Vehicle Fueling Station: Establishments primarily engaged in retail sales of automotive fuels (447110, 447190).

Industrial Land Uses

Industrial Scale Non-Manufacturing

Commercial Laundry Operation: Establishments that supply, on a rental or contract basis, laundered industrial work uniforms and related work clothing, treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels; or laundering services for such items (812320, 812331, 812332).

Commercial Printing Operation: Establishments that offer printing on apparel and textile products, paper, metal, glass, plastics, and other materials (323111, 323113, 323117, 323120).

Concrete or Asphalt Pavement Mixing Plant: Establishments that measure, combine, and mix materials to create concrete or asphalt, but do not provide finished concrete or asphalt products (327310, 327320, 324121).

Liquid Waste Processing or Recycling: Establishments that collect, treat, and dispose of liquid waste materials; operate materials recovery facilities; provide remediation services; and provide septic pumping and other miscellaneous waste management services (325998, 423930, 562112, 562211, 562219, 562998).

Mulching & Composting Operation: Establishments that collect, store, and manage mulching and composting operations (325314, 562119).

Solid Recyclables Sorting & Processing: Establishments that operate facilities for separating and sorting nonhazardous recyclable materials or operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories (423930, 562111 - 562920).

General Manufacturing & Assembly

Aviation & Related Component Assembly: Establishments that manufacture or assemble aviation instruments, equipment, and related components (334220, 334511, 336320, 336412, 336413).

Brewery, Winery or Distillery: Establishments that brew beer, ale, malt liquors, and nonalcoholic beer; manufacture or blend wines and brandies; or distill, blend, or mix potable liquors, spirits, and other alcoholic beverages. Such are typically produced for wholesale distribution with limited retail sales allowed on-premise (312120, 312130, 312140).

Clothing or Apparel Manufacturing: Establishments that manufacture or assemble clothing, shoes and other apparel from fibers, woven materials, leathers, furs, etc. (315110 - 315990, 316210 - 316998).

Computer, Appliance or Electronics Manufacturing: Establishments that manufacture or assemble products that generate, distribute, or use electrical power. These include lighting; electrical appliances and parts; electric motors and components; electric generators and storage devices; computers; computer peripherals; communications equipment; and similar electronic products (333316, 333318, 334111 - 335921, 335999).

Concrete, Clay or Glass Products Manufacturing: Establishments that manufacture or assemble products using concrete, clay, glass, or similar products (327110 - 327215, 327331 - 327390, 333314).

Food Product or Non-Alcoholic Beverage Production: Establishments that transform livestock and agricultural products into products for intermediate or final consumption or the manufacturing of soft drinks, juices, or other nonalcoholic beverages (311211 - 311520, 311812 - 312112).

Furnishings Manufacturing: Establishments that manufacture or assemble furniture from mass produced materials. Does not include craft workshops that produce custom furniture or refurbishing one piece at a time (337110 - 337920).

Household or Personal Goods Manufacturing: Establishments that manufacture or assemble household goods, excluding furniture and electronics, or personal goods (339910, 339940, 339992 - 339999).

Ice Manufacturing: Establishments that manufacture ice for wholesale distribution (312113).

Mechanical Component Manufacturing: Establishments that manufacture or assemble miscellaneous equipment and end products that apply mechanical force to perform work (333318 - 333415, 333611 - 333999).

Medical Equipment & Supplies Manufacturing: Establishments that manufacture or assemble medical, dental, and surgical equipment, supplies, instruments, and appliances (339112 - 339116).

Metal Products Assembly: Establishments that treat metal products or assemble them into intermediate or end products from metals fabricated elsewhere (332114 - 332992, 335929 - 335991).

Metal Working, Tool & Dye or Welding Shop: Establishments that fabricate metal products, tool and dye items, or weld metals into intermediate or end products (333514 - 333519).

Plastic or Rubber Products Manufacturing: Establishments that manufacture or assemble new or spent plastics resins; or process natural, synthetic, or reclaimed rubber materials into intermediate or final products (326111 - 326299, 339991).

Sign Fabrication & Manufacturing: Establishments that manufacture signs and related displays of all materials, except paper signs (339950).

Toy, Recreation or Sporting Goods Manufacturing: Establishments that manufacture items such as dolls, doll parts, doll clothes, action figures, toys, games, hobby kits, children's vehicles, sporting and athletic goods. This category does not include the manufacture of metal bicycles and tricycles or athletic apparel and footwear (339920, 339930).

Wood Product Manufacturing: Establishments that manufacture or assemble wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes, and prefabricated wood buildings (32114 - 321999).

Heavy Industries & Raw Materials Processing

Chemical or Explosives Manufacturing: Establishments that produce basic chemicals or gases, creating products by chemical processes, or manufacturing explosives (325120 - 325199, 325311 - 325320, 325510 - 325998, 332992, 332993).

Concrete or Gypsum Manufacturing: Establishments that produce concrete building block, brick, and all types of precast and prefab concrete products; stone cutting, grinding or polishing. Also includes lime manufacturing, and the manufacture of gypsum products, such as plasterboard (327331 - 327999).

Motor Vehicle or Heavy Equipment Manufacturing: Establishments that produce equipment for transporting people and goods or heavy-duty vehicles or other equipment designed for executing agricultural, construction, grading or mining tasks (333111 - 333132, 336111 - 336999).

Paper or Paper Products Manufacturing: Establishments that produce wood pulp, paper, paperboard, or converted paper products (322110 - 322299).

Petroleum or Natural Gas Extraction: Resource extraction establishments primarily engaged in the removal of petroleum and natural gas from the earth for economic use (211120, 211130, 213111, 213112).

Petroleum, Coal or Asphalt Products Manufacturing: Establishments that transform crude petroleum and coal into usable products; manufacture asphalt and tar paving mixtures; produce roofing cements and coatings from asphaltic materials; or saturate mats and felts with asphalt or tar (324110 - 325110).

Pharmaceutical or Medicine Manufacturing: Establishments that manufacture biological and medicinal products; process botanical drugs and herbs; isolate active medicinal principals from botanical drugs and

herbs; or manufacture pharmaceutical products intended for consumption/use (325411 - 325414).

Plastic or Rubber Manufacturing: Establishments that process new or spent plastics or rubbers into intermediate or final products (325211 - 325220).

Quarry or Mine: Resource extraction establishments engaged in mining, developing mines, or exploring for metallic minerals (ores) or coal and nonmetallic minerals (except fuels) for economic use (212211 - 212299, 212324 - 212399, 213114, 213115).

Sand, Rock or Mineral Extraction Pit: Resource extraction establishments engaged in surface mining for the removal of sand, rock, and naturally occurring minerals from the earth for economic use (212311 - 212322, 213115).

Sawmill: Establishments engaged in storage, sales, and milling of forest products, not including the cutting of firewood (321113).

Slaughterhouse or Animal Products Processing: Establishments that slaughter animals; prepare processed meats and meat byproducts; or render or refine animal fat, bones, and meat scraps (311111, 311119, 311225, 311611 - 311710).

Textile or Carpet Mill: Establishments that transform basic fibers into products that are further manufactured into usable textile products, not including clothing or apparel (313110 - 314999).

Wholesale Trade

Importing, Exporting or Wholesale Trade: Establishments that import or export wholesale products; sell merchandise to retailers, industrial, commercial, institutional, farm, professional business users, or other wholesalers; or act as agents or brokers in buying or selling merchandise for others (423110 - 425120).

Wholesale Trade with Showroom: Establishments that import wholesale products; and sell imported wholesale merchandise to others directly or acting as agents; and offer a showroom for displaying or selling products (423110 - 425120).

Vending Machine Supply or Distributor: Establishments that supply or distribute machines that mechanically dispense consumer items; or supply or distribute items sold by vending machines (454210, 713120, 812990).

Warehousing & Storage

Agricultural Product or Fertilizer Warehousing/Storage: Establishments that store products, materials, or chemicals that used in livestock or agricultural production (424510, 493130).

Bulk Chemical, Explosives or Petroleum Storage: Establishments that store chemicals, explosives, petroleum products or similar components (424710, 424720, 454310, 493190, 562211).

Cold Storage or Refrigerated Warehousing: Establishments that store commercial goods and materials requiring refrigeration or temperature control (493120).

Commercial Livestock Feedlot: Establishments that raise livestock or feed livestock for fattening (11212).

Construction Contractor Yard: Establishments that provide general contracting or subcontracting in the building construction trades. These include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles (236115 - 238990).

General Indoor Warehousing: Establishments that store general commercial goods and materials inside of a building (493110).

General Outdoor Storage: Establishments that store general commercial goods and materials outside of a building (493110, 493190).

Junk, Scrap or Salvage Yard: Establishments that store, recycle, dismantle, or sell cast-off, used, scrap, or salvage materials, metals, automobiles, or similar items (423140, 423930).

Livestock Auction Barn: Establishments that consign livestock for auction, which is open to public bidding or sold on a commission basis (424520, 424590).

Self-Storage, Commercial: Establishments that rent/lease, separate secured units to individuals who self-store and retrieve personal items (531130).

Vehicle or Equipment Storage Yard: Establishments that store vehicles and other equipment for a fee, within a

secured area enclosed and screened by a fence (493190).

Transportation & Freight Uses

Airstrip, Airport or Heliport: Establishments that provide landing and take-off facilities for aircraft, with related support facilities and buildings (481111 - 481219, 488111 - 488190).

Commercial Parking Lot or Garage: Establishments that provide off-street parking stalls for motor vehicles, usually on an hourly, daily, or monthly basis, and may offer valet parking services. (812930).

Courier, Messenger or Local Delivery Service: Establishments that provide intercity, local, or international delivery of parcels, documents, furnishing and bulk items (including express delivery services) without operating under a universal service obligation (484210, 491110, 492110, 492210).

Motor Vehicle Towing or Wrecker Service: Establishments that provide towing services for light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair services (488410).

Public Transit or Charter Bus Terminal: Establishments primarily used as terminals or major hubs for operating passenger ground transportation service, including fixed route service and on-demand service, for profit or by a public agency (485111 - 485210, 485410 - 485999).

Rail & Intermodal Freight or Transfer Yard: Establishments used to transfer goods between different freight modes including trains and trucks, ships, or aircraft (482111, 482112, 488210).

Taxi, Limousine or Shuttle Service: Establishments that provide passenger transportation by automobile, van, limousine, or shuttle bus, which are not operated over regular routes and on regular schedules (485310, 485320, 485999).

Trucking & Freight Terminal: Establishments used to transfer freight from trucks or trains on a broad distribution network to vehicles that deliver directly to the final recipients (484110 - 484122, 484220, 484230).

Communication & Utility Land Uses

Broadcast Tower: A freestanding monopole, lattice framework or guyed structure with equipment that transmits/receives radio, television, satellite, microwave, radar or other communication signals. Does not include personal wireless services, facilities or communications as defined in [47 USC § 332 \(c\) - \(d\)](#) (515111, 515112, 515120, 517410).

Natural Gas or Petroleum Distribution: Infrastructure, tanks, and aboveground equipment that support the underground transportation or delivery of natural gas or petroleum products (221210, 486110 - 486990).

Radio or Television Broadcasting Station: Establishments that operate broadcast studios and facilities for over-the-air or satellite delivery of radio and television programs (515111, 515112, 515120).

Utility Support Facility or Substation: Infrastructure, equipment, structures or land owned by a public agency or private utility that support the provision of organizational services or utilities, except managerial/administrative functions; or facilities that connect utility transmission infrastructure to the distribution or collection network of a specific service area within the utility system. These are the primary use of a zoning lot. Does not include wireless communications as defined in [Section 03.03](#) (221111 - 221330, 515210, 515311).

Wireless Communications Tower: Freestanding monopoles, self-supported structures or guyed structures capable of supporting transmission equipment for personal wireless communications, such as cellular voice/data or other similar services as defined in [47 USC § 332 \(c\) - \(d\)](#). This shall include collocated wireless facilities requiring substantial modification of the existing structure prior to installation. See definitions in [Section 03.03](#) (517312).

Public & Institutional Land Uses

Arena or Stadium: Facilities primarily for spectator-oriented gatherings including sporting events, attractions, performing arts, or similar assemblies. Includes stadiums, coliseums, arenas, field houses, race tracks (auto and animals), motorcycle racing and drag strips, and other sports considered commercial (711211, 711212, 711219).

Cemetery or Mausoleum: Interment establishments that subdivide property into lots and offer burial plots for sale. Includes animal cemeteries; cemetery, mausoleum, and related facilities; and funeral parlors accessory

to a cemetery or mausoleum (812220).

Civic, Religious or Organizational Meeting Place: Permanent venues designed for hosting gatherings or meetings of groups, congregations, institutions, or organizations (813110 - 813990).

Correctional Institution: Facilities generally designed and operated for the confinement, correction, and rehabilitation of adult or juvenile offenders sentenced by a court (922140).

Crematory: Establishments that operate facilities where the dead are cremated (812220).

Hospital: Establishments that provide medical, diagnostic, and treatment services that include physician, nursing, and other health services provided on an inpatient basis; and the specialized accommodation services required by inpatients (622110, 622210, 622310).

Outpatient Surgery or Treatment Center: Establishments that provide general and specialized outpatient services and care related to a treatment of a variety of medical and mental health issues including disorders, substance abuse, family planning, and HMOs (621410 - 621498).

Park/Open Space: An area of land or water dedicated for recreation purposes, sports activities or preservation of natural resources. Some typical examples include parks, playgrounds, open common areas, greenways and nature preserves.

School or Educational Campus: Individual buildings or groups of structures used to deliver educational services. Includes preschools, kindergartens, elementary schools, secondary schools, junior colleges, colleges, universities, professional schools, and military academies (611110 - 611310).

Technical School or Job Training Center: Establishments that provide vocational and technical training in a variety of technical subjects and trades (611410 - 611699).

05.03. Table of Primary Uses by Zoning District

Table Legend

“A”	ALLOWED by-right in zoning district.	“X”	NO APPLICABLE specific use standards.
“C”	Permitted by CONDITIONAL USE in zoning district.	p. #	Page number where the use definition or applicable specific use standards are found.
“--”	Use NOT ALLOWED in zoning district.		

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Agricultural Land Uses													
General Agricultural Uses													
Animal or Livestock Production	p. 21	A	--	--	--	--	--	--	--	--	--	--	X
Crop Production		A	--	--	--	--	--	--	--	--	--	--	X
Breeding Kennel		A	--	--	--	--	--	--	--	--	--	--	X
Greenhouse or Hoop House		A	--	--	--	--	--	C	A	A	A	A	X
Nursery or Orchard		A	--	--	--	--	--	--	--	--	--	--	X
Undefined Agricultural Uses													
Zoning Administrator written determination per Section 04.06.G.2													
Residential Land Uses													
Single-Family Dwellings													
Duplex (SF Attached)	p. 21	C	C	C	A	A	--	--	--	--	--	--	p. 96
Earth Sheltered Home (SF Detached)		A	A	C	--	--	--	--	--	--	--	--	
Garden Home (SF Attached)	p. 22	--	--	--	A	--	--	--	--	--	--	--	X
Manufactured or Mobile Home (SF Detached)		C	C	--	--	--	A	--	--	--	--	--	X
Modular Home (Construction Method)		A	A	A	A	A	--	--	A	--	--	--	X
Patio Home (SF Detached)		--	--	--	A	--	--	--	--	--	--	--	X
Residential-design Manufactured Home (SF Detached)		A	A	A	A	A	--	--	A	--	--	--	X
Site-Built Home (Construction Method)	A	A	A	A	A	--	--	A	--	--	--	X	
Multi-Family Dwellings													
Apartment	p. 22	--	--	--	--	A	--	C	C	C	--	--	X
Boarding House		--	--	--	--	A	--	C	C	--	--	--	X
Group Home		A	A	A	A	A	--	A	A	--	--	--	X
Townhome		--	--	--	--	A	--	C	--	--	--	--	X
Triplex or Quadplex		--	--	--	--	A	--	C	--	--	--	--	X

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Nursing & Residential Care Facilities													
Assisted Living Facility	p. 22	--	--	--	--	C	--	C	--	A	A	--	X
Continuing Care Facility		--	--	--	--	C	--	C	--	A	A	--	X
Nursing Care Facility		--	--	--	--	C	--	C	--	A	A	--	X
Residential Mixed Uses													
Live/Work Office or Studio	p. 23	--	--	--	--	--	--	A	A	--	--	--	X
Loft or Apartment in Commercial Building		--	--	--	--	--	--	A	A	--	--	--	X
Undefined Residential Uses	Zoning Administrator written determination per Section 04.06.G.2												
Office Land Uses													
Administration & Management Offices													
Business or Corporate Office	p. 23	--	--	--	--	--	--	A	A	A	A	A	X
Governmental or Institutional Office		--	--	--	--	--	--	A	A	A	A	A	X
Medical & Health Offices													
Medical or Diagnostic Laboratory	p. 23	--	--	--	--	--	--	--	--	A	A	--	X
Medical Clinic		--	--	--	--	--	--	--	A	A	A	--	X
Medical Office		--	--	--	--	--	--	A	A	A	A	--	X
Professional & Technical Offices													
Accounting, Finance or Investment Service	p. 23	--	--	--	--	--	--	A	A	A	A	--	X
Attorney or Law Office		--	--	--	--	--	--	A	A	A	A	--	X
Business Support or Consulting Service		--	--	--	--	--	--	A	A	A	A	--	X
Design or Technical Profession		--	--	--	--	--	--	A	A	A	A	--	X
Information Technology		--	--	--	--	--	--	A	A	A	A	--	X
Insurance or Real Estate		--	--	--	--	--	--	A	A	A	A	--	X
Travel Agency		--	--	--	--	--	--	A	A	A	A	--	X
Other Office-Based Uses													
Corporate, Scientific or Government Campus	p. 23	--	--	--	--	--	--	--	--	--	A	A	X
Multi-Tenant Office Building	p. 24	--	--	--	--	--	--	C	C	A	A	--	X
Research & Development Laboratory		--	--	--	--	--	--	--	--	--	A	A	X
Veterinary Clinic (house pets)		--	--	--	--	--	--	A	--	A	A	--	X
Veterinary Clinic (large animal/livestock)		C	--	--	--	--	--	--	--	--	--	--	X
Undefined Office Uses	Zoning Administrator written determination per Section 04.06.G.2												
Arts, Culture & Recreation Land Uses													
Arts & Culture Uses													
Arts & Crafts Studio or Gallery	p. 24	--	--	--	--	--	--	A	A	A	A	--	X
Library		--	--	C	C	C	C	A	A	A	A	--	X
Motion Picture Studio		--	--	--	--	--	--	--	--	--	--	A	X
Museum		--	--	--	--	--	--	C	C	A	A	--	X
Sound Recording Studio		--	--	--	--	--	--	A	A	A	A	A	X
Tattoo or Body Piercing Studio		--	--	--	--	--	--	C	C	A	A	--	p. 104
Theater, Motion Picture		--	--	--	--	--	--	--	A	A	A	--	X
Theater, Performing Arts		--	--	--	--	--	--	A	A	A	A	--	X
Recreation & Sports Uses													
Amusement Arcade	p. 24	--	--	--	--	--	--	--	C	A	A	--	X
Fitness Center or Health Club		--	--	--	--	--	--	A	A	A	A	--	X
Golf Course or Country Club		A	A	A	--	--	--	--	--	--	--	--	p. 97
Horse Riding Stable		A	C	--	--	--	--	--	--	--	--	--	X
Recreation, Sport or Amusement Center	p. 25	--	--	--	--	--	--	--	C	A	A	A	p. 102
Shooting Range, Indoor		C	--	--	--	--	--	--	--	--	C	C	p. 103
Shooting Range, Outdoor		C	--	--	--	--	--	--	--	--	--	--	p. 103
Undefined Arts, Culture & Recreation Uses	Zoning Administrator written determination per Section 04.06.G.2												

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Commercial Service Land Uses													
Automotive & Equipment Services													
Automotive Maintenance Shop	p. 25	--	--	--	--	--	--	--	C	A	A	A	p. 92
Automotive Repair Shop		--	--	--	--	--	--	--	C	--	A	A	p. 92
Car Wash		--	--	--	--	--	--	--	--	A	A	A	p. 93
Commercial or Industrial Equipment Repair Shop		--	--	--	--	--	--	--	--	--	C	A	X
Construction & Heavy Equipment Repair Shop		--	--	--	--	--	--	--	--	--	--	A	X
Garden Equipment & Small Engine Repair Shop		--	--	--	--	--	--	C	C	C	A	A	X
Recreational Vehicle, Camper & Trailer Repair Shop		--	--	--	--	--	--	--	--	--	--	A	X
Semi-Truck/Trailer Wash		--	--	--	--	--	--	--	--	--	--	A	X
Tractor & Farm Implement Repair Shop	--	--	--	--	--	--	--	--	--	--	A	X	
Business Support Services													
Business Service Center	p. 25	--	--	--	--	--	--	A	A	A	A	--	X
Call Center or Telemarketing Agency		--	--	--	--	--	--	--	--	C	A	--	X
Credit Bureau or Collection Agency		--	--	--	--	--	--	--	--	C	A	--	X
Data Processing Center		--	--	--	--	--	--	--	--	A	A	--	X
Office Equipment Repair & Maintenance		--	--	--	--	--	--	--	A	A	A	A	X
Personal Care Services													
Barber Shop or Beauty Salon	p. 26	--	--	--	--	--	--	A	A	A	A	--	X
Day Spa		--	--	--	--	--	--	A	A	A	A	--	X
Massage Therapy		--	--	--	--	--	--	A	A	A	A	--	X
Nail Salons		--	--	--	--	--	--	A	A	A	A	--	X
Tanning Salons		--	--	--	--	--	--	A	A	A	A	--	X
Personal & Household Services													
Coin-Operated Laundry	p. 26	--	--	--	--	--	--	A	--	A	A	--	X
Dry Cleaning or Laundry Service		--	--	--	--	--	--	A	C	A	A	--	X
Household Items or Furnishings Repair & Maintenance		--	--	--	--	--	--	A	C	A	A	--	X
Locksmith Shop		--	--	--	--	--	--	A	C	A	A	--	X
Personal Goods Repair & Maintenance		--	--	--	--	--	--	A	A	A	A	--	X
Picture Framing Shop		--	--	--	--	--	--	A	A	A	A	--	X
Tailor or Dressmaker		--	--	--	--	--	--	A	A	A	A	--	X
Video Rental		--	--	--	--	--	--	C	--	A	A	--	X
Transient Lodging													
Bed & Breakfast Inn	p. 26	C	C	C	--	A	--	A	A	A	A	--	X
Campground or Recreational Vehicle Park		C	--	--	--	--	C	--	--	--	--	--	X
Extended Stay Hotel		--	--	--	--	--	--	--	C	A	A	--	X
Group Shelter		--	--	--	--	--	--	--	--	C	A	--	X
Hotel or Motel		--	--	--	--	--	--	C	C	A	A	--	X
Misc. Commercial Services													
Auction House	p. 27	--	--	--	--	--	--	--	--	--	A	A	X
Bail Bond Service		--	--	--	--	--	--	--	--	A	A	A	X
Banking Service		--	--	--	--	--	--	A	A	A	A	--	X
Boarding Kennel		A	--	--	--	--	--	--	--	--	A	A	p. 93
Day Care Center		--	--	--	--	--	--	C	C	A	A	--	X
Event Center		--	--	--	--	--	--	C	C	A	A	--	X
Funeral Home or Mortuary		--	--	--	--	--	--	--	--	A	A	--	X
Non-Banking Financial Service		--	--	--	--	--	--	--	--	A	A	--	X
Pet Grooming Service		--	--	--	--	--	--	A	C	A	A	--	X
Taxidermy Studio		--	--	--	--	--	--	C	C	A	A	--	X
Undefined Commercial Services		Zoning Administrator written determination per Section 04.06.G.2											

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Retail Land Uses													
Automotive & Equipment Sales, Rental or Leasing													
Auto Rental Office	p. 27	--	--	--	--	--	--	--	--	A	A	A	p. 92
Auto & Personal Vehicle Sales		--	--	--	--	--	--	--	C	C	A	A	
Construction & Heavy Equipment Sales/Rental		--	--	--	--	--	--	--	--	--	--	A	
Lawn & Garden Equipment Sales		--	--	--	--	--	--	--	--	--	A	A	
Tool or Equipment Rental		--	--	--	--	--	--	--	--	--	A	A	
Tractor & Farm Implement Sales/Rental		C	--	--	--	--	--	--	--	--	--	A	
Truck, Trailer or Recreational Vehicle Sales/Rental		--	--	--	--	--	--	--	--	--	A	A	
Vehicle or Equipment Auction	--	--	--	--	--	--	--	--	--	--	A		
Building Material & Supply Sales													
Electrical, Heating or Plumbing Contractor Supply	p. 28	--	--	--	--	--	--	--	C	--	A	A	X
Flooring, Paint or Home Decor Store		--	--	--	--	--	--	--	C	A	A	A	X
Hardware & Tool Store		--	--	--	--	--	--	C	C	A	A	A	X
Home & Garden Center		--	--	--	--	--	--	--	--	A	A	A	p. 97
Lumber Yard		--	--	--	--	--	--	--	--	--	A	A	X
General & Specialty Retail Sales													
Adult Retail Store	p. 28	--	--	--	--	--	--	--	--	--	C	A	p. 92
Antique Shop		--	--	--	--	--	--	A	A	A	A	--	X
Book or Music Store		--	--	--	--	--	--	A	A	A	A	--	X
Cable or Satellite TV or Telecommunication Retail Store		--	--	--	--	--	--	--	--	A	A	--	X
Cigar or Tobacco Product Shop		--	--	--	--	--	--	A	A	A	A	--	X
Clothing, Shoe or Apparel Store		--	--	--	--	--	--	C	A	A	A	--	X
Cosmetics or Beauty Supply Store		--	--	--	--	--	--	C	A	A	A	--	X
Farm & Home Store		C	--	--	--	--	--	--	--	--	A	A	X
Florist		--	--	--	--	--	--	A	A	A	A	--	X
Furniture or Home Appliance Store		--	--	--	--	--	--	--	A	--	A	--	X
General Merchandise or Department Store		--	--	--	--	--	--	--	C	C	A	--	X
Gift, Novelty or Souvenir Shop		--	--	--	--	--	--	A	A	A	A	--	X
Health Care or Medical Equipment Store		--	--	--	--	--	--	--	--	A	A	--	X
Hobby Supply Shop		p. 29	--	--	--	--	--	--	A	A	A	A	X
Musical Instrument Store	--		--	--	--	--	--	A	A	A	A	X	
Office Supply or Stationary Store	--		--	--	--	--	--	C	C	A	A	X	
Pawnshop	--		--	--	--	--	--	--	--	--	A	A	X
Pet or Pet Supply Store	--		--	--	--	--	--	--	C	A	A	A	X
Pharmacy or Drug Store	--		--	--	--	--	--	A	A	A	A	--	X
Resale or Thrift Shop	--		--	--	--	--	--	A	A	A	A	--	X
Sporting or Recreational Goods Store	--		--	--	--	--	--	--	C	A	A	--	X
Supercenter or Warehouse Club	--		--	--	--	--	--	--	--	--	A	A	X
Grocery, Food & Beverage Sales													
Bakery or Pastry Shop	p. 29	--	--	--	--	--	--	A	A	A	A	X	
Beer, Wine or Liquor Store		--	--	--	--	--	--	C	C	A	A	X	
Convenience Store		--	--	--	--	--	--	C	--	A	A	X	
Grocery Store or Supermarket		--	--	--	--	--	--	C	--	A	A	X	
Health Food or Supplement Store		--	--	--	--	--	--	C	C	A	A	X	
Specialty Food Market		--	--	--	--	--	--	C	C	A	A	X	
Restaurants & Drinking Establishments													
Bar or Tavern	p. 29	--	--	--	--	--	--	C	C	A	A	p. 92	
Brewpub		--	--	--	--	--	--	C	C	A	A		
Cafeteria or Buffet		--	--	--	--	--	--	--	--	A	A		
Drive-In Restaurant	p. 30	--	--	--	--	--	--	--	C	C	A	X	
Full Service Restaurant		--	--	--	--	--	--	A	A	A	A	X	
Limited Service Restaurant		--	--	--	--	--	--	C	C	A	A	X	

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Misc. Retail Uses													
Grain & Feed Store	p. 30	--	--	--	--	--	--	--	--	--	C	A	X
Manufactured Home Dealer		--	--	--	--	--	--	--	--	--	C	A	p. 92
Multi-Tenant Lifestyle Center		--	--	--	--	--	--	--	--	--	A	--	p. 98
Multi-Tenant Shopping Mall		--	--	--	--	--	--	--	--	--	A	--	
Multi-Tenant Strip Center		--	--	--	--	--	--	--	--	A	A	--	p. 100
Outdoor Market		--	--	--	--	--	--	C	C	A	A	A	X
Swimming Pool Supply Store		--	--	--	--	--	--	--	--	A	A	--	p. 104
Truck Stop		--	--	--	--	--	--	--	--	--	C	A	p. 105
Vehicle Fueling Station		--	--	--	--	--	--	--	--	A	A	A	
Undefined Retail Uses													
Zoning Administrator written determination per Section 04.06.G.2													
Industrial Land Uses													
Industrial Scale Non-Manufacturing													
Commercial Laundry Operation	p. 30	--	--	--	--	--	--	--	--	--	--	A	X
Commercial Printing Operation		--	--	--	--	--	--	--	--	--	--	A	X
Concrete or Asphalt Pavement Mixing Plant		--	--	--	--	--	--	--	--	--	--	C	p. 94
Liquid Waste Processing or Recycling	p. 31	--	--	--	--	--	--	--	--	--	--	C	X
Mulching & Composting Operation		--	--	--	--	--	--	--	--	--	--	A	X
Solid Recyclables Sorting & Processing		--	--	--	--	--	--	--	--	--	--	C	X
General Manufacturing & Assembly													
Aviation & Related Component Assembly	p. 31	--	--	--	--	--	--	--	--	--	--	A	X
Brewery, Winery or Distillery		--	--	--	--	--	--	--	--	--	--	A	X
Clothing or Apparel Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Computer, Appliance or Electronics Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Concrete, Clay & Glass Products		--	--	--	--	--	--	--	--	--	--	A	X
Food Product or Non-Alcoholic Beverage Production		--	--	--	--	--	--	--	--	--	--	A	X
Furnishings Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Household or Personal Goods Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Ice Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Mechanical Component Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Medical Equipment & Supplies Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Metal Products Assembly		--	--	--	--	--	--	--	--	--	--	A	X
Metal Working, Tool & Dye or Welding Shop		--	--	--	--	--	--	--	--	--	--	A	X
Plastic or Rubber Products Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Sign Fabrication & Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Toy, Recreation or Sporting Goods Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Wood Product Manufacturing	p. 32	--	--	--	--	--	--	--	--	--	--	A	X
Heavy Industries & Raw Materials Processing													
Chemical or Explosives Manufacturing	p. 32	--	--	--	--	--	--	--	--	--	--	C	X
Concrete or Gypsum Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Motor Vehicle or Heavy Equipment Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Paper or Paper Products Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Petroleum or Natural Gas Extraction		--	--	--	--	--	--	--	--	--	--	C	p. 101
Petroleum, Coal or Asphalt Products Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Heavy Industries & Raw Materials Processing (continued)													
Pharmaceutical or Medicine Manufacturing	p. 32	--	--	--	--	--	--	--	--	--	--	C	X
Plastic or Rubber Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Quarry or Mine		--	--	--	--	--	--	--	--	--	--	C	p. 101
Sand, Rock or Mineral Extraction Pit		--	--	--	--	--	--	--	--	--	--	C	
Sawmill		--	--	--	--	--	--	--	--	--	--	C	p. 102
Slaughterhouse or Animal Products Processing		--	--	--	--	--	--	--	--	--	--	C	X
Textile or Carpet Mill		--	--	--	--	--	--	--	--	--	--	C	X
Wholesale Trade													
Importing, Exporting or Wholesale Trade	p. 32	--	--	--	--	--	--	--	--	--	--	A	X
Wholesale Trade with Showroom		--	--	--	--	--	--	--	--	C	A	A	X
Vending Machine Supply or Distributor		--	--	--	--	--	--	--	--	--	C	A	X

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Warehousing & Storage													
Agricultural Product or Fertilizer Warehousing/ Storage	p. 33	C	--	--	--	--	--	--	--	--	--	C	X
Bulk Chemical, Explosives or Petroleum Storage		--	--	--	--	--	--	--	--	--	--	C	X
Cold Storage or Refrigerated Warehousing		--	--	--	--	--	--	--	--	--	--	A	X
Commercial Livestock Feedlot		--	--	--	--	--	--	--	--	--	--	--	X
Construction Contractor Yard		--	--	--	--	--	--	--	--	--	C	A	X
General Indoor Warehousing		--	--	--	--	--	--	--	--	--	--	A	X
General Outdoor Storage		--	--	--	--	--	--	--	--	--	--	A	X
Junk, Scrap or Salvage Yard		--	--	--	--	--	--	--	--	--	--	C	p. 97
Livestock Auction Barn		C	--	--	--	--	--	--	--	--	--	A	X
Self-Storage, Commercial		--	--	--	--	--	--	--	--	C	A	A	p. 103
Vehicle or Equipment Storage Yard	--	--	--	--	--	--	--	--	--	--	A	p. 97	
Transportation & Freight Uses													
Airstrip, Airport or Heliport	p. 33	C	--	--	--	--	--	--	--	--	--	C	X
Commercial Parking Lot or Garage		--	--	--	--	--	--	A	A	A	A	A	X
Courier, Messenger or Local Delivery Service		--	--	--	--	--	--	C	--	C	C	A	X
Motor Vehicle Towing or Wrecker Service		--	--	--	--	--	--	--	--	--	--	A	X
Public Transit or Charter Bus Terminal		--	--	--	--	--	--	C	--	C	A	A	X
Rail & Intermodal Freight or Transfer Yard		--	--	--	--	--	--	--	--	--	--	C	X
Taxi, Limousine or Shuttle Service		--	--	--	--	--	--	--	--	C	A	A	X
Trucking or Freight Terminal		--	--	--	--	--	--	--	--	--	--	A	X
Undefined Industrial Uses													Zoning Administrator written determination per Section 04.06.G.2
Communication & Utility Land Uses													
Broadcast Tower	p. 34	C	--	--	--	--	--	--	--	C	C	A	p. 93
Natural Gas or Petroleum Distribution		C	--	--	--	--	--	--	--	--	--	A	X
Radio or Television Broadcasting Station		C	--	--	--	--	--	C	--	C	A	A	X
Utility Support Facility or Substation		C	C	C	C	C	C	C	C	C	C	A	p. 105
Wireless Communication Tower		C	C	C	C	C	C	C	C	C	C	A	p. 106
Undefined Communication & Utility Uses													Zoning Administrator written determination per Section 04.06.G.2
Public & Institutional Land Uses													
Arena or Stadium	p. 34	C	--	--	--	--	--	--	--	--	C	C	p. 92
Cemetery or Mausoleum		C	--	--	--	--	--	--	--	--	--	--	X
Civic, Religious or Organizational Meeting Place		C	C	C	--	C	--	C	--	A	A	--	X
Correctional Institution		--	--	--	--	--	--	--	--	--	--	C	X
Crematory		--	--	--	--	--	--	--	--	C	C	A	X
Hospital		--	--	--	--	--	--	--	--	C	A	--	X
Outpatient Surgery or Treatment Center		--	--	--	--	--	--	C	--	C	A	--	X
Park/Open Space		A	A	A	A	A	A	A	A	A	A	A	X
School or Educational Campus		C	C	C	--	C	--	C	--	A	A	--	p. 102
Technical School or Job Training Center	C	--	--	--	--	--	C	--	C	A	A		
Undefined Public & Institutional Uses													Zoning Administrator written determination per Section 04.06.G.2

05.04. Secondary Land Uses

This section defines specific uses and structures, which are considered secondary uses as defined in [Section 03.03](#). Wireless facilities are regulated as secondary uses when located on a lot with a different primary use or within the public right-of-way. A table identifying allowed secondary land uses in each zoning district is provided as [Section 05.05](#) following these definitions.

Accessory Apartment or Dwelling: A residential unit that is accessory to a single-family residential primary use on the same lot. An accessory apartment is constructed inside or attached to the primary structure or a secondary structure. An accessory dwelling exists independently and is detached from all other structures.

Accessory Use: Any use or structure defined as an accessory use per [Section 03.03](#) and allowed per [Section 04.06](#) that is not otherwise specifically defined in this section.

Adult Entertainment: Any sexually oriented business activity defined per [K.S.A. 12-770](#), which occurs in a motion picture theater, bar, tavern, or full service restaurant as defined in [Section 05.02](#). Such an establishment wherein a sexually oriented activity occurs shall be regulated as an adult entertainment use

according to [Section 05.05](#) and subject to all applicable requirements. No sexually oriented business activity defined per [K.S.A. 12-770](#) shall be allowed in conjunction with any use not defined herein.

Broadcast Tower: A freestanding monopole, lattice framework or guyed structure with equipment that transmits/receives radio, television, satellite, microwave, radar or other communication signals. Does not include personal wireless services, facilities or communications as defined in [47 USC § 332 \(c\) and \(d\)](#).

Car Wash: A structure used for cleaning or detailing motor vehicles, whether self-service or automated, where the car wash is not the primary use on the zoning lot.

Collocated Wireless Facility: A wireless facility installed on or attached to an existing structure as defined in [Section 03.03](#).

Concrete or Asphalt Pavement Mixing Plant: A temporary structure at a construction site used for the mixing of concrete or asphalt, which is intended to be used at the site.

Construction Administration Trailer: A temporary structure located at a construction site for the administration of activities associated with the construction activities at the site.

Detached Residential Carports or Garage: A structure considered either a carport or garage as defined in [Section 03.03](#) that is unattached to a principal residential structure.

Detached Structure for Home Occupation: A detached structure used for conducting business activities associated with a home occupation.

Distributed Antenna System: An infrastructure network that distributes radio frequency signals from transceivers at a central hub site to remote antenna nodes deployed throughout a specific coverage area to personal wireless communication devices.

Drive-Thru Banking Service or ATM: A facility that is part of a banking-type establishment, which is designed to allow drivers to remain in their vehicles when obtaining service from the establishment, or a machine that provides banking-type transaction services in or outside of a building.

Drive-Thru Window, Services or Retail Sales: A facility that is part of a retail or service establishment, not including a restaurant, which is designed to allow drivers to remain in their vehicles when obtaining services or goods from the establishment.

Drive-Thru Window, Restaurants: A facility that is part of a restaurant, which is designed to allow drivers to remain in their vehicles when obtaining services or goods from a restaurant.

Fuel Pump: A structure where automotive fuel is dispensed for retail sale, which is not the primary use on a zoning lot.

Garbage Dumpster or Liquid Waste Container: A dumpsters or container for the temporary storage of solid or liquid waste, or recyclable materials.

Guard or Security Booth: A structure that is used for operations related to controlling access to a property or development, or which houses persons who control access to the site.

Guest Home or Pool House: An accessory structure that supplements the living space of a primary single-family residence. May contain temporary living and sleeping spaces, including bathrooms, but shall not contain kitchens (rooms for preparing and cooking meals with ranges, stoves, ovens). Such a structure shall not be rented separately from the main building or otherwise used for permanent residential purposes.

Institutional Day Care: Any day care appropriately licensed by KDHE located on the campus of a legally recognized educational institution or religious organization, which is operated by that same organization.

Neighborhood Clubhouse or Swimming Pool: A structure or swimming pool that is provided, owned, and maintained by an organization of the residents of subdivision or group of subdivisions; and is solely for the recreational use of organization members and their guests.

Non-Commercial Farm Animal Keeping: Raising or keeping of farm animals for personal use, which are for personal use and not intended to be commercially sold or distributed.

Non-Commercial Greenhouse or Hoop House: A structure wherein crops, trees, flowers, or other vegetation are grown for personal use and not intended to be commercially sold or distributed.

Outdoor Display of Retail Merchandise for Sale: The display of goods ready for immediate sale, typically arranged in an orderly and attractive manner to induce purchase. Does not include yard or garage sales.

Outdoor Festival, Carnival or Gathering: A temporary festival, carnival, social gathering, or similar activity, which takes place outside of an enclosed structure.

Outdoor Kennel Run or Play Yard: A fenced or enclosed outdoor area accessory to a separate primary use, which provides space for animal exercise and play. A run is typically attached to an indoor space housing an individual animal, whereas a play yard is typically unattached and encloses an area large enough for multiple animals.

Outdoor Market: The temporary retail sale of goods from a location outside of an enclosed structure.

Outdoor Storage of Retail Merchandise Stock: The temporary or seasonal on-premise storage of retail stock that is not displayed or intended for immediate sale.

Shared or Off-Premise Parking: An off-street parking facility located on a zoning lot other than the primary use it serves. Shared or off-premise parking shall only be allowed as provided in [Article 07](#).

Small Cell Facility: A wireless facility having: (A) an antenna that occupy no more than six (6) cubic feet in volume, whether enclosed or exposed to the elements, and (B) having a primary equipment enclosure no larger than seventeen (17) cubic feet in volume or a larger enclosure excluded from such limitations pursuant to [54 USC § 306108](#). Accessory equipment as defined in [Section 03.03](#) may be located outside of a primary equipment enclosure and shall be excluded from the from the size limit calculation.

Storage Shed or Structure: A permanent or temporary structure used for general storage of personal items, not including vehicle storage.

Unattended Donation Box: A box or container used to collect donated clothing and household goods, which do not require on-premise human operation.

Utility Support Facility: A structure that shelters equipment or infrastructure associated with a public or private utility, which is not the primary use of a zoning lot. Does not include wireless communications as defined in [Section 03.03](#).

Vehicle Maintenance or Repair Garage: A structure used for the maintenance or repair of motor vehicles.

Wireless Communication Tower: A freestanding monopole, self-supported structure or guyed structure capable of supporting transmission equipment for personal wireless communications, such as cellular voice/ data or other similar services as defined per [47 USC § 332 \(c\) - \(d\)](#). This shall include collocated wireless facilities requiring substantial modification of the existing structure prior to installation. See definitions in [Section 03.03](#).

05.05. Table of Secondary Uses & Structures by Zoning District

Table Legend

- “A” Use/structure ALLOWED by-right in zoning district.
- “C” Use/structure permitted by CONDITIONAL USE in zoning district.
- “..” Use/structure is NOT ALLOWED in zoning district.
- “T” May be permitted as a TEMPORARY use/structure in zoning district.
- “X” NO APPLICABLE specific use standards.
- p. # Page number where the use/structure definition or applicable specific use standards are found.

Defined Secondary Uses/Structures	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Adult Entertainment	p. 40	--	--	--	--	--	--	--	--	--	C	A	p. 91
T Accessory Apartment or Dwelling		C	C	C	C	A	--	A	A	--	--	--	p. 91
Accessory Use (not otherwise listed)	p. 5	As defined in Section 03.03 and allowed per Section 05.07											X
Broadcast Tower	p. 40	C	--	--	--	--	--	--	--	C	C	C	p. 93
Car Wash		C	--	--	--	--	--	--	--	C	C	A	p. 93
Collocated Wireless Facility		A	A	A	A	A	A	A	A	A	A	A	X
T Concrete or Asphalt Pavement Mixing Plant		--	--	--	--	--	--	--	--	--	--	C	p. 94
T Construction Administration Trailer		--	--	--	--	--	--	--	--	--	C	C	X
Detached Residential Carport or Garage		A	A	A	A	A	A	A	A	--	--	--	p. 95
Detached Structure for Home Occupation		--	--	--	--	--	--	A	A	--	--	--	
Distributed Antenna System		C	C	C	C	C	C	C	C	C	C	C	p. 95
Drive-Thru Banking Service or ATM		--	--	--	--	--	--	--	--	A	A	--	
Drive-Thru Window, Services & Retail Sales		--	--	--	--	--	--	--	--	A	A	--	
Drive-Thru Window, Restaurants	--	--	--	--	--	--	--	--	A	A	--		
Fuel Pump	--	--	--	--	--	--	--	--	A	A	A	p. 105	
Garbage Dumpster or Liquid Waste Container	C	C	--	--	A	A	A	A	A	A	A	p. 96	
T Guard or Security Booth	--	C	C	C	C	C	--	--	--	A	A	p. 97	
Guest Home or Pool House	C	C	C	--	--	--	--	--	--	--	--	p. 91	
Institutional Day Care	C	C	C	--	C	--	--	--	A	A	--	X	
Neighborhood Clubhouse or Swimming Pool	--	C	C	C	C	C	--	--	--	--	--	p. 98	
Non-Commercial Farm Animal Keeping	A	A	--	--	--	--	--	--	--	--	--	X	
Non-Commercial Greenhouse or Hoop House	A	A	C	--	C	C	C	C	--	--	--	p. 98	
T Outdoor Display of Retail Merchandise for Sale	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A	A	A	A	A	p. 99	
Outdoor Kennel Run or Play Yard	A	A	--	--	--	--	--	--	--	--	C	p. 100	
T Outdoor Market	C	--	--	--	--	--	C	C	C	C	C	p. 100	
T Outdoor Storage of Retail Merchandise Stock	--	--	--	--	--	--	--	--	--	C	C	p. 100	
Shared or Off-Premise Parking ⁽²⁾	--	--	--	--	--	--	C	C	C	C	C	X	
Small Cell Facility	C	C	C	C	C	C	C	C	C	C	C	p. 95	
T Storage Shed or Structure	C	A	A	A	--	--	C	C	C	C	A	p. 103	
T Unattended Donation Box	--	--	--	--	--	--	--	--	A	A	A	p. 105	
Utility Support Facility	A	A	A	A	A	A	A	A	A	A	A	p. 105	
Vehicle Maintenance or Repair Garage	--	--	--	--	--	--	--	--	C	A	A	p. 92	
Wireless Communication Towers	C	C	C	C	C	C	C	C	C	C	C	p. 106	
Undefined Secondary Uses/Structures	Zoning Administrator written determination per Section 04.06.G.2												

(1) Limited to lots with legal non-residential primary uses allowed by-right or approved by conditional use, subject to the indicated specific use standards.

(2) Applicable standards are defined in [Article 07 Off-street Parking & Loading](#). Shared and off-premise parking may be approved by conditional use or allowed in conjunction with an approved PDO zoning district. See [Section 07.02.G](#) and [Section 07.02.H](#).

05.06. Requirements for Secondary Uses & Structures

- A. A Zoning Compliance Certificate shall be required prior to establishing any secondary use or structure allowed by-right. If such use or structure is not shown on the original Site Plan of the lot on which it is proposed, a Administrative Site Plan shall also be submitted with the Zoning Compliance Certificate application.
- B. When a conditional use is required for a secondary use or structure, a Administrative Site Plan shall be submitted with the application.
- C. When a Building Permit is required for a secondary structure, Development Site Plan approval shall be required.

05.07. Accessory Uses & Structures

- A. The following are allowable accessory uses/structures, subject to the provisions below, setback requirements, and as otherwise provided in these regulations, as applicable.
 1. Above- and in-ground swimming pools, jetted spas
 2. Arbors, trellises, yard art, BBQ grills, outdoor furnishings
 3. Attached garages and carports
 4. Awnings, other attached window/entrance canopies
 5. Basketball goals, play equipment, swing sets, slides
 6. Bay windows, eaves, gutters, chimneys, window wells, wing walls
 7. Clotheslines, flagpoles
 8. Cupolas, steeples, elevator/stairway enclosures, skylights, solar panels, similar rooftop features
 9. Fences, decks, patios, porches
 10. Fire escapes, stairways, steps, wheelchair ramps for primary or secondary access
 11. HVAC components, telephone, utility service connections
 12. Play houses, storm shelters
 13. Radio antennas, satellite TV dishes, collocated small cell and wireless communication facilities
 14. Required compatibility buffers (per [Article 09](#))
 15. Off-street parking and loading (per [Article 07](#))
 16. Signs
 17. Storage shed or structure
- B. General Provisions for Accessory Structures
 1. Minimum setback requirements shall apply to all accessory uses and structures, except those listed as permitted obstructions in [Section 04.06.J](#).
 2. Accessory structures shall be setback a minimum of ten (10) feet from rear lot lines. Detached garages and carports with direct access to an alley shall require a rear setback of twenty (20) feet.
 3. No accessory structure shall be located within ten (10) feet of a principal structure or within five (5) feet of another accessory structure.
 4. Zoning district bulk regulations shall apply to all accessory structures. However, accessory structures in R-R, R-1, R-2, R-3, and R-4 districts shall not exceed a height of twenty (20) feet.
 5. No accessory structure shall be constructed on or otherwise occupy a lot that has no principal structure.
 6. No accessory structure shall be located in any easement.
- C. Off-street Parking
 1. Uncovered and unenclosed off-street parking stalls may be located in any required yard, except within the sight triangle and where not permitted as an obstruction.

2. Attached garages and carports containing off-street parking stalls shall meet the setback requirements for the zoning district in which they are located.
3. Detached garages and carports shall be subject to all minimum setback requirements.

D. Fences

1. An approved fence permit shall be required prior to the construction of any fence or wall, even those that are not required as a visual buffer, and shall be subject to applicable Building Code provisions.
2. When not required as a visual buffer, fences/walls used for decoration, privacy, security, or safety shall be allowed and regulated as follows.
 - a. Open fences (chain link, picket, wrought iron, etc. \geq 75% open space on vertical face)
 - i. Up to six (6) feet in height allowed in all yards of lots having any use.
 - ii. Over six (6) feet in height allowed only by conditional use.
 - b. Closed fences/walls (privacy, masonry, etc. $<$ 75% open space on vertical face)
 - i. Up to four (4) feet in height allowed in all yards having any use.
 - ii. Up to six (6) feet in height allowed in rear and side yards of lots with single-family residential uses.
 - iii. Over six (6) feet in height allowed only by conditional use.

E. Recreational Vehicle/Utility Trailer Parking & Storage

Recreational vehicles and other recreational equipment is regulated by City Code ([Article 14-219](#)). The outdoor parking and/or storage of major recreational equipment such as boats, camping or house trailers, motor homes, horse trailers or utility trailers shall be regulated as follows:

1. Major recreational equipment shall not be utilized for living purposes, except for the convenience of temporary lodging and when stored as personal property of the occupant. Temporary lodging shall be limited to 30 days in a calendar year.
2. Parking and/or storage in the public right-of-way, whether in whole or in part, is prohibited.
3. Parking and/or storage that obstructs the view for ingress and egress of alleys, driveways, and street corner sight triangles is prohibited.
4. Parking and/or storage shall not impair utility and drainage easements.
5. Parking and/or storage between the front property line and the front building line (extending to the lot's side property lines) is allowed only on a paved hard surface such as concrete, asphalt or at least 4 inches of packed rock or gravel. The drive area between the street and property line shall be poured concrete or asphalt. Paving on City property requires a permit. The minimum number of off street parking spaces required in the zoning district must still be maintained.
6. Parking and/or storage in the side yard or back yard is allowed.

Article 06 Zoning District Regulations

06.01. Purpose

The purpose of this article is to describe the applicable regulations and requirements for property development within each zoning district, allowed by-right or permitted by conditional use, as specified in [Section 05.03](#) Table of Primary Uses by Zoning District and [Section 05.05](#) Table of Secondary Uses & Structures by Zoning District.

06.02. “A-1” Agricultural District

It is the intent of this district to protect existing farmsteads and agricultural land uses while preserving opportunities for future growth.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 1. Minimum Lot Area
 - a. Within City Limits: Ten (10) acres
 - b. Within Planning Area: Twenty (20) acres
 2. Minimum Lot Frontage
 - a. Within City Limits: One-hundred twenty-five (125) feet
 - b. Within Planning Area: Four-hundred (400) feet
 3. Minimum Lot Depth
 - a. Within City Limits: One-hundred seventy-five (175) feet
 - b. Within Planning Area: Four-hundred (400) feet
- D. Setback Requirements
 1. Minimum Front Setback
 - a. Within City Limits: Thirty (30) feet
 - b. Within Planning Area: Seventy-five (75) feet
 2. Minimum Side Setback
 - a. Within City Limits: Twenty (20) feet
 - b. Within Planning Area: Fifty (50) feet
 3. Minimum Rear Setback
 - a. Within City Limits: Thirty (30) feet
 - b. Within Planning Area: Fifty (50) feet
- E. Maximum Lot Coverage: Thirty percent (30%)
- F. Maximum Structure Height: Fifty (50) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed, except as provided in these regulations for agricultural uses.
- H. Supplemental Provisions
 1. A-1, A-2, and R-6D zoning districts existing prior to the adoption of these regulations shall be designated A-1 districts upon the effective date of these regulations.
 2. No new A-1 districts shall be created after the effective date of these regulations.
 3. Existing lots zoned A-1 may be altered in size and configuration, subject to the provisions of these regulations.

06.03. “R-R” Single-Family Rural Residential District

It is the intent of this district to protect existing farmsteads while preserving opportunities for low-density single-family residential land uses within the unincorporated Planning Area.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 1. Lot Area
 - a. Within City Limits: Lots shall be at least one (1) acre, but less than ten (10) acres.
 - b. Within Planning Area: Lots shall be at least one (1) acre, but less than twenty (20) acres.
 2. Minimum Lot Frontage
 - a. Within City Limits: One-hundred twenty-five (125) feet
 - b. Within Planning Area: One-hundred fifty (150) feet
 3. Minimum Lot Depth
 - a. Within City Limits: One-hundred seventy-five (175) feet
 - b. Within Planning Area: Three-hundred (300) feet
- D. Setback Requirements
 1. Minimum Front Setback
 - a. Within City Limits: Thirty (30) feet
 - b. Within Planning Area: Seventy-five (75) feet
 2. Minimum Side Setback
 - a. Within City Limits: Twenty-five (25) feet
 - b. Within Planning Area: Fifty (50) feet
 3. Minimum Rear Setback
 - a. Within City Limits: Twenty-five (25) feet
 - b. Within Planning Area: Fifty (50) feet
- E. Maximum Lot Coverage: Thirty percent (30%)
- F. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed, except as provided in these regulations for agricultural uses.
- H. Supplemental Provisions
 1. R-6A, R-6B, and R-6C zoning districts existing prior to the adoption of these regulations shall be designated R-R districts upon the effective date of these regulations.
 2. No new R-R districts shall be created within City Limits after the effective date of these regulations.
 3. Existing lots zoned R-R may be altered in size and configuration, subject to the provisions of these regulations.
 4. Within the Planning Area, driveways shall have a minimum spacing of two-hundred (200) feet.

06.04. "R-1" Single-Family Residential District

It is the intent of this district to provide opportunities for attached and detached single-family residential development and protect the character of residential neighborhoods.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 8,400 square feet
 - 2. Minimum Lot Width: Seventy (70) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Thirty (30) feet
 - 2. Minimum Side Setback: Six (6) feet
 - 3. Minimum Rear Setback: Twenty (20) feet except where rear yard abuts a platted reserve that is at least 20 feet wide, then minimum rear yard setback is five (5) feet.
- E. Maximum Lot Coverage: Thirty-five percent (35%)
- F. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed.
- H. Supplemental Provisions:
 - 1. R-1 and R-2 zoning districts existing prior to the adoption of these regulations shall be designated R-1 districts upon the effective date of these regulations.
 - 2. R-3 zoning districts with single-family attached or detached residential primary uses shall be designated R-1 districts upon the effective date of these regulations.
 - 3. Developments zoned R-1 shall not be approved within the Planning Area without executing an annexation agreement with the City. No certificates of occupancy shall be issued prior to annexation.
 - 4. No used buildings or structures shall be allowed to be placed or relocated into R-1 zoning districts.

06.05. “R-2” Small Lot/Zero Lot Line (ZLL) Residential District

It is the intent of this district to provide flexible opportunities for small lot and ZLL single-family attached and detached development with the character of traditional residential neighborhoods.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 5,000 square feet
 - 2. Maximum Lot Area: 10,000 square feet
 - 3. Minimum Lot Width: Fifty (50) feet
 - 4. Minimum Lot Depth: Ninety (90) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Five (5) feet
 - 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed.
- H. Supplemental Provisions:
 - 1. R-1A and R-2A zoning districts existing prior to the adoption of these regulations shall be designated R-2 districts upon the effective date of these regulations.
 - 2. R-3A zoning districts with single-family attached or detached residential primary uses shall be designated R-2 districts upon the effective date of these regulations.
 - 3. Developments zoned R-2 shall not be approved within the Planning Area without executing an annexation agreement with the City. No certificates of occupancy shall be issued prior to annexation.
 - 4. No used buildings or structures shall be allowed to be placed or relocated into R-2 zoning districts.
 - 5. ZLL developments as defined in [Section 03.03](#), shall be subject to the following:
 - a. ZLL lots must be platted in groups containing at least four (4) contiguous lots. Each group must be in a location meeting one or more of the following conditions:
 - i. Around a cul-de-sac.
 - ii. On a local street with R-2 or R-3 zoning on the opposite street frontage.
 - iii. On a street with multi-family or non-residential zoning on the opposite street frontage.
 - b. Restrictive covenants shall be required, which shall guarantee:
 - i. Maintenance provision of fencing/screening materials and common ownership areas.
 - ii. Access provisions for maintenance of closely-spaced structures.
 - iii. Other restrictions necessary to implement the overall design concept.
 - c. No doors, windows or other openings shall be allowed on the wall of the building facing the yard with the least depth. Such walls shall have the same exterior construction materials as the other exterior walls.
 - d. The Planning Commission may initiate a rezoning application if construction has not commenced as authorized within two (2) years of the zoning approval. The public hearing shall allow the property owner an opportunity to justify the delay, which Planning Commission shall consider in making their recommendation.

06.06. “R-3” Multi-Family Residential District

It is the intent of this district to provide for various types of multi-family housing and promote opportunities for affordable moderate density residential development.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 6,000 square feet, with a minimum of 2,000 square feet required per dwelling unit
 - 2. Minimum Lot Width: Fifty (50) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Five (5) feet
 - 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Maximum Structure Height: Forty-five (45) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitations: No outdoor storage shall be allowed.
- H. Supplemental Provisions:
 - 1. R-3 and R-3A zoning districts with multi-family residential uses existing prior to the adoption of these regulations shall be designated R-3 districts upon the effective date of these regulations.
 - 2. Developments zoned R-3 shall not be approved within the Planning Area without executing an annexation agreement with the City. No certificates of occupancy shall be issued prior to annexation.
 - 3. No used buildings or structures shall be allowed to be placed or relocated into R-3 zoning districts.

06.07. “R-4” Manufactured Home Park District

It is the intent of this district to provide opportunities for affordable manufactured housing within contiguous developments of one or more parcels, which are developed into individual lots offered for lease or sale.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Minimum Park Size: Five (5) acres
- D. Individual Lot Size Requirements
 1. Minimum Lot Area: 5,000 square feet
 2. Minimum Lot Width: Fifty (50) feet
 3. Minimum Lot Depth: One-hundred (100) feet
- E. Individual Lot Yard Requirements
 1. Front Yard: Twenty-five (25) feet
 2. Street Yard: Fifteen (15) feet
 3. Side Yard: Five (5) feet
 4. Rear Yard: Five (5) feet
- F. Maximum Structure Height: Thirty (30) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Supplemental Provisions:
 1. R-4 zoning districts existing prior to the adoption of these regulations shall continue to be designated R-4 districts upon the effective date of these regulations.
 2. No new R-4 districts shall be created within City Limits after the effective date of these regulations.
 3. Lots shall be occupied only by manufactured homes as defined in [Section 05.02](#), except for mobile homes occupying lots prior to the effective date of these regulations. Under no circumstances shall individual lots be leased or sold for the occupancy of recreational vehicles without a conditional use permit issued by the Augusta Planning Commission.
 4. One of the following means of providing accessory storage structures and carports or garages shall be allowed:
 - a. Communal Structures: Storage structures or parking structures divided into individual units, which are limited to a number of units equal to the number of developed lots.
 - b. Communal Areas: Areas where individual storage sheds, carports or garages for the use of residents are aggregated in a contiguous grouping.
 - c. Per Lot Basis: Individual lots shall be limited to one (1) accessory storage shed and one (1) detached carport or garage, which shall have direct access to an adjacent street.
 5. If provided, outdoor storage areas must be developed per [Article 10](#) and must remain under the ownership and control of the park developer/owner or a property owners association.
 6. A manufactured home permit shall be required for the placement of a manufactured home on an individual lot.
 - a. The park developer/owner shall provide a permit information packet to the renter or purchaser of an individual lot at the time of lease or sale.
 - b. The manufactured home owner shall obtain a permit from the City.
 7. No utility connection shall be allowed without first being inspected and approved by the City.
 8. Tents or similar type of living quarters are prohibited.

06.08. “M-1” Mixed-Use Commercial District

The intent of this district is to provide opportunities for neighborhood-scaled, mixed-use centers and corridors with a range of residential, retail, service, and office uses that are compatible with adjacent development. The principles for this district are to ensure efficient use of land and public services, create a mix of housing and employment opportunities, provide transportation options, enhance neighborhood access to jobs and goods, and ensure compatibility of mixed-use developments with the surrounding areas. These uses are anticipated at intersections of, or along, arterial and collector streets such as Ohio Street, Kelly Avenue, and SW 70th Street.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 5,000 square feet
 - 2. Minimum Lot Width: Fifty (50) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Six (6) feet
 - 3. Minimum Rear Setback: Twenty (20) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Maximum Structure Height: Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.
- H. Supplemental Provisions
 - 1. Hours of operation of commercial uses shall be limited to 6:00am to 10:00pm daily.

06.09. “C-1” Main Street Commercial District

It is the intent of this district to preserve the integrity of the existing Main St. commercial district while providing opportunities within Augusta’s core area for a vibrant mix of land uses developed at a walkable scale and density.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 3,125 square feet
 - 2. Minimum Lot Width: Twenty-five (25) feet
 - 3. Minimum Lot Depth: One-hundred twenty-five (125) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Zero (0) feet
 - 2. Minimum Side Setback: Zero (0) feet
 - 3. Minimum Rear Setback: Twenty (20) feet
- E. Maximum Lot Coverage: One-hundred percent (100%), minus applicable yard and off-street parking requirements and requirements as provided in [Section 06.09.H](#).
- F. Maximum Structure Height: To be determined by the Building Code, except as these regulations allow for height exemption or specific use standard per [Article 10](#).
- G. Use Limitations: No outdoor storage shall be allowed, except as approved in accordance with these regulations.
- H. Supplemental Provisions
 - 1. M Main Street zoning districts existing prior to the adoption of these regulations shall be designated C-1 districts upon the effective date of these regulations; subject to the boundaries defined in [Section 06.09.H.2](#).
 - 2. The boundaries of the C-1 district shall be limited to:
 - North Boundary: Old railroad right-of-way south of U.S. 54 Highway
 - South Boundary: Third Ave.
 - West Boundary: North-south alley between Walnut St. and State St.
 - East Boundary: School St. north of and including 413 N School St.; north-south alley between School St. and State St. south of 413 N School St.
 - 3. Lots with residential uses shall provide off-street parking.
 - 4. Residential dwelling units shall be allowed in upper floors only.
 - 5. Sidewalks adjacent to restaurants may be used for outdoor dining, provided:
 - a. A minimum clear path of six (6) feet shall be maintained.
 - b. Tables, chairs, etc. shall be removed at the close of business.
 - 6. Curb cuts shall be specifically approved by the Governing Body and shall comply with the following:
 - a. Existing approaches that remain unused for their intended purpose for a continuous period of one (1) year shall be removed and replaced with standard curbing.
 - b. The property owner shall be responsible for all costs associated with removal and replacement of any curb cut.

06.10. “C-2” Central Commercial District

It is the intent of this district to preserve opportunities for commercial uses having a localized market area in the central corridors along Seventh Ave. and Walnut St.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 10,000 square feet
 - 2. Minimum Lot Width: One-hundred (100) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Five (5) feet
 - 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: One-hundred percent (100%), minus applicable yard and off-street parking requirements.
- F. Maximum Structure Height: Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.
- H. Supplemental Provisions
 - 1. CC Central Commercial zoning districts existing prior to the adoption of these regulations shall be designated C-2 districts upon the effective date of these regulations.
 - 2. The boundaries of the C-2 district shall be limited to lots within City Limits having street frontage on Seventh Ave. or on Walnut St.; or immediately adjacent to such a lot and addressed to either street.

06.11. “C-3” General Commercial District

It is the intent of this district to provide ample opportunities for moderate to heavy intensity commercial land uses and businesses having a regional market area. This is also applicable to properties in the Planning Area with addresses or frontage along 7th Avenue/US54/400 and US77.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 10,000 square feet
 - 2. Minimum Lot Width: One-hundred (100) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback
 - a. Within City Limits: Twenty-five (25) feet
 - b. Within Planning Area: Per [Article 16](#)
 - 2. Minimum Side Setback
 - a. Within City Limits: Five (5) feet
 - b. Within Planning Area: Per [Article 16](#)
 - 3. Minimum Rear Setback
 - a. Within City Limits: Fifteen (15) feet
 - b. Within Planning Area: Per [Article 16](#)
- E. Maximum Lot Coverage: Forty percent (40%)
- F. Maximum Structure Height: Forty (40) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.

06.12. “I-1” Industrial District

It is the intent of this district to provide opportunities primarily for small to moderate scale manufacturing, assembly, warehousing and freight businesses that are compatible with Augusta’s character and its capacity to provide adequate municipal services.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 10,000 square feet
 - 2. Minimum Lot Width: One-hundred (100) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Five (5) feet
 - 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: Fifty percent (50%)
- F. Maximum Structure Height: Forty-five (45) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations:
 - 1. No individual shall permanently reside on-premise.
 - 2. Outdoor activities, storage or sales occurring on-premise must be associated with a legal primary or secondary use.
 - 3. No dust, noise, odor, vibration or other environmental impacts generated by any use shall be detectable off-premise.

06.13. “PDO” Planned Development Overlay District

This “floating” district is intended to offer flexibility in tailoring land uses, site design and aesthetic controls when other zoning districts may not provide adequate means to regulate mixed use developments, develop properties with atypical characteristics, maximize compatibility between adjacent land uses, or preserve the character and integrity of unified developments and special areas.

A. Allowable PDO Utilization

PDO zoning shall be allowed for single lot or multiple lot developments of any size, which meet applicable minimum requirements, when the applicant wishes to implement a particular development vision that another zoning district cannot accommodate. This may include:

1. Encouraging a specific combination of mixed land uses.
2. Implementing a specific design aesthetic.
3. Improving compatibility with adjacent properties.
4. Developing properties with atypical physical characteristics.
5. Preserving land use and design compatibility within unified developments, corridors, districts, and special areas with historical significance or environmental sensitivity.

B. PDO District Provisions

1. As an overlay district, PDO zoning shall be used in conjunction with an underlying zoning district, referred to as the base zoning district.
 - a. PDO zoning may be used in conjunction with any base zoning district, except A-1 and R-R.
 - b. Requirements of the approved PDO zoning shall be in addition to the base district requirements, except as modified by the PDO zoning.
2. PDO zoning may allow for land uses that differ from the base district, subject to the following provisions.
 - a. PDO zoning may prohibit any use allowed by-right or by conditional use within the base district.
 - b. PDO zoning may allow by-right any conditional use of the base district, subject to adequate provisions for land use compatibility between the PDO district and adjacent properties, as approved by City Council.
 - c. A PDO district shall provide only for such uses allowed by-right within the PDO district. There shall be no provisions for uses requiring subsequent conditional use approval.
3. Bulk Regulations: The following shall apply:
 - a. Maximum Structure Height: PDO zoning may modify base district requirements for maximum height, provided increases shall not exceed an additional fifteen (15) feet of structure height.
 - b. Minimum Yard Requirements: PDO zoning may modify base district setback and yard requirements, subject to the following provisions.
 - i. PDO zoning shall not require setbacks in excess of base district requirements, except in conjunction with C-2, C-3 or I-1 base zoning for business, governmental, institutional, or educational campuses; business, office, or industrial parks; and when otherwise provided by these regulations.
 - ii. Front Yard Setbacks: May be reduced to zero, provided minimum requirements are consistent for all lots within the PDO district that share the same street frontage.
 - iii. Side and Rear Yard Setbacks: Shall not be reduced below base district requirements for any lot that shares a side or rear lot line with a lot located outside of the PDO district.
4. Access & Circulation: The following shall apply.
 - a. Applicants may be required to submit a traffic study to identify possible traffic impacts, subject to review and acceptance by the Zoning Administrator or designated official.
 - b. Proposed streets shall be designed and laid out consistent with the principles of functional classification hierarchy; and shall meet applicable City design standards.

- c. Proposed streets, sidewalks, and pathways shall connect to the City's transportation network.
 - d. Offsite transportation improvements may be required as a condition of approval, but only in direct relationship to anticipated impacts of the proposed development.
5. Off-street Parking: The following shall apply.
- a. PDO zoning shall not reduce minimum off-street parking below [Article 07](#) requirements.
 - b. PDO zoning may allow shared or off-premise parking in accordance with [Article 07](#), subject to the following provisions.
 - i. If required off-street parking is not provided on lots outside of the PDO district, shared parking agreements or deed restrictions shall not be required as specified in [Article 07](#). In such cases, there shall be no revisions or adjustments to an approved PDO district without sufficient off-street parking to meet minimum requirements.
 - ii. As applicable, where required off-street parking is to be provided on lots outside of the PDO district, execution of shared parking agreements or deed restrictions shall be required. Additionally, execution of shared parking agreements or deed restrictions shall be required prior to the dissolution of any PDO district, if sufficient off-street parking to meet minimum requirements cannot otherwise be provided on any lot affected by such dissolution.
6. Compatibility Buffers: Required compatibility buffers per [Article 09](#) shall apply only to the side and rear yards of lots having a side or rear lot line shared with a lot located outside of the PDO district.
7. Specific Use Standards: PDO zoning shall not provide any land use or structure with an exemption or reduction from applicable specific use standards as found in [Article 10](#).

C. PDO Zoning Approval

Applications for the establishment, revision/adjustment, or dissolution of a PDO zoning district shall be reviewed and approved by the same process as other zoning applications, subject to the following provisions.

1. No PDO application shall be accepted as complete without the appropriate filing fee, Administrative Site Plan, and other required documentation.
2. When a PDO district is proposed in conjunction with a base district rezoning, both requests may be considered jointly during the approval process. However, each shall require a separate application and each shall be approved by separate motion and vote of the Planning Commission and City Council.
3. In addition to typical considerations, enhanced standards shall be utilized in the review of PDO zoning applications. In no case, shall PDO zoning be approved without the Planning Commission and City Council finding that:
 - a. The proposed PDO district is consistent with the community vision and desired character as expressed in the Comprehensive Plan.
 - b. The proposed PDO district, in consideration of the allowable land uses, regulations, limitations, and applicable design requirements, will not adversely affect the value or utility of adjacent properties.
4. No application for the revision/adjustment or dissolution of a PDO district shall be approved without each individual lot affected by the action being made compliant with all applicable provisions of these regulations.
5. Time Limits: The following time limits shall apply to PDO approvals, subject to applicable time extensions granted in accordance with these regulations.
 - a. A PDO district zoning approval shall automatically expire twelve (12) months after the approval date unless all conditions have been met and a Development Site Plan has been approved within that time.
 - b. A PDO Development Site Plan approval shall automatically expire twelve (12) months after the approval date unless a Building Permit has been issued within that time.

06.14. "AO" Airport Overlay District

This "floating" district is intended to specify land use controls in addition to those in the underlying zoning district that will ensure compatible relationships with the Augusta Municipal Airport.

- A. This overlay district is established to protect against possible airport hazards which endanger the lives and property of users of the Augusta Municipal Airport, and occupants of land in the vicinity of the airport: that an airport hazard may affect existing and future visual and instrument approach minimums of and operations at the airport, and an airport hazard may reduce the size of areas available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public interest therein.
- B. The establishment of the airport hazard overlay district as authorized by K.S.A. 3-703, as amended, the City may extend the coverage of these regulations to airports owned, operated or controlled by the City; privately owned airports within five miles of the official city boundaries if in the opinion of the Commission, the airport utilizes its facilities to provide a service to the public.

C. Definitions

Airport: Any area of land or water designed and set aside for the landing and taking-off of aircraft and any other aeronautical operation. The term includes heliports set aside for the landing and taking-off of rotary wing aircraft.

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

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

Airport Reference Point: A point at the approximate center of the airport landing area, and shown on the Augusta Municipal Airport Hazard Zoning Map.

Approach Surface: A surface longitudinally centered on the extended runway centerline; extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in these regulations.

Board: The Governing Body of the City of Augusta, Kansas.

Building Official: The Assistant City Manager of the City of Augusta, Kansas.

Civilian Airports: Any airports, public or private, that are not owned or operated by the government of the United States and used for military purposes.

Conical Surface: An inclined surface extending upward and outward from the outer periphery of the horizontal surface at a slope of one foot upward for each twenty feet outward for a horizontal distance of four thousand feet.

FAA: The Federal Aviation Administration.

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

Horizontal Surface: A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Grant Assurances: The legal Federal obligations of the Airport Sponsor.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven and jet aircraft of greater than twelve thousand five hundred pounds maximum gross weight.

Manager: The manager of the Augusta Municipal Airport.

Nonprecision Instrument Runway: A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in, or area type navigation equipment for which a straight-in, nonprecision

instrument approach procedure has been approved or planned.

Precision Instrument Runway: A runway having an existing or planned instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR).

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

Primary Surface – Heliports: An area that coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.

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

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

Transitional Surfaces – Heliports: The transitional surfaces extended outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two to one for a distance of two hundred fifty feet measured horizontally from the centerline of the primary and approach surfaces.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred pounds maximum gross weight and less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

- D. Airport zones and height limits are established from the ultimate plan shown on the most current Airport Layout Plan
1. The established airport elevation is one thousand three hundred twenty-three (1,323) feet.
 2. Utility runway visual approach zone
 - a. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide.
 - b. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - c. The applicable height limitation slopes one foot upward for each 40 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 3. Runway other than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone (Runways 18 and 36).
 - a. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide.
 - b. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - c. The applicable limitation slopes one foot upward for each 40 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the runway centerline.
 4. Precision instrument runway approach zone

- a. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide.
 - b. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - c. The applicable height limitation slopes one foot upward for each 50 feet outward, beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes one foot upward for each 40 feet outward to an additional horizontal distance of 40,000 feet along the extended runway centerline.
5. Transitional zones
- a. The transitional zones are the areas beneath the transitional surfaces.
 - b. The applicable height limitation slopes one foot upward for each 7 feet outward, beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation.
 - c. In addition to the foregoing, there are established height limits sloping one foot upward for each 7 feet outward beginning at the side of, and at the same elevation as, the approach surface and extending to where they intersect the conical surface.
 - d. Where precision instrument runway approach zones project beyond the conical zones, there is established height limits sloping one foot upward for each 7 feet outward beginning at the side of, and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at ninety degree angles to the extended runway centerline.
6. Horizontal zones
- a. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.
 - b. The radii of the arcs for each end of the runway shall be the same and the radius used shall be the longest determined for either end.
 - c. The applicable height limitation is established at 150 feet above the established airport elevation.
7. Conical zone
- a. The conical zone is established at the area that commences at the periphery of the horizontal zone and extends outward for horizontal distance of 4,000 feet.
 - b. The applicable height limitation slopes one foot upward for each 20 feet outward beginning at the periphery of the horizontal zone and at 150 feet above the established airport elevation and extending to a height of 350 feet above the airport elevation.
- E. Spacing adjacent airport
1. No other airport hereafter shall be established, or existing airport be improved with approach guidance equipment so as to enhance instrument flight rule (IFR) capabilities, any portion of whose proposed or existing boundary will be under an airport zone established by these regulations or within a radius of eight miles from an airport referenced point of an airport established on the date of these regulations, unless a permit shall have been applied for and granted by the Butler County Planning Commission in accordance with these regulations
 2. Exception to the spacing requirements may be granted by the Planning Commission, after public hearing and recommendation to the Governing Body. The Commission shall consult the FAA and the Butler County Planning Commission before rendering a recommendation.

F. Use restrictions

1. Lighting.

No use may be made of land or water within any zone established by these regulations in such manner as to make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of the pilots using the airports, create smoke, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way, endanger or interfere with the landing, take-off or maneuvering of aircraft intending to use the airport.

- a. A shield that reduces the amount of light visible from above and directs the light downward shall be required for all outdoor lights, except those incidental to residential uses.
- b. The owner of any existing and future structure or tree to install, operate and maintain at the owner's expense, such marking and lighting, the standards as found in the most current version of FAA Circular AC-70-7460-1.

G. Conditional Use Permit required

1. Within any zone, a permit shall be required if an FAA Notice of Proposed Construction is required, as described in CFR Title 14 Part 77. The following FAA website shall be used to apply the Part 77 Notice Criteria.

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

The permit application shall include the airspace determination received from the FAA.

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

H. Augusta Municipal Airport Hazard Zoning Maps

The airport hazard zoning maps are hereby made a part of these regulations and shall be signed by the city clerk and marked with the effective date of these regulations.

06.15. Dissolution & Redesignation of Previous Zoning Districts

In addition to the redesignation of properties and zoning districts as specified in [Section 06.02](#) - [Section 06.12](#), all Public and Private Recreational (PR) zoning districts and Assembly (A) zoning districts existing prior to the adoption of these regulations are hereby dissolved and on the effective date of these regulations shall be redesignated as follows:

- A. Public and Private Recreational PR-1, PR-2 and PR-3 zoning districts within the Planning Area shall be redesignated as A-1 zoning districts.
- B. Public and Private Recreational PR-1, PR-2 and PR-3 zoning districts within City Limits shall be redesignated as R-1 zoning districts.
- C. Assembly A zoning districts shall be redesignated based on location as follows:
 1. Those within the area encompassed by the boundaries below shall be redesignated as C-1 zoning districts.

North Boundary: Old railroad right-of-way south of U.S. 54 Highway
South Boundary: Third Ave.
West Boundary: North-south alley between Walnut St. and State St.
East Boundary: School St.
 2. Those within City Limits having street frontage on Seventh Ave. or on Walnut St. shall be redesignated as C-2 zoning districts.
 3. Those in all other locations shall be redesignated as R-1 zoning districts.

Article 07 Off-street Parking & Loading

07.01. Applicability

The minimum off-street parking and loading space provisions of this article shall be required as follows.

- A. All lots and structures occupied or designed for occupancy.
- B. Approval or establishment of new land uses.
- C. Modifications to existing land uses including:
 - 1. Changing to a higher intensity land use type or zoning district.
 - 2. Increasing the density of development or number of units on a site.
 - 3. Enlarging the size or area of a land use.
- D. Approval or construction of new structures.
- E. Changes or alterations to existing structures including:
 - 1. Interior reconfigurations that:
 - a. Add rooms or units without increasing the existing gross floor area.
 - b. Expand the size of existing rooms or units without adding gross floor area.
 - c. Increase occupancy or seating capacity of existing rooms or units.
 - 2. Adding gross floor area by:
 - a. Expanding existing rooms or units.
 - b. Constructing new rooms or units.
 - c. Constructing new stories (floors) or other vertical additions.
- F. Off-street loading areas shall be required for all primary, secondary, and accessory uses according to these regulations, except for agricultural uses, residential uses, or as otherwise exempted.

07.02. General Parking Provisions

- A. Off-street parking is considered an accessory use and shall be located on the same zoning lot as the use for which it is required, except as otherwise provided in this article.
- B. Off-street parking facilities shall be used only by the owners, residents, guests, occupants, patrons, service providers, vendors, and employees of the uses for which they are required.
- C. Except as otherwise allowed by these regulations, required off-street parking facilities shall not be used for:
 - 1. Motor vehicle repairs or maintenance work.
 - 2. Storage of non-operational motor vehicles.
 - 3. Display of vehicles or trailers for sale, except:
 - a. Incidental parking on a zoning lot where the vehicle owner is visiting or conducting business.
 - b. Temporary display when parked on the zoning lot where the vehicle owner resides.
 - 4. Commercial vehicles below 26,000 pounds gross vehicle weight rating, except:
 - a. Temporary parking on the zoning lot where an employee of the business to which the vehicle is registered resides.
 - b. Temporary parking on a zoning lot where an employee of the business to which the vehicle is registered is performing related job duties.
 - 5. Trucks with gross vehicle weight rating of 26,000 pounds or greater on property zoned R-1, R-2, R-3, or R-4 with residential primary uses.
- D. Applicants shall be required to submit a parking study that demonstrates proposed off-street parking

facilities provide sufficient capacity for the proposed use. Such parking studies shall be conducted at the applicant's expense by a qualified traffic engineer or transportation planner selected by the applicant. All required parking studies shall be subject to review and approval by the Zoning Administrator or designated official.

- E. Off-street parking shall be required for secondary/accessory uses in addition to that required for the primary use, as applicable.
- F. Minimum off-street parking requirements for a zoning lot shall be calculated utilizing the most current Institute of Transportation Engineers Parking Generation Manual and shall address conditions specific to the use and site.
- G. Shared Parking
 - 1. One or more adjacent zoning lots may share off-street parking facilities to meet parking requirements, subject to the following provisions:
 - a. Shall be allowed by conditional use on lots zoned M-1, C-1, C-2, or C-3 with non-residential primary uses; and lots zoned I-1 with office, commercial service, retail, or public/institutional primary uses.
 - b. Shall be allowed in approved PDO zoning districts.
 - c. Upon request of the Zoning Administrator or designated official, a parking study may be required to demonstrate sufficient off-street parking is made available.
 - 2. The minimum number of shared parking stalls shall be determined by a parking study unless otherwise determined by the Zoning Administrator. Parking studies shall be conducted at the applicant's expense by a qualified traffic engineer or transportation planner selected by the applicant.
 - 3. All shared parking stalls shall be located within three-hundred (300) feet of each use for which it is provided, as measured between the nearest points of the stall and the farthest building entrance used for public access.
 - 4. Shared off-street parking facilities must meet all applicable provisions of this article, including configuration and design requirements. In addition:
 - a. Seamless vehicular access shall be provided across lot lines with no physical barriers delineating ownership boundaries.
 - b. Shared parking facilities approved by conditional use or PDO shall not be exempted from or adjusted below the minimum requirements for applicable uses and zoning districts.
 - 5. A shared parking agreement shall be executed and filed with the Butler County Register of Deeds for all affected parcels. This shall apply to all shared off-street parking facilities approved in accordance with these regulations.
 - a. Such agreements shall:
 - i. Be signed by the owner(s) of all affected parcels.
 - ii. Run with the land and be legally binding without regard to future ownership.
 - iii. Guarantee access in perpetuity to all parcels served by the shared parking facilities, including all uses and structures located upon the parcels.
 - iv. Provide for the dissolution of the shared parking agreement upon termination of either the served uses or the minimum off-street parking requirements.
 - v. Guarantee that the shared parking facilities will be maintained in accordance with these regulations and other City codes.
 - vi. Stipulate how costs shall be distributed between property owners for the upkeep, cleaning, maintenance, repair, and replacement of shared parking facilities.
 - b. Within forty-five (45) days of approval, the Zoning Administrator shall be provided a copy of the agreement.

H. Off-Premise Parking

1. In cases where the minimum off-street parking requirements cannot be met on-premise, required parking may be provided off-premise on a separate zoning lot owned by the applicant, subject to the following provisions:
 - a. Shall be allowed by conditional use for property zoned M-1, C-1, C-2, or C-3 with non-residential primary uses; and property zoned I-1 with office, commercial service, retail, or public/institutional primary uses.
 - b. Shall be allowed in approved PDO zoning districts.
 2. All off-premise parking stalls shall be located within three-hundred (300) feet of each use for which it is provided, as measured between the nearest points of the stall and the farthest building entrance used for public access.
 3. Off-premise parking facilities must be configured and designed according to the provisions of this article. In addition, off-premise parking facilities approved by conditional use or PDO shall not be exempted from or adjusted below the minimum requirements for applicable uses and zoning districts.
 4. A deed restriction or separate legal instrument shall be executed and filed with the Butler County Register of Deeds for the affected parcels. This shall apply to all off-premise parking facilities approved in accordance with these regulations.
 - a. Such agreements shall:
 - i. Be signed by the owner(s) of all affected parcels.
 - ii. Run with the land and be legally binding without regard to future ownership.
 - iii. Restrict the use of the property bounded by the facilities to off-premise parking for the zoning lot where the served use is located; and guarantee such access in perpetuity.
 - iv. Provide for the dissolution of the deed restriction upon termination of either the served use(s) or the minimum off-street parking requirements.
 - b. Within forty-five (45) days of approval, the Zoning Administrator shall be provided a copy of the deed restriction.
- I. Additional Parking Requirements
1. Additional parking requirements are set forth in Section 14-220 of the City Code.

07.03. Required Off-street Parking for Persons with Disabilities

- A. Off-street parking for persons with disabilities shall be provided in accordance with the [Americans with Disabilities Act \(ADA\) of 1990](#) and guidance published by the U.S. Department of Justice in the 2004 ADA Accessibility Guidelines ([36 CFR part 1191](#)) and the 2010 ADA Standards for Accessible Design ([28 CFR part 36](#)). The requirements of this article shall:
 1. Be superseded by any federal laws, Kansas statutes, or related regulations enacted after the effective date of these regulations, which are more restrictive than these provisions.
 2. Apply to all land uses defined in [Article 05](#), except for single-family dwellings.
 3. Apply to all properties that are subject or become subject to ADA requirements. Property owners shall be solely responsible for ADA compliance, subject to inspection by a designated City official as applicable.
- B. Minimum off-street parking requirements for persons with disabilities shall meet the most current version of the [Americans with Disabilities Act Accessibility Guidelines](#) (ADAAG).

07.04. Off-street Parking & Loading General Design Provisions

- A. All off-street parking and loading facilities shall meet applicable design and engineering standards for curb cuts, curb length, curb return/turning radii, parking stall depth, driveway/drive aisle width, island dimensions, and parking barriers/bumper blocks.
- B. Locational Provisions

1. Parking Stalls & Facilities
 - a. All parking stalls must be provided in designated locations that are readily distinguished as areas intended for parking.
 - b. Such designated parking areas may be enclosed in a garage, located under a canopy or carport, or on an unenclosed parking lot or other open surface, subject to applicable setback provisions of these regulations.
 2. Loading Areas & Facilities
 - a. Required off-street loading shall be provided on the same zoning lot as the use for which it is required and located in a clearly marked area designated and utilized for loading/unloading.
 - i. This shall not be construed to prohibit routine mail and small parcel deliveries or the temporary parking of such delivery vehicles in undesignated areas.
 - ii. Properties zoned C-1 are exempted, except when required by the Planning Commission or City Council for conditional use or PDO zoning approval.
 - b. Loading areas shall not be located along any side of a structure that faces street frontage, except along alleys; on corner lots having insufficient space elsewhere; and for uses established and structures built prior to the enactment of these regulations.
 - c. Loading areas shall not be allowed along the front façade of a structure, described herein as meeting one or more of these conditions:
 - i. Facing the street to which the lot or structure is addressed.
 - ii. Facing the street with the higher functional classification or traffic volume.
 - iii. Containing the primary building entrance.
- C. Access & Circulation Standards
1. Parking Stalls & Facilities
 - a. All off-street parking stalls shall have direct access to a driveway or parking lot drive aisle. No parking stall shall have direct access to a public street or right-of-way, except as otherwise provided in these regulations.
 - b. Site circulation shall provide access to all parking stalls without entering a public right-of-way.
 - c. Driveways and entrances shall meet all applicable spacing/quantity requirements; driveways shall be provided in the minimum amount necessary for adequate access and circulation.
 2. Loading Areas & Facilities
 - a. Driveways shall be located and designed to avoid conflicts with motor vehicle, pedestrian, and bicycle traffic using transportation facilities within public rights-of-way.
 - b. To the extent practical, loading facilities shall include an apron area to allow safe and efficient vehicle maneuvers.
 - c. Dedicated access shall be provided to loading areas for all retail, industrial, and public/institutional land uses that are zoned C-3 or I-1; or zoned C-2 with sufficient street frontage to meet applicable driveway spacing/quantity requirements.
 - d. For undefined circumstances not that do not allow for dedicated loading access, one driveway shall be clearly marked as the designated delivery/service entrance. Sites shall be designed to minimize the mixing of delivery/service traffic and routine traffic with a combination of the following techniques.
 - i. Install signs and pavement markings that identify the designated delivery/service route, which is the most direct path from the designated entrance to loading facilities.
 - ii. Provide one driveway with direct, straight-line access to loading facilities, which is designated as the delivery/service entrance.
 - iii. Provide one driveway near a side lot line that offers perimeter access to loading facilities,

which is designated as the delivery/service entrance.

- iv. Separate driveways by the maximum spacing achievable along available street frontage.
- v. Avoid open access between off-street parking and the designated delivery/service route. Instead, connect a few drive aisles that are separated with landscaped islands.
- vi. Avoid designating a delivery/service route that travels through an off-street parking facility.

D. Paving & Surfacing Provisions

1. All off-street parking and loading facilities, including driveways and drive aisles, shall be graded for appropriate drainage and surfaced with asphalt, concrete, or comparable hard pavement.
 - a. Design, construction, materials, etc. must meet minimum applicable City of Augusta engineering standards and specifications.
 - b. Hard surfaces must be installed on a compacted subgrade.
 - c. Driveway approaches, curbs, gutters, and loading bay surfaces shall be constructed of concrete.
 - d. As approved by the Zoning Administrator or designated official, pervious/permeable pavement, porous blocks/pavers, or similar paving systems may be used in lieu of asphalt or concrete surfacing.
 - e. Design and construction shall include all storm drainage infrastructure and similar appurtenances as required by the Zoning Administrator or designated official.
2. Exemptions to the hard surface paving requirement shall be allowed as follows:
 - a. Off-street parking areas and driveways for agricultural and residential uses zoned A-1 or R-R.
 - b. Off-street parking areas and loading facility access drives for industrial uses zoned I-1.
 - c. Legal nonconforming off-street parking areas that existed legally prior to enactment of these regulations, which are being repaired, modified, or expanded.
 - d. Required off-street parking and loading facilities exempted from the hard surfacing requirement shall be constructed and maintained with a dust-free gravel, aggregate, or other rock surface.
 - i. Design, construction, materials, etc. must meet minimum applicable City of Augusta engineering standards and specifications.
 - ii. In no case shall required parking or loading facilities be allowed on grass or dirt surfaces, except as may be approved in conjunction with a temporary use.
 - e. The following shall be constructed of concrete, except as specifically exempted:
 - i. Driveway approaches to paved streets.
 - ii. ADA-required accessible parking stalls, access aisles, and other such facilities.
 - iii. Loading apron and bay surfaces.

E. Lighting Provisions

1. Adequate lighting shall be provided for all off-street parking facilities required for all uses except agricultural and single-family residential.
2. Lighting shall be designed to minimize "light trespass" onto adjacent properties and roadways by incorporating best practices such as:
 - a. Using light standards no taller than adjacent buildings.
 - b. Placing fixtures in locations where good lighting is most needed, such as pedestrian walkways and doorways.
 - c. Locating fixtures no closer to the property line than four (4) times the fixture height.
 - d. Installing "fully shielded" or "full cutoff" light fixtures that direct light downward.
 - e. Utilizing shut off controls such as sensors, timers, or motion detectors turn lights off when not needed.

- F. Landscape & Screening Provisions: As applicable, off-street parking and loading areas shall be screened and landscaped per [Article 09](#).
- G. Maintenance Provisions: Required off-street parking and loading facilities shall be maintained in safe, operable, and fully functional condition that poses no threat to the public health, safety or welfare. This shall include:
 - 1. Paved Parking Areas: Shall be maintained free of potholes, significant cracks, sediment accumulation, trash, and debris. Stall markings shall remain clearly visible. Bumper blocks shall be securely anchored at all times. ADA compliance shall be maintained for accessible stalls, access aisles, and pedestrian access routes.
 - 2. Unpaved Parking Areas: Shall be maintained free potholes, ruts, weeds, trash, and debris. Surfaces shall be maintain with a predominantly smooth driving surface and sufficient depth of allowable dust-free materials to fully cover the underlying base or soil. Bumper blocks shall be securely anchored at all times.

07.05. Off-street Parking & Loading Minimum Design Standards

- A. Standard Parking Stalls: Eight feet six inches wide by nineteen feet long (8' 6" X 19'). All stalls on paved parking areas must be delineated with four-inch wide (4") solid white or yellow painted stripes, unless otherwise exempted.
- B. ADA Accessible Parking Stalls: Eight feet six inches wide by nineteen feet long (8'6" X 19').
 - 1. Access Aisles: Must be provided in addition to the minimum stall width.
 - a. Car-accessible Stalls: Sixty inches wide (60").
 - b. Van-accessible Stalls: Ninety-six inches wide (96").
 - c. Access aisles may be shared by two adjacent stalls.
 - 2. Vertical Clearance: Ninety-eight inches (98") for van accessible parking stalls and access aisles.
 - 3. Pedestrian Access Width: Thirty-six inches (36") for paved routes from parking to buildings.
 - 4. Required Markings: Stalls must be delineated with four-inch wide (4") solid white or yellow painted stripes. A painted universal handicap symbol must be centered in each stall; Universal handicap sign (MUTCD Sign # R7-8) installed three feet (3') off the front stripe or bumper block, centered between side stripes.
- C. Bumper Block Requirements: Six feet long by four inches wide by four inches tall (6' X 4" X 4") installed two feet six inches (2'6") from the property line, building face or sidewalk. The bumper block shall be centered between side stripes. Required for:
 - a. Standard parking stalls located adjacent to public property and rights-of-way.
 - b. All ADA accessible parking stalls, except where a curb is present in front.
 - c. All standard stalls located on unpaved surfaces. Shall be colored yellow and securely anchored.
- D. Driveway Approaches & Drive Aisles: Approach widths do not include return radii.
 - 1. Minimum Width: Thirteen feet (13') for one-way; twenty-six feet (26') for two-way.
 - 2. Maximum Approach Width: Thirty feet (30').
 - 3. Markings: One-way signs shall be installed at all one-way entrances/exits; painted arrows shall be provided on one-way drive aisles to indicate the direction of traffic flow.
- E. Loading/Unloading Facilities
 - 1. Loading Bays: Twelve feet wide by one-hundred feet long (12' X 100'); minimum vertical clearance of fourteen feet (14').
 - 2. Paved Aprons: Shall be provided for multiple-dock loading facilities zoned C-3 or I-1; and any facility zoned C-2 that lacks a dedicated entrance and driveway.
 - a. Apron Length: One-hundred and twenty feet (120') in addition to loading bays.
 - b. Apron Width: Equal to the combined width of all loading bays.

Article 08 Sign Regulations

08.01. Intent and Purpose

- A. It is the intent of these sign regulations to define the allowable uses of signs within the zoning jurisdiction and to regulate the time, place, and manner of signs without regulating speech or content.
- B. This Article is to ensure that the constitutionally guaranteed right of free speech is protected.
- C. The purpose of regulating signs is to protect public health, safety, and general welfare as well as:
 1. Guide pedestrian, bicycle, and vehicle traffic
 2. Identify and minimize safety hazards to drivers, bicyclists, and pedestrians
 3. Eliminate excessive and confusing signs
 4. Prevent blight and clutter
 5. Encourage context-sensitive signs
 6. Protect public and private investments
 7. Support the desired quality aesthetics and development patterns in various zoning districts
 8. Provide, maintain, and enhance the aesthetics, safety, and welfare of neighborhoods and the community
 9. Provide adequate opportunity for signs
 10. Protect free speech

08.02. Applicability

- A. No sign shall be erected or altered until a sign permit has been issued by the Zoning Administrator, except as explicitly allowed by these regulations.
- B. All signs shall be considered accessory structures by definition. No land, personal property, object, or structure shall be used for sign purposes except as specified in this article.
- C. Adherence to the regulations and provisions of this article are the responsibility of the property owner.
- D. The regulations and requirements of this article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of private property, except as otherwise exempt under this article.
- E. The Zoning Administrator is responsible for administering and enforcing all provisions of this article, other than those specifically reserved and assigned to other designated officials or other entities.
- F. The Zoning Administrator is responsible for determining the appropriate sign category or sign type based upon professional judgment and interpretation of the definitions provided herein.
- G. The boundaries and locations of all zoning districts referenced in this article are illustrated on the City's Official Zoning Map.
- H. Sign regulations are based upon the land use and zoning district of a zoning lot as described in [Article 05](#) and [Article 06](#).
- I. Regulations based upon zoning districts are intended as supplemental standards to the general provisions and district regulations.
- J. Proposed signs for which the code is silent or where rules of this article do not provide a clear basis for concluding that the sign is allowed, shall be prohibited.
- K. If the regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the Zoning Administrator shall consider the stated intent of the regulation and its relationship to other regulations and situations and determine applicability based on the most comparable means of regulation provided herein.

08.03. Substitutions Clause

The owner of any authorized or legal nonconforming sign may substitute sign copy in lieu of any other sign copy. Such changes affecting the copy only may be made at any time without additional approval or permitting. This provision prevails over any more specific provision to the contrary. This clause shall not be construed to include structural alterations, changes to required dimensions or other modifications.

08.04. General Sign Definitions

Abandoned Sign Structure: A sign structure on which no sign has been installed for a continuous period of at least one-hundred and eighty (180) days.

Aggregate Sign Area: The combined total area of all sign faces on a single zoning lot.

Awning: A covered framework attached to a building that projects over a door or window to provide protection from the weather or sun, which may a sign placed on its exterior surface..

Beacon: An artificial light source that projects a concentrated beam of light intended to attract or divert attention to its location. Such devices regulated by this article are not intended to apply to those required by applicable safety regulations.

Decorative Cap: An element of the sign structure that plugs the open end of a sign post to keep water from entering the post, which also has aesthetic appeal.

Dilapidated Sign: A sign that is structurally unsound, unsafe, defective, or is in need of maintenance.

Incidental Sign: A small sign, emblem or decal with an area of two (2) square feet or less that provides specific information to individuals viewing it from within the site and engaged in an activity or use occurring on the zoning lot.

Marquee: A permanent canopy structure attached to a building over an entrance that offers protection from the weather, which is common in theater architecture to support a marquee sign.

Off-Premise Sign: A sign that is not directly related to a use, structure or activity found on the zoning lot where it is displayed.

On-Premise Sign: A sign that is directly related to a use, structure or activity found on the zoning lot where it is displayed.

Parapet Wall: A portion of an exterior building wall that extends higher than the main wall.

Permanent Sign: A sign designed for perpetual display and constructed of durable materials, which may be issued a permanent sign permit per these regulations or which is specifically exempted from these regulations.

Primary Sign: The largest and most prominent permanent on-premise sign installed on a zoning lot.

Prohibited Sign: A sign that does not conform to or is not allowed by these regulations, excluding legal nonconforming signs.

Roof Line: A line that follows the upper-most edge of a building, including the roof, parapets, and any taller projections.

Secondary Sign: All signs not deemed to be primary signs, excluding incidental signs.

Sign: A medium of visual communication that conveys a message, portrays an image, provides information, or attracts attention.

Sign Base: The portion of a freestanding sign structure that supports the sign body and contacts the ground or foundation.

Sign Body: The cabinet, frame or portion of a sign structure that displays the sign face, excluding the base or decorative cap.

Sign Classification: The means identifying the characteristics by which signs are regulated per this article. Signs are classified according to structural and display characteristics, both of which comprise the specific classification of an individual sign.

Sign Copy: The words, letters or graphic elements on a sign that convey a its message, idea or purpose.

Sign Face: The surface of a sign upon which the sign copy is placed or attached.

Sign Foundation: The component of a freestanding sign made of concrete or similar material to which the base or support structure is anchored, and which extends below the ground surface to provide lateral and vertical stability.

Sign Panel: An individual portion of a sign face that is clearly distinguished from other portions by its design and construction.

Sign Permit: A written certificate issued by a designated official of the City of Augusta, which certifies that a proposed sign conforms to these regulations, has permission to be installed, and is authorized for display as stipulated by the permit so long as it remains in conformance. Sign permits may be issued for permanent installation or temporary display.

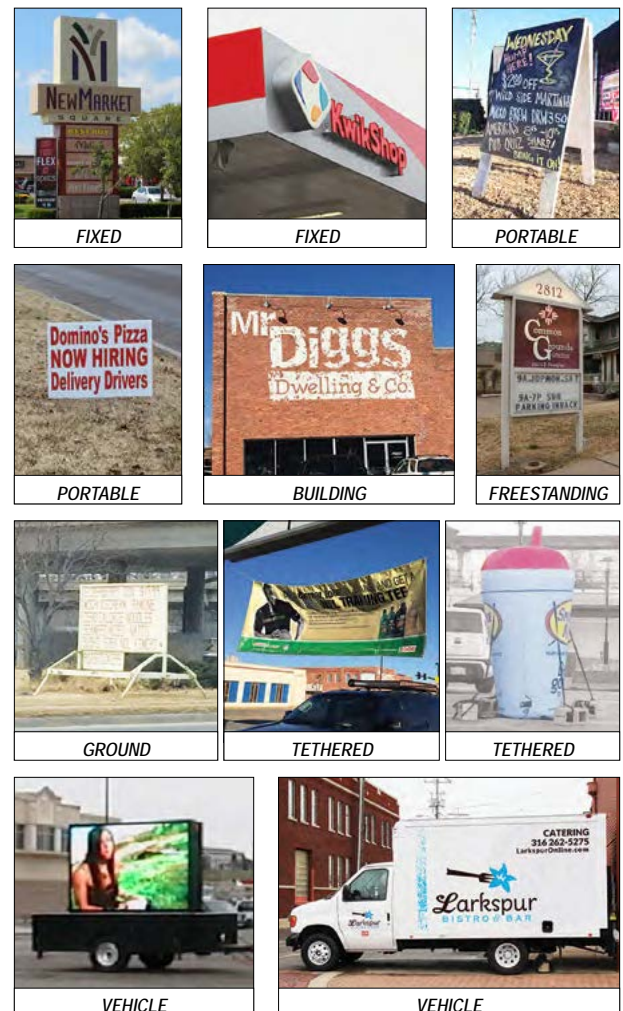
Sign Setback: The minimum required distance between a sign and the exterior boundary of the zoning lot where it is installed.

Sign Support Structure: The structural support and bracing elements for a sign, including posts and poles.

Structural Alteration: The modification of a sign or sign structure that affects the size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

Temporary Sign: A sign designed to be displayed for a limited time period, which may be issued a temporary sign permit per these regulations or which is specifically exempted from these regulations.

Figure 8.1: Sign Structure Portability & Installation

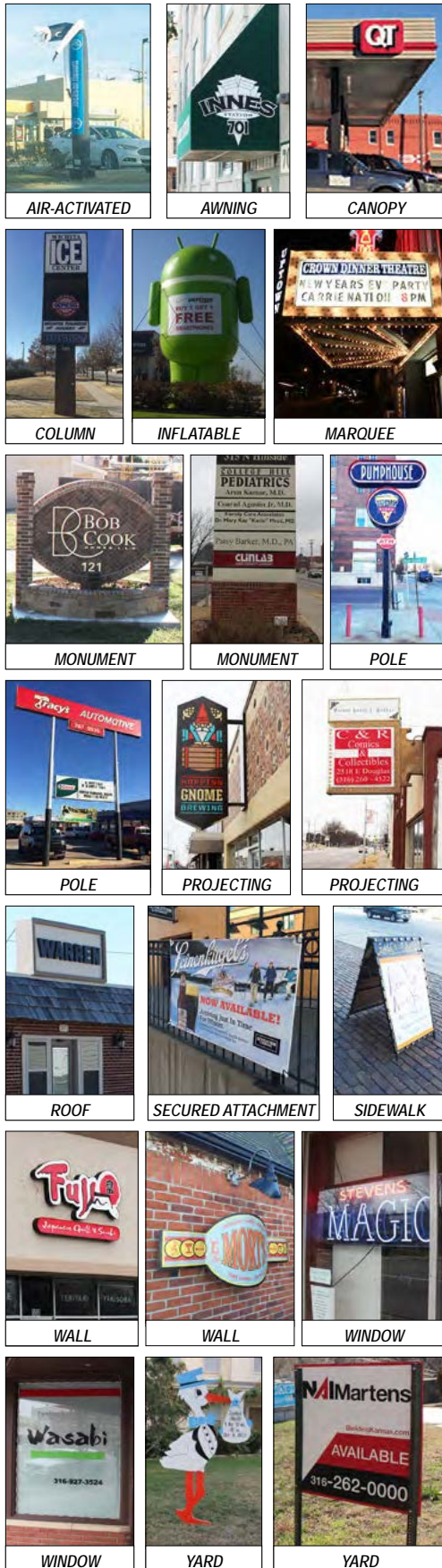


08.05. Sign Structural Classification

The three (3) structural sign categories are Portability, Installation, and Structure Type. Classification uses one class from each structural category. An example classification is Fixed; Freestanding; Monument.

- A. Portability. Describes the ability to be moved between locations. Portability classes are:
 1. Fixed - Designed and constructed to remain in one location.
 2. Portable - Designed and constructed to be easily moved between locations.
- B. Installation. Describes the method by which a sign is mounted to or displayed from a structure, object, or surface. Installation classes are:
 1. Building - Describes a support structure that is securely anchored to a building; or a sign that is fastened or applied directly to an exterior building surface.
 2. Freestanding - Describes an independent support structure anchored to a foundation that is solely intended to support a sign.
 3. Ground - Describes a support structure placed directly in or on the ground, but not

Figure 8.2: Sign Structure Types



- 4. Tethered - Describes a sign secured to a fixed object or structure by strap, chain, tape, etc.
- 5. Vehicle - Describes a sign that is mounted on or applied directly to a portable support structure, such as a motor vehicle or trailer.
- C. Structure Type. Indicates the physical characteristics or location of a sign support structure.
 - 1. Air-Activated - A non-rigid sign expanded and supported by wind or forced air blown onto the surface or through the body. Classified as Portable; Tethered; Air-Activated.
 - 2. Awning - An awning that serves as a support structure for a sign attached or applied to the exterior surface. Classified as Fixed; Building; Awning.
 - 3. Canopy - A canopy that serves as the support structure for a sign mounted on or applied to the vertical face. Classified as Fixed; Building; Canopy.
 - 4. Column - A support structure upon which a sign is elevated on one or more vertical supports each having a width more than ten percent (10%) of the sign body's width. Classified as Fixed; Freestanding; Column.
 - 5. Inflatable - A non-rigid sign expanded and supported by air or gas filling the interior of the body without freely passing through. Classified as Portable; Tethered; Inflatable.
 - 6. Marquee - A marquee that serves as the support structure of a sign mounted on the vertical face. Classified as Fixed; Building; Marquee.
 - 7. Monument - A support structure with an integrated body and base having the same general width from bottom to top. Classified as Fixed; Freestanding; Monument.
 - 8. Pole - A support structure upon which a sign is elevated on one or more vertical supports each having a width less than ten percent (10%) of the sign body's width. Classified as Fixed; Freestanding; Pole.
 - 9. Projecting - A support structure mounted to a building wall with the sign face oriented perpendicular to the wall surface. Classified as Fixed; Building; Projecting.
 - 10. Roof - A support structure mounted to a building roof. Classified as Fixed; Building; Roof.
 - 11. Secured Attachment - The fixed object or structure to which a tethered sign, other than Air-Activated or Inflatable, is attached. Classified as Portable; Tethered; Secured Attachment.
 - 12. Sidewalk - A rigid sign displayed on a pedestrian walkway that is held in place by its own weight or by being weighted down. Classified as Portable; Ground; Sidewalk.
 - 13. Wall - A support structure mounted to a building wall with the sign face oriented parallel to the wall surface. Classified as Fixed; Building; Wall.
 - 14. Window - A sign painted on or applied to a window pane, installed in a window, or installed such that it can be seen from

outside the window, which has a sign face oriented and intended to be viewed from outside of the building. Classified as Fixed; Building; Window.

15. Yard - A sign displayed in a lot's yard area that held in place by weight, sleeve insertion, ground insertion, or being placed in a back-filled hole. Classified as Portable; Ground; Yard.

08.06. Sign Display Classification

The four (4) sign display categories are: Panel Quantity, Panel Type, Movement, and Lighting. Classification uses one class from each category. An example display classification for a sign with one panel is One-Panel; Full Frame; Static; Non-Illuminated.

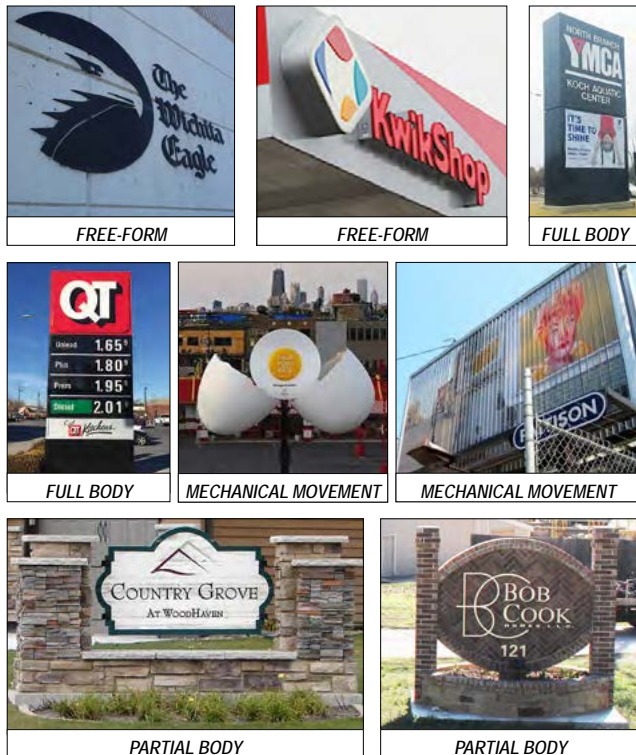
Signs having multiple panels use the number of panels for Panel Quantity with Panel Type, Movement, and Lighting indicated for each panel. Individual panels are listed in top to bottom order and lettered beginning with (A) for the top-most panel. An example display classification for a sign with three panels is Three-Panel; (A) Full Frame; Static; Non-Illuminated; (B) Full Frame; Static; Internal Illumination; (C) Electronic Message; Dynamic; Internal Illumination. Regulations shall apply to multiple-panel signs according all applicable sign panel types.

Figure 8.3: Sign Panel Types 1-8



- A. Panel Quantity. Indicates the number of panels that make up the sign face. Panel Quantity is classified using the number of sign panels. For example, a sign with one panel is One-Panel, a sign with two panels is Two-Panels, and so forth.
- B. Panel Type. Indicates panel characteristics such as message location, framing, or medium.
 1. Air Motion - A sign panel structurally classified as Portable; Tethered; Air-Activated, having forced air blown through the body to create motion. May only be used as a One-Panel sign. Display is classified as Dynamic; Non-Illuminated
 2. Balloon - A sign panel structurally classified as Portable; Tethered; Inflatable, which may float in the air or be secured in contact with the ground or a fixed object. May only be used as a One-Panel sign. Display is classified as Static; Non-Illuminated.
 3. Banner - A sign panel structurally classified as Portable; Tethered; Secured Attachment, which has no rigid frame and is mounted to hang flush against a surface or suspend between tethering points. May be used only as a One-Panel sign. Display is classified as Static; Non-Illuminated.
 4. Blade - A non-rigid sign face attached to a flexible pole with one or more unsecured sides allowing movement in the wind. Structurally classified as Portable; Ground; Yard. May only be used as a One-Panel sign. Display is classified as Dynamic; Non-Illuminated.
 5. Changeable Copy - A sign panel that allows manual changes to the message, content, position or display of its copy, which has no video display or mechanical means of changing copy. May be used with any structural classification that does not have Tethered installation. May be used in multi-panel signs. Display is classified as Dynamic; External Illumination, Internal Illumination or Non-Illuminated.
 6. Digital Video - An electronic sign panel with capable of displaying enhanced textual and graphic effects, animation, or full-motion video. Structurally classified as Fixed; Building or Freestanding, with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Dynamic; Internal Illumination.

Figure 8.4 - Sign Panel Types 9-12



7. Electronic Message - An electronic sign panel that can be programmed to change copy automatically, but does not have full-motion video display capabilities. May be used with any structural classification that does not have Tethered installation. May be used in multi-panel signs. Display is classified as Dynamic; Internal Illumination.
8. Flag - A sign panel made of fabric that may be attached to a pole on one side allowing it to move in the wind or hung from a structure or fixed object. Structurally classified as Portable; Tethered; Air-Activated. Display is classified as Dynamic; External Illumination or Non-Illuminated.
9. Free-Form - A sign panel that takes the shape of copy elements with no visually discernible frame, which is attached to a freestanding support structure, mounted to a building, or applied directly to a building wall or canopy. Structurally classified as Fixed; Building or Freestanding, with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Static; External Illumination, Internal Illumination or Non-Illuminated.
10. Full Body - A sign panel that fully covers the entire sign body width and height without cutouts or spatial voids. Structurally classified as Fixed; Building or Freestanding; with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Static; External Illumination, Internal

Illumination or Non-Illuminated.

11. Mechanical Movement - A sign panel with no video display that is designed to mechanically change the message, content, position or display of its copy or physically move portions of the sign body. Structurally classified as Fixed; Freestanding; Column or Pole. May only be used as a One-Panel sign. Display is classified as Dynamic; External Illumination or Non-Illuminated.
12. Partial Body - A framed sign panel that partially covers the sign body width or height leaving spatial voids. Structurally classified as Fixed; Building or Freestanding; with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Static; External Illumination, Internal Illumination or Non-Illuminated.

C. Movement. Indicates if a sign face or panel moves, has moving external components, visually portrays motion, or allows copy changes.

1. Dynamic - A sign face or panel having any portion designed to move, create the appearance of motion, or change copy. Actual movement may occur by wind/air action or mechanical means. The appearance of motion may be portrayed by blinking, flashing, changing images, or video display. Copy changes may be made digitally, mechanically, or manually

Figure 8.5 - Illuminated Sign Examples



- 2. Static - A sign face or panel that is not designed to move, portray motion, or change copy.
- D. Lighting. Indicates if a sign face or panel is illuminated by an artificial light source.
 - 1. External Illumination - A sign face or panel illuminated by an artificial light source located outside of the body and aimed toward the sign.
 - 2. Internal Illumination - A sign face or panel with an artificial light source illuminating the sign from within, having a video screen, or having copy that is comprised of an artificial light source such as neon tubes or light-emitting diodes (LED).
 - 3. Non-Illuminated - A sign face or panel with no means of illumination by an artificial light source.

08.07. Measurements and Calculations

A. Primary Building Elevation

- 1. The primary building elevation is the side of a building with the main entrance that typically faces the street frontage to which the lot is addressed.
- 2. The wall area of the primary building elevation shall be determined as follows:
 - a. When scaled architectural elevations are provided to depict the elevation of the structure, the vertical wall area of the elevation shall be the wall surface of the building elevation exclusive of roofs, parapets and false fascia, except that a parapet on the primary building elevation, that is part of a parapet of a uniform height and building material on three sides of a structure may be included in the elevation area, but decorative parapet extensions of irregular height on one or two sides of a structure are excluded from the calculation.
 - b. When architectural plans are not provided, it shall be assumed that the height of the elevation of the first floor is twelve (12) feet and that the height of the elevation of all floors above the first floor is ten (10) feet per floor. The area of the elevation is then calculated based on the formula:

$$((\text{building width}) \times (12 \text{ feet})) + ((\text{building width}) \times (\text{number of additional floors}) \times (10 \text{ feet}))$$

B. Setbacks for Fixed;Freestanding signs shall be measured as the distance between the property line and the nearest point on the sign or sign structure.

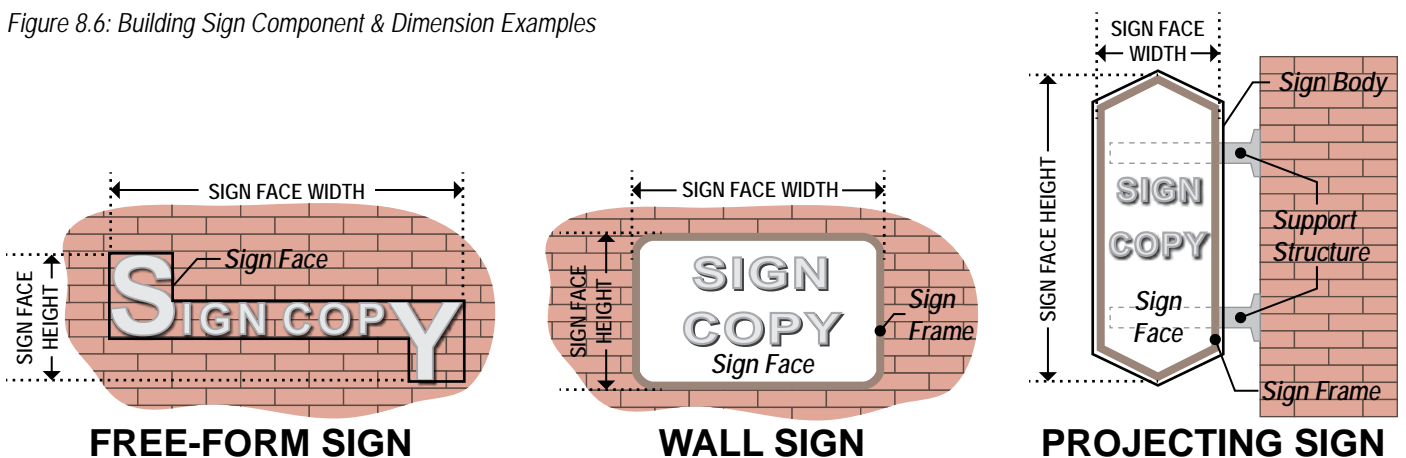
C. Street frontage shall be measured parallel to the centerline of the public street. Where a zoning lot has more than one public street frontage, street frontage shall be the combined linear street frontage.

D. Sign clearance shall be measured from the highest point of the ground directly below the sign to the lowest point of the sign structure.

E. Total Sign Height (also referred to as sign height)

- 1. The total sign height of freestanding signs shall be measured from the ground elevation at the base of the sign structure to the highest element of the sign structure. For signs that may vary in height, such as Inflatable signs, the total sign height shall be measured from the ground elevation at the base of

Figure 8.6: Building Sign Component & Dimension Examples



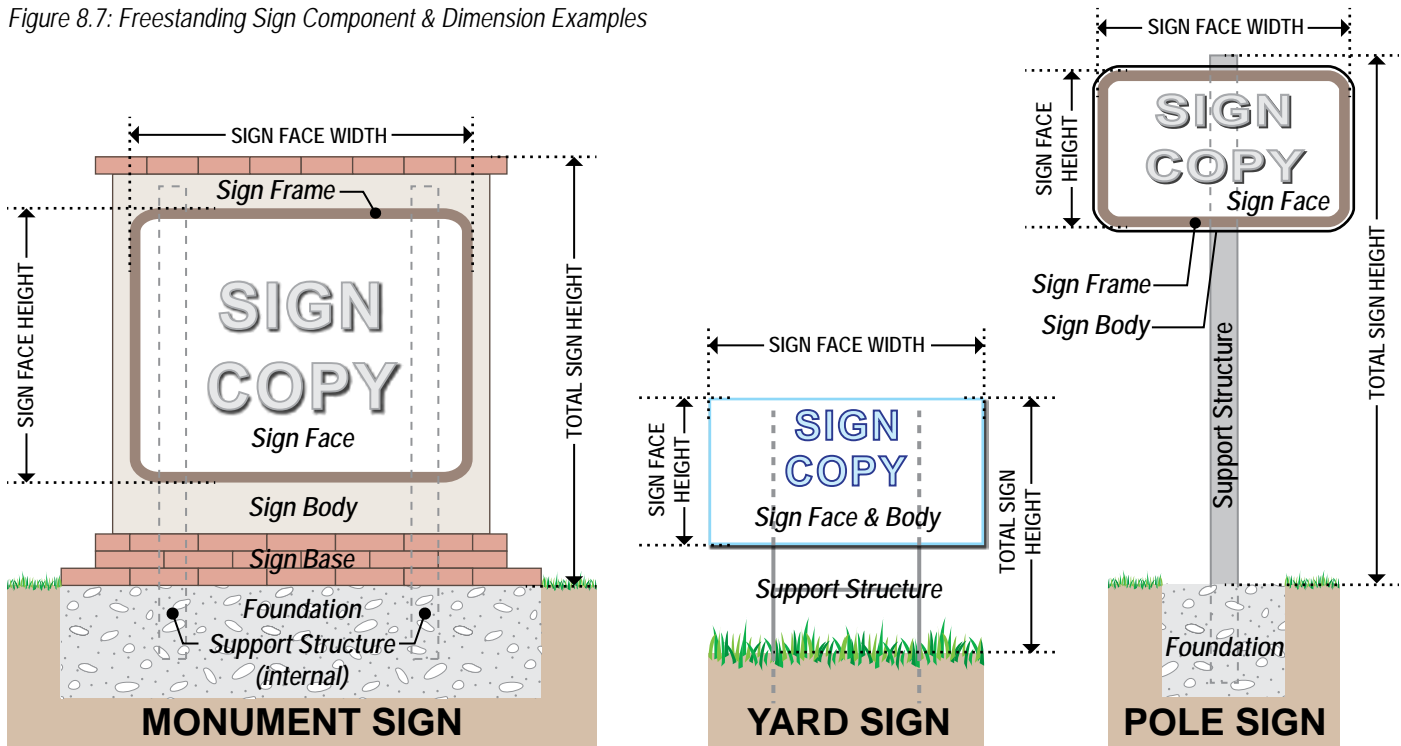
the sign structure to the highest element of the sign structure at its peak elevation.

2. For building signs, the total sign height shall equal the sign face height.

F. Sign Area

1. The sign area shall include the entire area of the sign face. The area of a sign face shall be calculated by multiplying the sign face width by the sign face height using a rectangular shape that completely encloses the sign face.
2. The sign area of a Free-Form sign panel shall include the entire area within a single rectangle enclosing the extreme limits of the sign copy and other graphic element used to portray the sign's message.

Figure 8.7: Freestanding Sign Component & Dimension Examples



3. The sign area of Digital Video and Electronic Message displays shall include the entire panel area plus the surrounding frame or body.
4. A sign designed to be viewed from two (2) or more directions shall be considered one (1) sign, provided that the sign faces are parallel or form an angle of no more than ten (10) degrees. If one sign face is larger, the larger of the two sign faces shall be used to determine the sign area.
5. For cylindrical sign structures, the sign area shall be area of the largest flat plane rectangle that would bisect the sign structure and be completely contained within the outer bounds of the sign structure.
6. The aggregate sign area shall be the sum of all sign area for signs on a zoning lot, not including incidental signs.

08.08. Signs Exempt from Regulation

- A. Signs placed by or at the direction of the City of Augusta or other government agency with such authority, within the right-of-way or on a lot owned by a unit of government.
- B. Signs required by federal, state, or local statute.
- C. Signs identifying historic events, buildings, or other aspects of Augusta and authorized by the City.
- D. Signs not visible and distinguishable beyond the zoning lot where the sign is located.

- E. Incidental signs as defined per [Section 08.04](#) and other signs directly related to a use or activity occurring on the same zoning lot that display specific information intended solely for individuals engaged in said use or activity, and not intended as general public information.
- F. Flag signs, subject to the following provisions.
 - 1. Up to three (3) Flag signs with a maximum height of twenty-five (25) feet, subject to zoning district maximum height restrictions and applicable Building Code requirements.
 - 2. Such signs with a sign area not exceeding forty (48) square feet, provided the aggregate area of all flag signs on a zoning lot shall not exceed seventy-eight (78) square feet.
 - 3. Exempted Flag signs shall not count towards the allowable aggregate sign area for signs on a zoning lot.
- G. Antique or collectible signs displayed as a personal or museum exhibit, painted on a wall or architectural element of a historic building or displayed outdoors as merchandise for sale in a manner consistent with these regulations.
- H. A display of goods in a window.
- I. Signs carried by a person.
- J. Scoreboards and off-premise signs on athletic fields which are oriented towards the field of play.
- K. Signs affixed to or incorporated into machines or equipment by the manufacturer or distributor.
- L. Vehicle signs on vehicles used for deliveries, service calls, or other routine business purposes, provided the vehicle on which the sign is displayed shall be:
 - 1. Legally licensed and registered.
 - 2. Operable and used for a purpose specifically related to the sign's message.
 - 3. Parked in a lawful and authorized location.
- M. Portable signs exempted per [Section 08.12](#).

08.09. Prohibited Signs

- A. Signs that are not in full compliance with this article, other than legal nonconforming signs.
- B. Signs which by location, color, illumination level, or design element conflict with traffic control signs or traffic signals or that may interfere with, mislead, or confuse traffic.
- C. Privately owned signs on or above public right-of-way or other government-owned property, except as approved, allowed, or required by the owning agency pursuant to a government contract or franchise.
- D. Vehicle signs visible from the public right-of-way that are not otherwise exempt.
- E. New signs located on property without the permission of the property owner except those authorized or required by federal, state, or local government.
- F. Signs incorporating beacon lighting or strobe lights.
- G. Signs which emit smoke, particulate matter, sound, odor, or other visible vapors.
- H. Signs which prevent free ingress or egress from any door, window, or fire escape.
- I. Abandoned sign structures.

08.10. General Sign Standards

- A. Construction Materials
 - 1. Permanently installed sign structures for signs structurally classified as Fixed; Freestanding shall be constructed of non-combustible materials, except for wood or other materials capable of providing sufficient structural strength that are allowed by the Building Code.
 - 2. Signs structurally classified as Fixed shall be constructed of durable all-weather materials.
- B. Sign Placement

1. Signs shall not be placed on or otherwise attached to any tree, utility pole, light pole, or traffic control sign.
 2. Signs and sign structures shall not block or interfere with pedestrian access on sidewalks, building entrances or exits, wheelchair ramps, or otherwise violate the Americans with Disabilities Act (ADA).
 3. Signs and sign structures shall not obstruct vehicular access of a driveway, alley, parking area, or other designated vehicular access area.
 4. Signs shall not be placed in or extend into public rights-of-way, except as specifically allowed per this article. When allowed, such signs may be required by the City to be temporarily or permanently modified or removed due to construction or other official purpose. Modification or removal will be at the expense of the owner. In cases of temporary modifications and removals, legal nonconforming signs may be reinstalled without being brought into conformance.
 5. Setbacks and Sight Triangles
 - a. Permanent freestanding signs shall be setback at least five (5) feet from the property line or ten (10) feet from the edge of the street pavement, whichever distance is greater.
 - b. Signs placed in a sight triangle shall not exceed three (3) feet in total sign height. Sight triangle is defined in [Section 03.03](#), with further guidance provided in [Section 04.06.L](#).
- C. Aggregate Sign Area
1. Maximum aggregate sign area for a lot with a multi-tenant commercial principal structure (i.e. shopping center, office building) in a M-1, C-1, C-2, C-3 or I-1 zoning district may be divided between the number of individual units in the structure upon the discretion of the property owner and subject to permit approval.
 2. Maximum aggregate sign area for a zoning lot shall not be exceeded. Exceptions shall not be allowed by variance, conditional use, or other adjustment, unless specifically provided herein.
- D. Portable Signs
1. Vehicle signs are subject to applicable regulations for the appropriate vehicular code when in use on public roadways.
 2. Shall be on-premise signs only and shall be limited to temporary display for a period no longer than ninety (90) consecutive days.
 3. Portable signs may temporarily replace legal Fixed signs removed by a government agency due to a construction project. The quantity, size, and area of such signs shall be limited to that equal to the removed Fixed signs. The original legally permitted signs shall be reinstalled within ten (10) days of project completion. In such cases, a sign permit shall not be required.
- E. Building Signs
1. Shall be on-premise signs only.
 2. Awning & Marquee Signs
 - a. Shall not extend taller than the highest point of the awning, canopy, or marquee to which is it affixed.
 - b. May extend into public right-of-way if mounted to a building that is setback no more than six (6) feet from the property line.
 3. Projecting Signs
 - a. Shall only be affixed to a building and shall not extend vertically beyond the highest point of the building.
 - b. The edge of the sign body nearest the wall shall be no more than twelve (12) inches from such wall.
 - c. May extend horizontally up to six (6) feet into public right-of-way only if mounted to a building that is setback no more than six (6) feet from the property line. In no case shall such signs extend to within two (2) feet of the curb face or street pavement edge, where no curb is provided.
 - d. No more than thirty (30) square feet of the sign face area may extend into the right-of-way.

- e. There shall be a minimum sign clearance of eight (8) feet, except that signs projecting into a sight triangle shall have a minimum clearance of ten (10) feet.
- 4. Roof Signs
 - a. Shall not extend vertically beyond the highest point of the building to which it is affixed or extend horizontally more than twelve (12) inches beyond the face of the nearest building wall.
 - b. If mounted on a pitched roof, the sign face shall be oriented parallel to the nearest building wall.
 - c. Support structures shall not extend above the sign.
- 5. Canopy & Wall Signs
 - a. Shall not extend vertically beyond the highest point of the wall or structure to which it is affixed or extend horizontally more than twelve (12) inches from the building to which it is affixed.
 - b. May extend into public right-of-way if mounted to a building that is setback no more than twelve (12) inches from the property line.
- 6. Window Signs
 - a. The aggregate sign area of all window signs displayed on/in/through a window shall not exceed fifty percent (50%) of the said window's total surface area.
- F. Fixed Freestanding Signs
 - 1. Shall not be located within twenty (20) feet of another sign structurally classified as Fixed; Freestanding.
 - 2. Shall have a landscape planting area installed if the zoning lot on which it will be installed meets the Supplemental Landscape Buffer Requirement criteria of [Section 09.05](#).
 - a. The planting area shall be defined by permanent edging or curbing that extends at least three (3) feet from the base of the sign around the entire perimeter.
 - b. At least twenty-five percent (25%) of the defined planting area shall be covered with some combination of ornamental deciduous trees, evergreen trees, shrubbery, ground cover, perennials, or bulbs.
- G. Illuminated Displays & Signs with Electrical Components
 - 1. Shall conform to all applicable provisions of the current City of Augusta Building and Electrical Codes.
 - 2. Signs with Internal Illumination displays shall provide the minimum level of illumination necessary for night-time display, without producing unreasonable glare beyond the zoning lot boundaries.
 - 3. Signs with External Illumination displays shall have the light source aimed directly at the sign face. Lighting fixtures shall be shielded to minimize light trespass onto other properties and public rights-of-way.
 - 4. All electrical wiring to shall be concealed from public view. If the sign is Fixed;Freestanding, electrical wiring to the sign shall be placed underground.
 - 5. Wiring diagrams and technical lighting specifications demonstrating conformance to these regulations shall be attached to the sign permit application.
- H. Digital Video & Electronic Message Displays
 - 1. Shall conform to all applicable provisions of the current City of Augusta Building and Electrical Codes.
 - 2. Shall be equipped with a working light detector, photocell, or timer that automatically decrease the illumination level for night-time display. If used, timers shall account for seasonal changes in daylight hours.
 - 3. Displays shall be programmed or equipped to turn off or show a full black image in the event of a malfunction that affects more than fifty percent (50%) of the sign face.

08.11. Fixed Sign Regulations by Zoning District & Land Use

Signs that are structurally classified as Fixed shall only be allowed with an approved permanent sign permit, subject to the following provisions and conditions, except as specifically exempted per [Section 08.08](#).

A. A-1, R-R, R-1 & R-2 Zoning Districts

1. Lots with single-family residential primary uses shall be allowed one (1) on-premise sign only in association with a legal conforming home occupation per [Article 11](#), subject to the following provisions.
 - a. Maximum sign area shall be four (4) square feet.
 - b. Structural classification shall be limited to Fixed; Building; Wall.
 - c. Display classification shall be limited to One-Panel; Full Body; Static; Non-Illuminated.
2. Residential subdivisions with active homeowners associations and mobile home parks with R-4 zoning shall be allowed one (1) on-premise sign per vehicular subdivision entrance along a public street, subject to the following provisions.
 - a. Minimum spacing between signs shall be two-hundred (200) feet.
 - b. Maximum sign area shall be thirty-two (32) square feet and maximum sign height shall be six (6) feet.
 - c. Structural classification shall be limited to Fixed; Freestanding; Monument.
 - d. Display classification shall be limited to One-Panel, Free-Form, Full Body or Partial Body, Static; External Illumination or Non-Illuminated.
3. Lots with primary uses other than single-family residential shall be allowed one (1) on-premise sign per public street frontage, subject to the following provisions.
 - a. Maximum aggregate sign area shall be one (1) square foot per two (2) linear feet of street frontage or twenty-four (24) square feet, whichever is greater.
 - b. Maximum sign area shall be twenty-four (24) square feet. Freestanding signs shall have a maximum sign height of six (6) feet.
 - c. Structural classification shall be limited to:
 - i. Fixed; Building; Wall.
 - ii. Fixed; Freestanding; Monument.
 - d. Display classification shall be limited as follows:
 - i. No more than one (1) sign shall have an illuminated display (External or Internal Illumination).
 - ii. Wall signs shall be limited to One-Panel; Free-Form, Full Body or Partial Body; Static; External Illumination or Non-Illuminated.
 - iii. Monument signs shall be limited to One-Panel or Two-Panel; Electronic Message, Full Body or Partial Body; Dynamic or Static; External Illumination, Internal Illumination or Non-Illuminated.

B. R-3, R-4, M-1, C-1 & C-2 Zoning Districts

Note that the Downtown Design Guidelines provide sign guidance in Downtown Augusta.

1. Lots with single-family residential primary uses shall be regulated per [Section 08.11.A.1](#).
2. Lots with multi-family residential primary uses shall be regulated per [Section 08.11.A.2](#).
3. Lots with non-residential primary uses shall be allowed one (1) on-premise sign per public street frontage, subject to the following provisions.
 - a. Maximum aggregate sign area shall be one (1) square foot per two (2) linear feet of street frontage or forty (40) square feet, whichever is greater.
 - b. Signs shall have a maximum sign area of thirty-two (32) square feet. Signs structurally classified as Fixed; Freestanding shall have a maximum sign height of ten (10) feet.
 - c. Sign classification shall be not be limited, subject to the following sign quantity provisions.
 - i. No more than one (1) sign shall have a structural classification of Fixed; Freestanding.
 - ii. No more than two (2) signs shall have illuminated displays (External or Internal Illumination).

C. C-3 & I-1 District Zoning Lots

1. Primary Freestanding Signs: Lots shall be allowed one (1) primary on-premise sign that is structurally classified as Fixed; Freestanding, subject to the following provisions.
 - a. Signs located along arterial street frontage shall have a maximum sign area of sixty-four (64) square feet and a maximum sign height of twenty (20) feet.
 - b. Signs located along collector street frontage shall have a maximum sign area of thirty-six (36) square feet and a maximum sign height of fifteen (15) feet.
 - c. Signs located along local street frontage shall have a maximum sign area of twenty-four (24) square feet and a maximum sign height of ten (10) feet.
 - d. Sign display classification shall be limited per [Section 08.11.C.4](#).
2. Secondary Freestanding Signs: Lots shall be allowed secondary on-premise signs structurally classified as Fixed; Freestanding, subject to the following provisions.
 - a. Lots shall be allowed one (1) such sign per public street frontage in locations within twenty (20) feet of a vehicular entrance/exit.
 - i. Maximum sign area shall be sixteen (16) square feet and maximum sign height shall be six (6) feet.
 - ii. Minimum spacing between such signs shall be sixty (60) feet.
 - iii. Sign display classification shall be limited per [Section 08.11.C.4](#).
 - b. Lots shall have no limit on the number of such signs in internal locations at least eighty (80) feet inside of an external lot line, subject to the following provisions.
 - i. Maximum sign area shall be eight (8) square feet and maximum sign height shall be six (6) feet.
 - ii. Maximum aggregate sign area shall be one (1) square foot per four (4) linear feet of street frontage.
 - iii. Minimum spacing between such signs shall be twenty (20) feet.
 - iv. Display classification shall be limited to Static movement displays, subject to the lighting display requirements of [Section 08.11.C.4](#).
3. Building Signs: Lots shall have no limit on the number of signs structurally classified as Fixed; Building, subject to the following provisions.
 - a. Maximum aggregate area shall be limited to ten percent (10%) of the principal structure's front façade wall area.
 - b. Such signs shall be allowed on any exterior wall surface of legal conforming structures.
 - c. Structure type classification shall not be limited.
 - d. Sign display classification shall be limited per [Section 08.11.C.4](#).
4. Display Classification Provisions
 - a. Lots shall be limited to four (4) signs with illuminated displays (External or Internal Illumination).
 - b. Dynamic movement displays shall be limited to one (1) Primary Freestanding sign plus one (1) Secondary Freestanding sign plus one (1) Building sign per zoning lot, subject to the following provisions.
 - i. Maximum sign area shall be thirty-two (32) square feet, provided such displays may not exceed fifty percent (50%) of the total sign area of a multiple panel sign.
 - ii. Maximum aggregate sign area shall be forty-eight (48) square feet per lot, which shall be counted toward other applicable aggregate sign area limits.
 - iii. Mechanical Movement displays shall only be allowed on Primary Freestanding signs located along arterial street frontages.
 - iv. These limits shall not apply to Changeable Copy displays.

5. Highway Frontage Freestanding Signs: Lots with at least fifty (50) feet of frontage along a designated highway or highway on/off ramp shall be allowed one (1) additional sign structurally classified as Fixed; Freestanding, subject to the following provisions.
 - a. Signs may be on-premise or off-premise with no limits on display classification.
 - b. Signs shall be located within one-hundred (100) feet of the highway right-of-way line with the sign face oriented perpendicular to traffic flow on the adjacent highway facility.
 - c. Maximum sign area shall be limited to two-hundred (200) square feet allowed in addition to maximum aggregate sign area limits and maximum sign height shall be thirty (30) feet.
 - d. Minimum spacing between Highway Frontage Freestanding signs shall be one-thousand (1,000) feet.
 - e. Signs shall not be located within one-hundred (100) feet of another sign structurally classified as Fixed; Freestanding.
 - f. Display classification shall not be limited.
6. Flag Signs: Permanent displays of Flag signs exceeding the exemptions per [Section 08.08](#) may be allowed by permanent sign permit approval, subject to the following maximum limits.
 - a. Maximum sign height may be adjusted up to the zoning district maximum allowable height.
 - b. Maximum sign area may be adjusted up to ninety-six (96) square feet with a maximum aggregate sign area of two-hundred sixteen (216) square feet.
 - c. Maximum quantity may be adjusted up to eight (8) Flag signs, provided no individual Flag sign exceeds a sign area of fifteen (15) square feet and aggregate sign area does not exceed one-hundred twenty (120) square feet.

08.12. Portable Sign Regulations by Zoning District & Land Use

Signs that are structurally classified as Portable shall be allowed subject to the following provisions and conditions, except as exempted per [Section 08.08](#).

- A. Lots with single-family residential primary uses within any zoning district shall be allowed Portable signs as follows.
 1. Structural classification shall be limited to Portable; Ground or Tethered; Air-Activated or Yard.
 2. Display classification shall be limited to One-Panel; Balloon, Banner, Blade or Flag; Non-Illuminated.
 3. Up to two (2) Portable signs displayed at any given time shall be exempt from sign permit requirements, provided the aggregate sign area does not exceed twelve (12) square feet and individual signs do not exceed six (6) square feet in sign area or five (5) feet in height.
 4. Portable signs in excess of the maximum exemptions per [Section 08.12.A.3](#) shall only be allowed by temporary sign permit approval, subject to the following limits.
 - a. Up to one (1) additional sign displayed at any one time; maximum of three (3) signs.
 - b. Up to eight (8) additional square feet aggregate sign area; maximum of twenty (20) square feet.
 - c. Up to one (1) sign may have a maximum sign area of sixteen (16) square feet.
 - d. Maximum sign height shall not be adjusted.
- B. A-1, R-R, R-1, R-2, R-3, R-4, M1, & C-1 Zoning Districts: Lots with a primary use other than single-family residential shall be allowed portable signs as follows. Note that the Downtown Design Guidelines provide sign guidance in Downtown Augusta.
 1. Structural classification shall be limited to Portable; Ground, Tethered or Vehicle; Air-Activated, Secured Attachment, Sidewalk or Yard.
 2. Display classification shall be limited to One-Panel; Air Motion, Balloon, Banner, Blade, Changeable Copy or Flag; Non-Illuminated.
 3. Up to two (2) portable signs displayed at any given time shall be exempt from sign permit requirements, provided the aggregate sign area does not exceed sixteen (16) square feet and

- individual signs do not exceed eight (8) square feet in sign area or six (6) feet in height.
4. Portable signs in excess of the maximum exemptions per [Section 08.12.B.3](#) shall only be allowed by temporary sign permit approval, subject to the following limits.
 - a. Up to one (1) additional sign displayed at any one time; maximum of three (3) signs.
 - b. Up to fourteen (14) additional square feet aggregate sign area; maximum of thirty (30) square feet.
 - c. Up to one (1) sign may have a maximum sign area of twenty (20) square feet.
 - d. Up to one (1) sign may have a maximum height of eight (8) feet.
- C. C-2, C-3, and I-1 Zoning Districts
1. Structural classification shall be limited to Portable; Ground, Tethered or Vehicle; Air-Activated, Secured Attachment, Sidewalk or Yard.
 2. Display classification shall be limited to One-Panel; Air Motion, Balloon, Banner, Blade, Changeable Copy or Flag; Non-Illuminated.
 3. Up to three (3) portable signs displayed at any given time shall be exempt from sign permit requirements, provided the aggregate sign area does not exceed twenty-four (24) square feet and individual signs do not exceed eight (8) square feet in sign area or six (6) feet in height.
 4. Portable signs in excess of the maximum exemptions per [Section 08.12.C.3](#) shall only be allowed by temporary sign permit approval, subject to the following limits.
 - a. Up to three (3) additional signs displayed at any one time; maximum of five (5) signs.
 - b. Up to forty (40) additional square feet aggregate sign area; maximum of sixty-four (64) square feet.
 - c. Up to two (2) signs may have a maximum sign area of thirty-two (32) square feet.
 - d. Up to two (2) signs may have a maximum height of ten (10) feet.
- D. M-1, C1, C-2, & C-3 Zoning Districts: Lots with non-residential primary uses shall be allowed to place one (1) Portable sign per business establishment within public right-of-way at any given time, subject to the following provisions.
- a. Such signs shall be placed immediately adjacent to the subject lot and may be displayed only during the establishment's operating hours.
 - b. Such signs shall be placed completely outside of the street pavement. If placed on a sidewalk, signs shall not interfere with vehicular or pedestrian traffic and at least three (3) feet of clear sidewalk width shall be maintained at all times.
 - c. Sign area shall be counted against the maximum aggregate sign area of all Portable signs.
 - d. Sign height shall not exceed four (4) feet.

08.13. Maintenance Provisions

- A. All signs shall be designed, constructed, and maintained in compliance with applicable provisions of the Building Code and other City codes. Sign supports and structural components shall be painted, constructed of galvanized or non-ferrous materials, or otherwise treated to prevent rust.
- B. All signs within the City shall be kept in the same general condition as approved by permit and in a manner that avoids visual detriment to the community at large. This shall include:
 1. Maintaining a safe structural condition.
 2. Keeping exposed surfaces free of rust and corrosion.
 3. Keeping painted surfaces free chips, cracks, flaking, and peeling.
 4. Replacing broken components made of glass, plastic, or other materials.
 5. Maintaining all lights and electrical components in a safe and operable condition.
 6. Maintaining the legibility of textual and graphic sign components.

08.14. Nonconforming Signs

- A. Legally existing permanent signs that do not comply with these regulations may continue to exist as legal nonconforming signs upon the effective date of these regulations.
 - 1. Such signs shall be subject to applicable sign maintenance requirements and other provisions for legal nonconforming structures.
 - 2. Owners of such signs may request a legal nonconforming use certificate per [Section 04.10.D](#).
- B. Removal or Modification of Nonconforming Signs
 - 1. Existing signs that do not comply with these regulations, regardless of sign type or legal status, shall be removed or modified in compliance with these regulations under any of the following circumstances.
 - a. The nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend.
 - b. The name of the business changes and the sign is changed or modified either in shape, size, or legend.
 - c. A principal structure is destroyed or removed due to natural or man-made circumstances, unless a Building Permit has been issued to replace the structure within ninety (90) days.
 - d. The sign is damaged by any means when the cost of restoring it to original condition exceeds fifty percent (50%) of its replacement cost at the time of damage.
 - e. The building or use to which the sign applies is vacated, abandoned, or otherwise dormant for a period of time exceeding twelve (12) months.
 - 2. All nonconforming signs required to be removed by these regulations shall be removed within ninety (90) days of notification by the City.

08.15. Sign Permitting Process

- A. No sign permit application shall be accepted without plans and specifications of the proposed sign, which may include relevant drawings with items such as location, dimensions, construction, structural design, electrical design, and illumination specifications.
- B. A sign permit shall not be issued for a permanent sign encroaching into or over public right-of-way without the installer first providing a certificate of Accident Public Liability Insurance with minimum coverages of \$50,000 per person, \$100,000 per accident and \$25,000 property damage.
- C. Review and Action
 - 1. The Zoning Administrator shall review the sign permit application to determine if the proposed sign complies with all the applicable regulations of this article. Sign permits shall be either approved or denied within fifteen (15) days of the application submittal date.
 - a. A sign permit shall be approved only if determined fully compliant with applicable regulations.
 - b. If a sign permit is denied, the reasons for denial shall be specified in writing.
 - 2. Issued sign permits shall expire if the work authorized by the permit has not commenced within one-hundred and eighty (180) days from the date of issuance or the authorized work is suspended for a period of one-hundred and twenty (120) days at any time after work has begun. If a sign permit expires, work may proceed only upon issuance of a new sign permit.
- D. No sign permit application shall be accepted without the correct filing fee being paid. Individual applications and permit fees shall be submitted for each such sign or other advertising structure on a zoning lot. The schedule of fees, which may be revised periodically by City Council, may be obtained from the Zoning Administrator.
- E. All applicable provisions of the Building Code shall be enforced for signs subject to such provisions.
- F. Once the sign has been erected or installed, the permit holder shall notify the Zoning Administrator. The sign shall then be inspected for compliance with the approved permit by the Zoning Administrator

or designated official. As deemed necessary, any sign erected may be periodically inspected to verify continued compliance.

- G. All rights and privileges acquired under the provisions of this article or any amendment thereto, are mere licenses revocable at any time by the Zoning Administrator; and all such permits shall contain this provision.
- H. The Board of Zoning Appeals is authorized to grant variances from the specific terms of this article in specific cases. A variance shall be granted only if all of the following provisions are met.
 - 1. It is consistent with purpose and intent of this article.
 - 2. It is permissible under [Article 15](#).
 - 3. It is not contrary to the public interest.

08.16. Implementation and Enforcement

A. Authority

The City shall have the authority to implement and enforce these sign regulations as described below.

- 1. The Zoning Administrator or other designated official shall be charged with the responsibility and authority to implement these sign regulations as follows.
 - a. Coordinate with property owners, developers, permit applicants, permit holders, sign designers, and sign installers.
 - b. Review and approve sign permit applications.
 - c. Inspect new and existing signs to ensure compliance with these regulations and issued permits.
 - d. Initiate enforcement actions within the delegated degree of authority.
- 2. The Zoning Administrator or other designated official may inspect any sign whenever there is reasonable cause to believe a violation of these regulations may exist. Upon being presented with proper credentials by the Zoning Administrator or designated official:
 - a. No person may refuse entry or access to the site or property where a sign exists when entry is required for the purpose of conducting an inspection.
 - b. No person may obstruct, hamper, or interfere with such City representatives while in the process of carrying out their official duties.
- 3. The City shall have the authority to order the removal, modification, minor repair, or maintenance of any sign erected or displayed in the City. This shall include signs that the Zoning Administrator or designated official:
 - a. Deems unsafe, insecure, or a menace to the public .
 - b. Finds to be constructed or erected in violation of these regulations or an issued permit, but is not exempt.
 - c. Determines is not being maintained in accordance with these regulations, but is not exempt.

B. Enforcement

- 1. If upon inspection the Zoning Administrator or designated official determines the need to order the removal or modification of any sign, the City shall immediately notify the property owner or permit holder in writing.
 - a. Such written notification shall contain:
 - i. The action(s) being ordered.
 - ii. A citation of the specific regulation(s) or code(s) whereby the City has authority to order such action(s).
 - iii. A citation of the specific regulation(s) or code(s) being violated.

- iv. A description of the observed conditions or violations that warrant such ordered action(s).
 - v. The deadline of ten (10) days for such conditions or violations to be remedied by the ordered action(s).
 - b. The property owner or permit holder shall notify the Zoning Administrator or designated official upon completing the ordered action(s) by the specified deadline. The Zoning Administrator or designated official shall inspect the subject sign for compliance with the ordered action(s). If the completed action(s) are found to comply with the order, the City shall send the property owner or permit holder a written letter certifying compliance.
 - c. Should the property owner or permit holder fail to fully complete the ordered action(s) by the specified deadline, the City may either:
 - i. Re-notify the property owner or permit holder according to the same procedures.
 - ii. Initiate the ordered action(s) and assess such costs to the property owner or permit holder. The City shall not issue a letter of certification or a subsequent permit for the subject sign to any property owner or permit holder who refuses to pay the assessed costs.
 2. If upon inspection the Zoning Administrator or designated official determines the need to order the minor repair or maintenance of a permitted sign, the City shall notify the permit holder in writing of the deficiency and necessary corrective action(s). Should the permit holder fail to prove compliance within thirty (30) days of the date the notification was sent, the City shall cause the owner to be cited for violation of this regulation.

Article 09 Compatibility Buffers

09.01. Purpose

This article is intended to enhance the compatibility of adjacent land uses, provide an orderly transition between developments of varying intensity, and encourage development consistent with the community's character. This article establishes minimum buffering requirements and applicable standards where compatibility cannot be achieved by other means such as judicious siting of structures on the site, providing open space or greenways to separate uses, or another appropriate means of providing transition.

09.02. Applicability

- A. The provisions of this article shall apply as follows.
 1. New land uses and structures approved or established.
 2. Existing land uses and structures that are altered or modified, and:
 - a. Expand the size of the use or structure.
 - b. Change the type of use or structure.
 - c. Change the intensity or density of the use or structure.
- B. Specific exemptions from these requirements are:
 1. Minor repairs and routine maintenance to existing structures or properties.
 2. Any alteration, modification, or establishment of a use or structure that is otherwise exempted.
- C. Visual and aesthetic compatibility between land uses shall be maintained by using an acceptable visual buffer, which shall include screening fences/walls, landscape screen, earthen berms, or a distance deemed appropriate by the Zoning Administrator that achieves the desired compatibility.
- D. Visual buffers shall be required based on the scenarios listed below for all structures and uses meeting the above applicability criteria. Each scenario indicates visual buffer requirements for lots meeting specific zoning or primary use conditions that are located adjacent to lots with specific lower intensity uses or zoning.
 1. Scenario 1 - A visual buffer shall not be required for lots with: A) an agricultural primary use; B) a single-family residential primary use; C) C-1 zoning and a legal conforming primary use.
 2. Scenario 2 - A visual buffer SHALL BE REQUIRED for all lots with: A) a primary use other than single-family residential; B) C-2 zoning; C) C-3 zoning; D) I-1 zoning WHEN located adjacent to any lot with: A) a single-family residential primary use; B) R-R zoning; C) R-1 zoning; D) R-2 zoning.
 3. Scenario 3 - A visual buffer SHALL BE REQUIRED for all lots with: A) C-2 zoning; B) C-3 zoning; C) I-1 zoning WHEN LOCATED ADJACENT TO any lot with: A) R-3 zoning.
 4. Scenario 4 - A visual buffer SHALL BE REQUIRED for all lots with: A) I-1 zoning WHEN LOCATED ADJACENT TO any lot with: A) M-1 zoning; B) C-1 zoning; C) C-2 zoning; D) C-3 zoning.
 5. Scenario 5 - When a visual buffer is required, any lot that is five (5) acres in area or larger MAY UTILIZE AN EARTHEN BERM TO SATISFY THE REQUIREMENT, subject to applicable design standards.
 6. Scenario 6 - For all lots with PDO overlay zoning, visual buffer requirements shall be determined according to the corresponding base zoning districts and primary uses per Scenarios 1 - 5 (i.e. visual buffers shall apply as if no PDO existed).
- E. When deemed necessary to enhance land use compatibility, the Planning Commission or City Council may impose a visual buffer requirement as a condition of approval for any zoning action.
- F. The City Council may defer any visual buffer requirement that is triggered by the zoning district of an adjacent lot when such adjacent lot is vacant at the time of zoning approval. All such deferrals shall expire one-hundred and eighty (180) days after a Building Permit is issued on the adjacent vacant lot,

within which time the visual buffer shall be constructed.

09.03. General Provisions

The following general provisions shall apply when a visual buffer is required per [Section 09.02.D](#).

- A. Visual buffers shall only be required along lot lines shared with a lot that triggers such requirement; provided subject lot lines shall be buffered along the full length, not just the shared length.
- B. Visual buffers shall be required along alley and local street frontages only if the lot with opposite frontage has a triggering use or zoning. They shall not otherwise be required along street frontages. This shall not apply to supplemental landscape buffer requirements per [Section 09.05](#).
- C. Visual buffers shall not be required along natural barriers that are at least fifty (50) feet wide, such as rivers and wooded areas.
- D. Visual buffers for off-street parking facilities and outdoor storage areas shall not be required on any side requiring a visual buffer along a perimeter lot line, which would serve the same purpose.
- E. No visual buffer shall be allowed to cross a driveway or obstruct the sight triangle of a street, alley, or driveway intersection.

09.04. Visual Buffer Design Standards

- A. Screening fences and walls shall meet applicable provisions of the Building Code with regard to design, construction materials and methods, and foundations. In addition, the following shall apply.
 - 1. Design and construction shall minimize the visual impact of subject uses and structures from outside of that lot. The vertical faces of each horizontal section between posts/columns shall have a minimum ten percent (10%) open space, with consistent spacing between vertical pickets/slats.
 - 2. Construction materials and colors shall complement the architecture of the primary structure on the lot and adjacent structures.
 - a. Fence posts and rails shall be sufficient strength to support the horizontal rails and vertical facing materials. Pickets/slats shall be wood, metal, vinyl/PVC, or composite materials.
 - b. Walls shall be constructed of masonry such as concrete panels, brick, stone, or cinder blocks. Aesthetic finishes such as stucco may be used, as appropriate to the environment.
 - c. Alternate materials may be used provided they are comparably durable and the finished look approximates that of a required material.
 - 3. Along lot lines, shall be between six (6) feet and eight (8) feet in height. Perimeter screening around off-street parking, loading, and outdoor storage areas, when not located on lot line, shall measure between three (3) feet and four (4) feet in height. Height shall be measured from the adjacent ground elevation to the top of the vertical face.
 - 4. Reasonable modifications to these standards may be allowed to avoid hazards to animals or people; preserve safe traffic operations; or minimize negative impacts to surrounding properties.
- B. Landscape screens shall be planted with a variety of trees, bushes, or shrubs, which shall be designed to meet standards within thirty-six (36) months of occupancy. In addition, the following shall apply.
 - 1. Shall have a height of at least six (6) feet above grade along the entire length. No six (6) linear foot segment shall contain more than thirty percent (30%) open space or offer a direct view through the screen at any point higher than two (2) feet above grade.
 - 2. Shall be provided along subject lot lines within a depth of ten (10) feet. No other uses except approved driveways and signs shall be allowed in a required landscape screening area.
 - 3. Plant selection shall consider drought tolerance, species nativity, mature growth, and other such characteristics. Vegetation shall not overhang the public right-of-way such that it obstructs vehicular, pedestrian, or bicycle traffic or restricts access to any property.
- C. Earthen berms used per [Section 09.02.D.5](#) shall be designed to avoid flooding and other storm water drainage impacts both on- and off-premise. In addition, the following shall apply.
 - 1. Shall be at least thirty (30) feet in width at the base and at least four (4) feet in height, as measured

- perpendicular to grade level at any point along its length.
- 2. Side slopes shall have a gradient no steeper than three to one (3:1) and shall be sodded to prevent erosion. Bank stabilization materials and devices shall be used as necessary.
- 3. The top of berms shall be planted with landscaping meeting the standards of [Section 09.04.B](#), except that the minimum height shall be three (3) feet at mature growth height.

09.05. Supplemental Landscape Buffer Requirements

To encourage compatible aesthetics and character, supplemental landscape provisions shall be provided in addition to other compatibility provisions.

- A. Perimeter landscaping shall be installed in required yards along street frontages of lots zoned R-1, R-2, or R-3 having a primary use other than single-family residential; and lots zoned C-2, C-3, or I-1 with arterial street frontage. Perimeter landscaping shall be planted in required yards along street frontages as follows.
 - 1. This shall not include highway frontages.
 - 2. One (1) tree or shrub shall be planted for every forty (40) feet of street frontage. Fractional calculations shall be rounded up. These may be planted in any configuration within fifteen (15) feet of the street line that is not within a sight triangle and at least eight (8) feet from underground utilities and paving. Trees with an expected mature growth height over twenty (20) feet shall not be placed beneath overhead utility lines.
 - 3. Tree species shall be selected from the published recommendations of the Kansas Forest Service for south central Kansas. All plants shall be selected in consideration of site conditions and the factors listed in [Section 09.04.B](#). See [Appendix A](#) for species lists and additional guidance.
 - 4. Selected trees shall have a maximum expected mature growth height of thirty (30) feet and shall have a minimum caliper diameter of two (2) inches at the time of planting.
 - 5. Up to fifty percent (50%) of the planting requirement may consist of shrubs having an expected mature growth height of at least two (2) feet. No more than thirty percent (30%) of the planting requirement shall consist of evergreen tree or shrub species.
- B. Paved off-street parking areas shall include curbed landscaped islands covering at least ten percent (10%) of the area occupied by required parking stalls, driveways, and drive aisles, subject to the following provisions.
 - 1. Be distributed throughout parking areas such that no single island exceeds twenty-five percent (25%) of the requirement.
 - 2. Meet all other provisions applicable to landscape screens, with the exception of [Section 09.04.B.1](#) and [Section 09.04.B.2](#), which are related to screening height, density, and location.
 - 3. Landscaped islands shall not be required for lots with a single-family residential primary use, lots under two (2) acres in area, and lots with C-1 zoning.

09.06. Visual & Landscape Buffer Plans

- A. A buffer and landscape plan shall be submitted with the Development Site Plan. Such plans shall be designed by an appropriately credentialed professional.
 - 1. Screening fences/walls must be designed by a licensed architect or engineer only when required by the Building Code or other applicable regulations.
 - 2. All landscaped areas must be designed by a licensed landscape architect or certified landscape designer, including those located on berms.
 - 3. Earthen berms shall be designed by a licensed engineer or landscape architect.
- B. Such plans shall include sufficient detail and information to determine compliance with buffer requirements. At a minimum, this shall include:
 - 1. Fences/Walls: Location, type, height, and materials.
 - 2. Landscaped Areas: Location, planting specifications and details, mature size, and plant identification

(common and botanical names).

3. Berms: Location, dimensions, cross-section, and materials (list and quantities).

09.07. Buffer & Landscaping Installation & Maintenance

- A. Installation: All visual buffers and landscaping shall be installed according to the approved Development Site Plan and found in good condition when inspected for occupancy. A temporary Certificate of Occupancy may be issued for a period of six (6) months from the inspection date if the season or weather conditions are unsuitable for planting. If landscaping is found to be non-compliant or in poor condition at the time of final inspection, the temporary certificate may be revoked by the Zoning Administrator or Building Inspector.
- B. Maintenance: Required visual buffers and landscaping shall be maintained in good condition and in compliance with these regulations and applicable conditions of approval. Any such items determined to be in poor condition, unsafe, or non-compliant by the Zoning Administrator or designated official may be subject to enforcement actions.

09.08. Height Compatibility Standards

To enhance height compatibility, the following provisions shall apply to structures exempted from zoning district maximum height restrictions per [Section 04.06.M](#), and any building that exceeds the maximum height its zoning district by virtue of any other allowance provided by these regulations.

- A. These standards shall not apply to integrated or attached structures per [Section 04.06.M](#).
- B. All other structures that exceed, or are proposed to exceed applicable maximum height restrictions, shall be subject to the following height compatibility standards.
 1. No structure in the I-1 zoning district shall exceed three (3) times the maximum height restriction; no structure in any other zoning district shall exceed two (2) times the maximum height restriction.
 2. A height compatibility setback adjustment shall be required in order to mitigate the negative aesthetic impacts of substantial height differential between adjacent properties.
 3. No structure shall be allowed to exceed the applicable zoning district maximum height without also being setback from every lot line the adjusted setback distance for height compatibility. This shall apply regardless of the means by which the height exception is approved or allowed.
- C. The height compatibility setback shall be calculated as follows:
 - (A) Proposed structure height
 - (B) Zoning district maximum height
 - (C) Height compatibility multiplier = (A) ÷ (B); Round to nearest hundredth, down < 0.05, up ≥ 0.05
Check against exempt restrictions: 3 or less for I-1 zoning; 2 or less for other zoning districts
 - (D) Zoning district maximum required setback (any yard or use)
 - (E) Height compatibility setback = (C) X (D); Round to nearest foot, down < 0.5, up ≥ 0.5

Example Height Compatibility Setback Calculation

Scenario: The owner of a property zoned B-1 submits an application for a 50-foot flag pole.

- (A) Proposed structure height = 50 feet
- (B) Zoning district maximum height = 35 feet (non-residential structures)
- (C) $50 \div 35 = 1.428$; Rounded up, height compatibility multiplier = 1.43
1.43 is less than 2 times the maximum height for B-1 zoning
- (D) Zoning district maximum required setback = 35 feet (front yard setback)
- (E) $1.43 \times 35 = 50.05$; Rounded down, height compatibility setback requirement = 50 feet

The flag pole must be built at least 50 feet away from all property lot lines.

Article 10 **Specific Use Standards**

10.01. Purpose

The purpose of this article is to provide limitations, conditions, adjustments, or design requirements for a limited number of defined uses. Such standards are intended to enhance compatibility between those and other land uses or specify exceptions to minimum/maximum requirements under certain conditions. As provided in this article, specific use standards shall be required either in addition to or in lieu of otherwise applicable requirements.

10.02. Accessory Apartment or Dwelling; Guest Home or Pool House

- A. Shall be limited to one (1) such structure per lot and allowed only in conjunction with detached single-family residential primary structures.
- B. Shall be compatible with the immediate neighborhood and constructed with the same or equal siding exterior materials as the principal structure.
- C. Shall be limited in size to fifty percent (50%) of the principal structure's gross floor area.
- D. Shall be subject to applicable lot coverage, setback, and off-street parking requirements.
- E. Accessory apartments or dwellings:
 1. May be rented as an independent residential unit and may be served by an independent utility connection, subject to applicable City of Augusta Building Codes.
 2. Shall be maintained under the same ownership as the principal structure and shall not be subdivided as an individual lot or condominium unit. A deed restriction stating such shall be filed with the Butler County Register of Deeds prior to the issuance of a Certificate of Occupancy.
- F. Guest homes and pool houses shall not be utilized on a permanent basis as sleeping or living quarters.

10.03. Adult Entertainment

In order to mitigate negative secondary effects of sexually oriented businesses, the following provisions shall apply.

- A. Shall be located within a freestanding building intended for single-tenant occupancy.
- B. No merchandise shall be viewable from outside the structure or off-premise.
- C. Shall not be located within one-thousand (1,000) feet of any of the following, as measured between the closest points on any property line.
 1. Religious meeting places.
 2. Elementary and secondary schools.
 3. Day care centers and institutional day cares.
 4. Public parks and libraries.
 5. Residential land uses and zoning districts (R-R, R-1, R-2, R-3, and R-4)
 6. Bars, taverns, night clubs, and liquor stores.
 7. Other sexually oriented businesses as defined in [K.S.A. 12-770](#).
- D. Shall not be allowed to play live or recorded sounds on outdoor speakers or project such sounds outside of the primary structure from within.
- E. Only permanent on-premise signs shall be allowed; signs shall be structurally classified as Fixed; Building as defined in [Article 08](#).
- F. Shall be buffered along all property lines with a screening fence/wall at least six (6) feet in height, meeting the requirements of [Section 09.04](#), with breaks allowed only for driveways and sight triangles.

10.04. Adult Retail Store

In order to mitigate negative secondary effects of sexually oriented businesses, the following provisions shall apply.

- A. Shall be located within a freestanding building intended for single-tenant occupancy.
- B. No merchandise shall be viewable from outside the structure or off-premise.
- C. Shall not be located within one thousand (1,000) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; residential land uses or zoning districts (R-R, R-1, R-2, or R-3); bars, taverns, night clubs, or liquor stores; other sexually oriented businesses as defined per [K.S.A. 12-770](#).
- D. Only permanent on-premise signs shall be allowed; signs shall be structurally classified as Fixed; Building as defined in [Article 08](#).
- E. Shall be buffered along all property lines with a screening fence/wall at least six (6) feet in height, meeting the requirements of [Section 09.04](#), with breaks allowed only for driveways and sight triangles.

10.05. Arena or Stadium

- A. Shall not be allowed within one-thousand (1,000) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- B. May be allowed as a secondary use within a school or educational campus developed in conjunction with a PDO zoning district. In such cases, conditional use approval shall not be required.
- C. Sites shall meet the hard surface paving requirements of [Article 07](#).
- D. When illuminated with flood lights, such shall be aimed down and inward toward the sports field(s) and shall be equipped with shut off controls that turn lights off during non-operational times.

10.06. Automotive Maintenance Shop; Automotive Repair Shop; Vehicle Maintenance or Repair Garage

- A. Outdoor storage shall not be allowed. This includes inoperable vehicles and vehicle fluid containers that are not stored within a garbage dumpster or liquid waste enclosure.
- B. Maintenance and repair activities shall only be conducted indoors, except within I-1 zoning districts.
- C. Service bays shall not face local or collector street frontages.

10.07. Automotive or Equipment Sales, Rental or Leasing (all listed uses); Manufactured Home Dealers

- A. All such areas having outdoor storage or display related to one of these uses shall be located on a lot of at least one (1) acre in area having arterial street frontage.
- B. Primary ingress/egress shall be provided to the adjacent arterial street. No more than two (2) secondary driveways may access a local or collector street.
- C. All off-street parking, and outdoor vehicle/equipment storage or display areas shall be subject to hard surface pavement requirements of [Article 07](#), except that sales/storage of the following shall be exempt, subject to other applicable paving requirements: manufactured homes; construction and heavy equipment; tractor and farm implements; truck, trailer and recreational vehicles.

10.08. Bar or Tavern; Brewpub

- A. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; residential land uses or zoning districts (R-R, R-1, R-2, R-3, or R-4).
- B. Outdoor seating areas shall be allowed as an accessory use when located in C-2 or C-3 zoning, and as a conditional use when located in M-1 or C-1 zoning, subject to the following:
 1. Shall be required as a separate conditional use in M-1 or C-1 zoning, in cases where the original

conditional use approval did not include outdoor seating.

2. Shall have a fence or barrier, which measures at least four (4) feet in height around the entire perimeter, the purpose of which is to delineate the area. Such barriers shall not be subject to screening design provisions of these regulations, but shall be required to meet all applicable provisions of any other federal, state, and local regulations.
3. Lighting in such areas shall be “fully shielded” or “full cutoff” light fixtures equipped with shut off controls to turn off lights during non-operational hours.

10.09. Boarding Kennel

- A. Minimum lot size shall be five (5) acres for any boarding kennel having outdoor runs.
- B. Outdoor runs, play yards, and open-air enclosures shall be setback a minimum of fifty (50) feet from any lot line; and shall be located a minimum of two-hundred (200) feet from any off-premise residential dwelling unit.
- C. Areas developed with a boarding kennel structure, outdoor run, play yard, or open-air enclosure that are located within six-hundred (600) feet of a lot line, as measured from any exterior point of any such facility, shall be:
 1. Buffered with a screening fence or landscaped screen along a perimeter spaced no further than thirty (30) feet from any such facility, that is consistent with applicable standards of [Article 09](#).
 2. Located in a contiguous grouping, to the extent practical; and specifically designated on Site Plans.
- D. Boarding kennels are prohibited in residential districts within the Augusta city limits.

10.10. Broadcast Tower

- A. Shall not be allowed within the public right-of-way.
- B. Shall not be guyed, except as required by applicable regulatory agencies by necessity as determined by a licensed structural engineer.
- C. Shall be subject with all applicable provisions of [Article 09](#) related to visual buffers and height compatibility, provided that the visual buffer requirements shall apply only to developed areas occupied by tower structures, off-street parking, and outdoor storage. Such areas shall be:
 1. Located in a contiguous grouping, to the extent practical.
 2. Platted as a separate lot or lots, or specifically designated on Site Plans.
 3. Enclosed within a screening fence/wall around the perimeter of such facilities, and meeting the design standards for such found in [Article 09](#). Guy wire anchor points located outside of the enclosed perimeter shall be enclosed by a fence at least six (6) feet in height.
- D. Shall have no nighttime, strobe, or obstruction lighting, except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies.
- E. Outdoor lighting installations shall be allowed only within perimeter enclosures; shall be the minimum lighting necessary for reasonable site security. In addition:
 1. Lighting fixtures shall be installed at a height no greater than twelve (12) feet.
 2. Only “fully shielded” or “full cutoff” light fixtures may be installed.
 3. Fixtures shall be equipped with motion detector shut off controls.

10.11. Car Wash

The following provisions shall apply to all car washes as a primary use or as a secondary use.

- A. Sites shall meet the hard surface paving requirements of [Article 07](#).
- B. In addition to off-street parking and loading requirements, all wash bays shall have adjacent paved vehicle queuing lanes, at least the width of the bay openings, as follows:
 1. Automated Wash Bays: Eighty (80) feet at bay entrances, at least forty (40) feet of which must be

provided in straight alignment extending perpendicular from the bay entrance; twenty (20) feet at exits.

2. Self-Service Wash Bays: Twenty (20) feet extending perpendicular from entrances and exits.
- C. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures. As a primary use, sites and facilities that are unattended shall be equipped with motion detector shut off controls, except when entrances are gated to restrict access to facilities that close by 11:00 p.m.
- D. When adjacent to residential land uses or zoning districts (R-R, R-1, R-2, R-3, or R-4), the following shall also apply:
 1. Shall provide a minimum setback of fifty (50) feet along lot lines subject to a compatibility buffer.
 2. Vacuum cleaning apparatus shall not be located within any required setback area.
 3. Visual buffers shall meet the requirements of [Section 09.04](#), except that maximum vertical open space for any fence/wall section shall be five percent (5%).

10.12. Concrete or Asphalt Pavement Mixing Plant (Permanent)

The following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- C. All approvals and permits needed to operate an asphalt or concrete mixing plant in the State of Kansas must be received prior to zoning approval.
- D. On-premise operations shall be defined in an operational plan, which is attached to and submitted with the Administrative Site Plan. The operational plan shall include:
 1. Copies of all approvals and permits.
 2. Operating times, conditions and procedures. Operations shall be limited to weekdays between 6:00 a.m. and 8:00 p.m., with no operations allowed to occur on federal holidays.
 3. Emergency procedures for accidents, injuries, leaks, spills, groundwater contamination, natural disasters, fires, explosions, and similar occurrences requiring emergency or corrective actions.
- E. Applicable provisions of [Article 09](#) shall apply only to areas utilized for off-street parking; and outdoor storage. Such areas shall be:
 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
 2. Located in a contiguous grouping, to the extent practical.
- F. Off-street parking and outdoor storage areas shall not be used to store any tools, equipment, materials, or vehicles utilized off-premise, except for those driven daily by employees.
- G. Shall not store contaminated soils on-premise.
- H. Shall be secured around the entire property perimeter with a security fence at least eight (8) feet in height. Such fences shall utilize chain link fencing to a height of at least six (6) feet and at least three (3) equally-spaced strands of barbed wire making up the remaining two (2) feet of required height.
- I. The following shall be required for all such uses conducted on a temporary basis.
 1. The period of time the facility will be used for such operations shall be set at the time of conditional use approval. Subject to applicable extensions as provided in these operations, all on-premise operations shall cease after that period of time and all associated equipment and materials shall be removed within thirty (30) days.
 2. The conditional use shall include a reasonable and feasible plan of action for transitioning the site to another viable land use allowed by these regulations. The required plat shall not be approved without

being capable of accommodating such transition in land use.

3. Upon expiration of the conditional use, the Planning Commission shall initiate an application(s) for vacating the conditional use and rezoning to accommodate the use transition plan.

10.13. Detached Residential Carport or Garage

- A. Shall be limited to one (1) such structure per lot.
- B. Shall have exterior siding of a color and visual appearance similar to the principal structure.
- C. Except as approved by conditional use, maximum gross floor area shall be as follows.
 1. Lots ten-thousand (10,000) square feet in area or less. Garages: Seven-hundred twenty (720) square feet; Carports: Five-hundred (500) square feet.
 2. Lots over ten-thousand (10,000) square feet in area, but not more than three (3) acres. Garages: Nine-hundred sixty (960) square feet; Carports: Six-hundred (600) square feet.
 3. Lots over three (3) acres in area, but not more than five (5) acres. Garages: One-thousand two-hundred fifty (1,250) square feet; Carports: Seven-hundred fifty (750) square feet.
 4. Lots over five (5) acres in area. Garages and carports are limited to six-thousand (6,000) square feet.
- D. Detached carports shall be allowed only by conditional use in R-1, R-2, R-3, or R-4 zoning districts.

10.14. Detached Structure for Home Occupation

- A. Shall be limited to one (1) such structure per lot.
- B. Shall be utilized only for activities associated with an allowable home occupation.
- C. Shall have exterior siding materials comparable in quality and appearance to that of the principal structure.
- D. Gross floor area shall be limited in size to twenty-five percent (25%) of that of the principal structure.
- E. Shall not be allowed if the structure would cause the lot to exceed maximum coverage requirements.

10.15. Distributed Antenna System; Small Cell System

- A. Such facilities located in the public right-of-way shall only be permitted by conditional use and shall be required to execute a franchise agreement with the City of Augusta; all other locations shall be allowed by-right, subject to applicable permits and other required approvals.
- B. Conditional use approval for facilities located in the public right-of-way shall:
 1. Allow the approval of up to twenty-five (25) individual installation locations with a single conditional use application, provided each location shall be reviewed on its individual merits.
 2. Upon review, all locations deemed appropriate for installation shall be approved, provided in no case shall a conditional use be approved for any location that:
 - a. Disturbs the location of or compromises the function of any other street, street improvement, or traffic control device, existing or planned, located within the public right-of-way.
 - b. Disturbs the location of or compromises the function of any other public or private utility infrastructure, existing or planned, located in, under, or above the public right-of-way.
 - c. Disturbs the location of or compromises the function of storm water drainage infrastructure, existing or planned, located within the public right-of-way.
 - d. Disturbs the location of or compromises the function of any sidewalk, bicycle path, bus stop or other similar facility, existing or planned, located within the public right-of-way.
 - e. Is located within the street's required clear zone, the sight triangle of any street or driveway intersection, or is otherwise inconsistent with any applicable design criteria or engineering standards.
 - f. Is deemed by the Planning Commission or City Council to pose a reasonable threat to the public

interest necessitated by public health, safety, or welfare.

10.16. Drive-Thru Banking Service or ATM; Drive-Thru Window for Services, Retail Sales or Restaurants

- A. Shall be located on a lot of at least one-half ($\frac{1}{2}$) acre in area having arterial street frontage.
- B. Primary ingress/egress shall be provided to the adjacent arterial street. No more than one (1) secondary driveway may access a local or collector street.
- C. Shall meet the hard surface paving requirements of [Article 07](#).
- D. In addition to off-street parking and loading requirements, all drive-thru windows shall have adjacent paved vehicle queuing lanes, at least ten (10) feet in width as follows:
 1. Banking Service Windows: Eighty (80) feet, at least forty (40) feet of which shall be provided in straight parallel alignment with the service window.
 2. Freestanding ATMs: Forty (40) feet provided in straight parallel alignment with the ATM face.
 3. Service & Retail Windows: Forty (40) feet provided in straight parallel alignment with the window opening.
 4. Restaurant Windows: Eighty (80) feet, at least forty (40) feet of which shall be provided in straight parallel alignment with the window opening.
- E. Vehicle queuing lanes shall be in addition to drive aisle for off-street parking.
- F. Where applicable, a pedestrian crosswalk shall be provided, which meets ADA and other applicable design standards.

10.17. Duplex, Single-Family Attached

The following provisions shall apply when permitted by conditional use within single-family subdivisions zoned R-1.

- A. Shall not be interspersed amongst individual lots occupied by single-family detached dwellings.
- B. Shall be platted in groups containing at least four (4) contiguous lots. Each group must be in a location meeting one or more of the following conditions:
 1. Around a cul-de-sac.
 2. Duplexes, R-2 zoning, or R-3 zoning located on the opposite street frontage.
 3. Multi-family or non-residential uses or zoning on the opposite street frontage.
- C. Architectural style and exterior siding materials shall be consistent with single-family detached dwellings in same subdivision or immediate vicinity.

10.18. Earth Sheltered Home

- A. Such shall be fully complete and fully functional residential structures. In no case shall a partially completed structure, foundation or substructure intended to support a completed structure, be considered an earth sheltered home.
- B. Shall include any single-family structure having fifty percent (50%) or more of the exterior surface area of the building covered with earth, excluding garages and other accessory or attached structures. Bulk regulations shall be measured from the exterior structure, not the earth covering.
- C. Architectural style and exterior siding materials of uncovered structure shall be consistent with other single-family detached dwellings in same subdivision or immediate vicinity.

10.19. Garbage Dumpster or Liquid Waste Container

For all land uses requiring garbage dumpster or liquid waste (used oil/grease, solvents, etc.) container service, design of such facilities shall be subject to the following standards.

- A. Except for lots zoned A-1 or R-R, shall be within a paved and enclosed "corral" area, subject to the

following minimum standards.

1. Shall be paved in concrete, subject to applicable minimum City standards.
2. Shall be screened around the entire perimeter with a screening fence/wall meeting the minimum requirements of [Section 09.04](#), in addition to all other required conditions of [Article 09](#). Such fences/walls shall be no less than six (6) feet in height with a maximum of five percent (5%) vertical surface open space allowed along any given section between support posts/columns.
3. Gated dumpster/container access shall be provided on one wall. A pedestrian access gate no wider than thirty-six (36) inches may be located on a separate wall. Gates shall meet the same dimensional and screening standards, except that a maximum of six (6) inches may remain open along the bottom.
4. Shall be sized to fit all required dumpsters/containers, and oriented to provide direct straight-line access from a street or alley without requiring service trucks to occupy the public right-of-way.
5. Shall not occupy any required off-street parking or loading areas, or vehicle queuing lanes.

10.20. Golf Course or Country Club

- A. Applicable provisions of [Article 09](#) shall apply only to developed areas occupied by pro shops, club houses, retail/commercial structures, off-street parking or loading, outdoor storage, swimming pools, golf driving ranges, and non-golf sport courts.
 1. Such areas shall be:
 - a. Located in a contiguous grouping, to the extent practical.
 - b. Platted as a separate lot or lots, or specifically designated on Site Plans.
- B. Outdoor lighting installations shall not be located outside of the developed areas, except that minimal lighting may be installed along cart paths and walkways, provided:
 1. Fixtures are installed at a height no greater than twelve (12) feet.
 2. Only “fully shielded” or “full cutoff” light fixtures may be installed.
 3. Fixtures shall be equipped with motion detector shut off controls.
- C. All on-premise structures shall be of consistent architectural style and exterior siding materials.

10.21. Guard or Security Booth

- A. Shall not exceed two-hundred and fifty (250) square feet gross floor area.
- B. Shall not be utilized as sleeping or living quarters.

10.22. Home & Garden Center

- A. Storage of merchandise available for sale shall be allowed outside of the principal structure as a Secondary Use subject to the following standards.
 1. Shall be immediately adjacent, have direct access, and be attached to the principal structure.
 2. Shall be enclosed by a screening fence or wall. The covering material may be semi-transparent to allow natural lighting, but must be sufficiently opaque to fully screen the area from view.
 3. Shall have no more than two (2) openings equipped with gates of similar screening material. Individual openings shall not exceed ten (10) feet in width.
 4. Shall not exceed ten percent (10%) of the principal structure's gross floor area and shall comply with all yard requirements as if it were part of the principal structure.
 5. Shall be counted as part of the principal structure for required off-street parking calculations.
- B. Additional outdoor display of merchandise for sale is allowed by-right on a temporary basis for seasonal merchandise, such as holiday tree sales. Such areas are subject to the following provisions:
 1. Shall be limited to four (4) annual display periods, each lasting no longer than thirty (30) days.

2. Shall be identified on approved Site Plans.
3. Shall not utilize any required amount of off-street parking or loading area.
4. Shall not exceed ten percent (10%) of the principal structure's gross floor area.
5. No additional outdoor merchandise displays shall be approved by any other means.

10.23. Junk, Scrap or Salvage Yard; Vehicle or Equipment Storage Yard

- A. Shall not be allowed within one-thousand (1,000) feet of any existing or approved residential lot zoned R-R, R-1, R-2, or R-3, as measured between the closest points on any property line.
- B. Shall be located on lots of at least five (5) acres in area, except that vehicle and equipment storage yards shall have a minimum lot size of one (1) acre.
- C. The site shall be buffered along all perimeter lot lines with screening fence/wall meeting the minimum requirements of [Section 09.04](#), in addition to all other required conditions of [Article 09](#). Such fences/walls shall be no less than eight (8) feet in height with a maximum of five percent (5%) vertical open space allowed along any given section between support posts/columns.
- D. The Planning Commission or City Council may enact reasonable operating hour restrictions as part of the conditional use approval.

10.24. Multi-Tenant Lifestyle Center; Shopping Mall; Strip Center

The following shall only be allowed when developed in conjunction with an approved PDO zoning district.

- A. Multi-tenant lifestyle centers and multi-tenant shopping malls.
- B. Multi-tenant strip centers on lots exceeding two (2) acres in area.

10.25. Neighborhood Clubhouse or Swimming Pool

- A. Shall be located on platted lots located within the residential subdivision it serves.
- B. Applicable provisions of [Article 09](#) shall apply.
- C. Outdoor lighting installations shall not be located outside of the developed areas, except that minimal lighting may be installed along cart paths and walkways, provided:
 1. Fixtures are installed at a height no greater than twelve (12) feet.
 2. Only "fully shielded" or "full cutoff" light fixtures may be installed.
 3. Fixtures shall be equipped with motion detector shut off controls.
- D. All on-premise structures shall be of compatible architectural style and exterior siding materials as residential structures in the immediate vicinity.

10.26. Non-Commercial Greenhouse or Hoop House

- A. Shall only be allowed to the rear or side of the primary structure, relative to the required front yard.
- B. Building Permits shall be required only as provided in the Building Code.
- C. Shall not be used for the storage of hazardous materials.

10.27. Outdoor Display of Retail Merchandise for Sale

- A. Such displays shall be allowed to occupy public sidewalks only in conjunction with retail primary uses zoned C-1, limited to one (1) time per month for two (2) consecutive days up to twelve (12) hours per day. Sidewalk displays shall be limited to one-hundred and fifty (150) square feet located directly adjacent to the subject lot. At least three (3) feet of clear sidewalk width shall be maintained and displays shall comply with applicable ADA standards.
- B. Except for allowable sidewalk displays, such displays shall be restricted to areas depicted on the Administrative Site Plan of an approved rezoning, conditional use, Zoning Compliance Certificate, or temporary use (for one-time displays), whichever is applicable.

- C. Such displays shall be allowed only as provided for the following primary uses and conditions.
1. **Grocery Stores & Supermarkets; Supercenters & Warehouse Clubs:** Shall be allowed seasonal displays up to four (4) times per year. Each display period shall be limited to thirty (30) consecutive days of retail sales, plus three (3) days immediately before and after the sales period for setup and tear down.
 2. **Civic, Religious & Organizational Meeting Places:** Shall be allowed seasonal fundraising sales displays up to two (2) times per year. Each display period shall be limited to thirty (30) consecutive days of fundraising sales, plus three (3) days immediately before and after the sales period for setup and tear down.
 3. **Hardware & Tool Stores; Farm & Home Stores:** Shall be allowed permanent displays not exceeding twenty-five percent (25%) of the principal structure's gross floor area. Displays shall be directly adjacent to the principal structure and may not occupy required parking stalls or loading areas.
 4. **Retail uses not specifically indicated:** Shall be allowed permanent displays not exceeding ten percent (10%) of the principal structure's gross floor area. Displays shall be directly adjacent to the principal structure and may not occupy required parking stalls or loading areas.
 5. **Legally recognized non-profit organizations:** Individual off-premise seasonal fundraising displays may be approved on a one-time basis by temporary use approval, and shall not otherwise be allowed. Such displays may be located only on vacant lots zoned M-1, C-1, C-2, or C-3. Written proof of permission signed by the lot's owner shall be provided with the temporary use application. Displays shall be limited to thirty (30) consecutive days of fundraising sales, plus three (3) days immediately before and after the sales period for setup and tear down.

10.28. Outdoor Kennel Run or Play Yard

- A. Outdoor runs or play yards as a secondary use shall not be allowed in conjunction with any primary use located on a lot less than two (2) acres in area.
- B. Are prohibited in residential districts within the Augusta city limits.
- C. Shall be setback a minimum of fifty (50) feet from any lot line; and shall be located a minimum of two-hundred (200) feet from any off-premise residential dwelling unit.
- D. Lots shall be buffered with a screening fence or landscaped screen consistent with the standards of [Section 09.04](#) or [Section 09.05](#) respectively.
- E. Such facilities shall be located in a contiguous grouping, to the extent practical; and specifically designated on Site Plans.

10.29. Outdoor Market

- A. Shall not be conducted more frequently than once per week, for a period lasting longer than two (2) consecutive days, for a maximum twelve (12) consecutive hours in a day.
- B. Shall not conduct activities or install facilities considered to be an amusement ride, ride device, circus, carnival, or similar without receiving the appropriate licenses and permits as required by City Code and other applicable state and federal agencies.
- C. Outdoor markets that are secondary uses shall not:
 1. Occupy any off-street parking stalls that are required for the primary use during peak parking periods.
 2. Be permitted any permanent signs, but shall be allowed temporary signs as provided for the applicable zoning district, subject to issuance of a sign permit.
 3. Install lighting in addition to that approved for the primary use.

10.30. Outdoor Storage of Retail Merchandise Stock

- A. Shall only be allowed in conjunction with primary uses defined as Supercenters & Warehouse Clubs in

[Article 05](#); and only as an on-premise, temporary, seasonal secondary use.

- B. Approvals shall be limited to one (1) time per year for a maximum of sixty (60) consecutive days.
- C. In no case shall such uses be allowed to occupy an area exceeding twenty-five percent (25%) of the principal structure's gross floor area; or occupy any required off-street parking stalls or loading areas.
- D. Shall not be located so as to interfere with vehicular or pedestrian circulation.

10.31. Petroleum or Natural Gas Extraction

The following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- C. No outdoor lighting shall be allowed.
- D. On-premise storage or disposal of well stimulation byproducts is prohibited. No fluids, wastewater, or wastewater solids may be stored or disposed of within the City of Augusta.
- E. All approvals and permits needed to conduct oil and natural gas drilling operations in the State of Kansas must be received prior to zoning approval.
- F. On-premise extraction operations shall be defined in an operational plan, which is attached to and submitted with the Administrative Site Plan. The operational plan shall include:
 - 1. Copies of all approvals and permits.
 - 2. Operating times and conditions.
 - 3. Operating procedures.
 - 4. Emergency procedures for accidents, injuries, leaks, spills, natural disasters, fires, explosions, and similar occurrences requiring emergency actions.
- G. Applicable provisions of [Article 09](#) shall apply only to developed areas occupied by drilling/extraction equipment; off-street parking; and outdoor storage. Such areas shall be:
 - 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
 - 2. Located in a contiguous grouping, to the extent practical.
 - 3. Platted as a separate lot or lots, or specifically designated on Site Plans.

10.32. Quarry or Mine; Sand, Rock or Mineral Extraction Pit

The following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- C. All approvals and permits needed to conduct quarrying, mining, and applicable extraction operations in the State of Kansas must be received prior to zoning approval.
- D. On-premise operations shall be defined in an operational plan, which is attached to and submitted with the Administrative Site Plan. The operational plan shall include:
 - 1. Copies of all approvals and permits.
 - 2. Operating times and conditions. Operations shall be limited to weekdays between 6:00 a.m. and 8:00 p.m., with no operations allowed to occur on federal holidays.
 - 3. Operating procedures.
 - 4. Emergency procedures for accidents, injuries, leaks, spills, natural disasters, fires, explosions, and

similar occurrences requiring emergency actions.

- E. Applicable provisions of [Article 09](#) shall apply only to areas utilized for off-street parking; and outdoor storage. Such areas shall be:
 - 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
 - 2. Located in a contiguous grouping, to the extent practical.
- F. Off-street parking and outdoor storage areas shall not be used to store any tools, equipment, materials, or vehicles utilized off-premise, except for those driven daily by employees.
- G. Shall be secured around the entire property perimeter with a security fence at least eight (8) feet in height. Such fences shall utilize chain link fencing to a height of at least six (6) feet and at least three (3) equally-spaced strands of barbed wire making up the remaining two (2) feet of required height.
- H. Development Site Plans shall depict the storm water drainage facilities necessary to meet all applicable regulations.
- I. Public access to the site for recreational activities, such as boating, fishing, skiing, etc., shall not be allowed.
- J. The period of time the facility will be used for such operations shall be set at the time of conditional use approval. Subject to applicable extensions as provided in these operations, the conditional use shall expire after the specified period or upon the abandonment of all on-premise operations, following which time all associated equipment and materials shall be removed within thirty (30) days.
- K. The conditional use application shall include a reasonable and feasible plan of action for transitioning the site to another viable land use upon the abandonment of on-premise operations.
- L. Upon expiration of the conditional use, the Planning Commission shall initiate an application(s) for vacating the conditional use and rezoning to accommodate the use transition plan.

10.33. Recreation, Sport & Amusement Center

- A. Shall be located adjacent to and have direct access to an arterial street or highway.
- B. Shall not be located within one-thousand (1,000) feet of property zoned R-R, R-1, R-2, R-3, or R-4.
- C. The Planning Commission or City Council may place reasonable limits on operating hours as a condition of approval.
- D. Applicable compatibility buffer provisions of [Article 09](#) shall apply only to developed areas occupied by retail/commercial structures; outdoor recreation, sport or amusement facilities and equipment; off-street parking or loading; and outdoor storage. Such areas shall be:
 - 1. Located in a contiguous grouping, to the extent practical.
 - 2. Platted as a separate lot or lots, or specifically designated on Site Plans.
- E. Outdoor lighting installations shall not be located outside of the developed areas described in [Section 10.10.E](#). Lighting in such areas shall be “fully shielded” or “full cutoff” light fixtures. Provided that expansive open areas, such as golf driving ranges, may be illuminated with flood lights:
 - 1. Aimed down and inward toward the area.
 - 2. Equipped with shut off controls that turn lights off during non-operational hours.

10.34. Sawmill

- A. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- B. Shall be located on a lot of at least five (5) acres in area.
- C. The site shall be buffered along all perimeter lot lines with an earthen berm meeting the minimum requirements of [Section 09.04.C](#), in addition to all other required conditions of [Article 09](#).
- D. The Planning Commission or City Council may enact reasonable operating hour restrictions as part of the conditional use approval.

10.35. School or Educational Campus; Technical School or Job Training Center

- A. When more than one (1) structure is dedicated to the primary use, shall be allowed only in conjunction with a PDO zoning district.
- B. Shall not require conditional use approval when developed in conjunction with PDO zoning.

10.36. Self-Storage, Commercial

- A. Shall be located on lots of at least one (1) acre in area.
- B. The site shall be buffered along all perimeter lot lines with screening fence/wall meeting the minimum requirements of [Section 09.04.A](#), in addition to all other required conditions of [Article 09](#). In addition, when adjacent to any lot zoned R-R, R-1, R-2, or R-3, such fences/walls shall have a maximum of five percent (5%) vertical open space allowed along any given section between support posts/columns.
- C. The following activities shall be prohibited on-premise: automotive repair; music practice; human habitation; keeping of live animals; storage of hazardous materials; commercial or hobby metal fabrication or woodworking; business activities not conducted in association with on-premise operations of the self-storage use.
- D. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures equipped with motion detector shut off controls. Lighting fixtures shall not be installed at a height greater than sixteen (16) feet and shall not be located within thirty (30) feet of any property line.
- E. Prefabricated shipping containers shall not be used as self-storage units.
- F. Sites shall meet the hard surface paving requirements of [Article 07](#). In addition, drive aisles between individual storage structures shall be a minimum width of twenty-four (24) feet.

10.37. Shooting Range, Indoor

- A. Shall be sited, designed, and operated according to applicable provisions of Kansas state law ([K.S.A. 58-3221 to 3225](#)) and published industry best practices including, but not limited to noise attenuation.
- B. Exterior lights shall be shielded to reflect or direct light away from adjacent properties.
- C. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt.

10.38. Shooting Range, Outdoor

- A. Shall be sited, designed, and operated according to applicable provisions of Kansas state law ([K.S.A. 58-3221 to 3225](#)) and published industry best practices including, but not limited to noise attenuation.
- B. Shall not be located within two-thousand five-hundred (2,500) feet of property zoned R-R, R-1, R-2, R-3, or R-4.
- C. The City Council may place reasonable limits on operating hours as a condition of approval.
- D. Flood light installations in outdoor shooting range areas shall be aimed down and inward toward the area and equipped with shut off controls that turn lights off during non-operational hours.
- E. Parking areas shall be exempt from hard surface paving requirements per [Section 07.06.D.2](#).

10.39. Storage Shed or Structure

- A. Shall meet applicable provisions of the Building Code.
- B. Shall not be utilized on a permanent or temporary basis as sleeping or living quarters.
- C. Shall have exterior siding of a color and visual appearance similar to the principal structure.
- D. Except as approved by conditional use, maximum gross floor area shall be as follows.
 - 1. Lots ten-thousand (10,000) square feet in area or less: Four-hundred (400) square feet total between no more than two (2) structures.
 - 2. Lots over ten-thousand (10,000) square feet in area but not more than three (3) acres: Seven-hundred twenty (720) square feet total between no more than three (3) structures.
 - 3. Lots over three (3) acres in area but not more than five (5) acres: One-thousand five-hundred (1,500)

square feet total between no more than three (3) structures.

4. Lots over five (5) acres in area: Six-thousand (6,000) square feet total with no limit on number of structures.
- E. Shipping containers, semi-trailers, rail cars, non-operational trucks, or any similar portable units/vehicles, shall not be utilized as storage sheds on lots with a residential primary use, except as approved on a temporary basis while moving, remodeling, or similar event when items cannot occupy the principal structure.

10.40. Tattoo or Body Piercing Studio

- A. No body art activities (tattooing, body piercings, etc.) shall be viewable from waiting/reception areas or outside the primary structure.
- B. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; bars, taverns, or night clubs.
- C. These standards shall not apply to establishments that offer only facial tattooing or piercing.

10.41. Truck Stop

- A. Shall be allowed only in conjunction with an approved PDO zoning district.
- B. Shall be located on a lot of at least five (5) acres in area, which has a minimum of three-hundred (300) feet provided in both depth and width.
- C. Shall not be located within one-thousand (1,000) feet, as measured between the closest points on any property line, of a lot zoned R-R, R-1, R-2, R-3, or R-4.
- D. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures.
- E. Sites shall meet the hard surface paving requirements of [Article 07](#), with the exception the required supplemental truck parking area, which may be surfaced in accordance with [Section 07.06.D.2](#).
- F. Storage tanks shall be underground and meet applicable state and federal regulations. In addition:
 1. One (1) dedicated loading bay shall be provided on-premise adjacent to filling valve equipment in each storage tank area, subject to [Article 07](#) design standards.
 2. Fuel loading areas shall have pull-through truck access requiring no back-up maneuvers, and shall be arranged such that delivery vehicles do not extend into drive aisles or rights-of-way.
- G. All on-premise areas intended only for passenger vehicle traffic shall meet applicable off-street parking design standards of [Article 07](#) and other applicable provisions of this article.
- H. Minimum off-street parking design standards of [Article 07](#) shall be adjusted within all areas intended for heavy truck traffic as follows:
 1. Truck fuel pump islands shall be setback a minimum of fifty (50) feet along all street frontages in zoning districts with lesser yard requirements. In addition, the following standards shall apply:
 - a. Minimum spacing between truck fuel pump islands, measured between the closest points at finished grade, shall be:
 - i. Thirty-two (32) feet between uncovered pump islands.
 - ii. Thirty-four (34) feet between pump islands under a shared canopy.
 - iii. Thirty-six (36) feet between pump islands under separate canopies.
 - b. Bollard protection shall be provided at the end of each island. Minimum bollard height is six (6) feet above grade. One or more bollards and a minimum width equal to that of the fuel pumps. Bollards shall not be required where canopy support columns offer the same degree of protection.
 2. Truck fuel pump islands are not required to be located under a canopy; however, where provided, canopies shall be designed to the following standards:

- a. Minimum Vertical Clearance: Fifteen (15) feet
 - b. Minimum Overhang (underside of canopy perimeter)
 - i. Fifteen (15) feet from the outer edge of pumps on sides parallel to pump islands
 - ii. Two (2) feet from the end of the pump island on sides perpendicular to pump islands
- I. Allowable secondary/accessory uses are limited to those of the truck stop definition in [Section 05.02](#) and the following, which shall be subject to all applicable standards of this article:
1. Passenger vehicle fuel pumps
 2. One (1) restaurant of any type, which may include a drive-thru window
 3. One (1) garbage dumpster and liquid waste container enclosure
 4. One (1) automated car wash bay
 5. One (1) truck wash facility
 6. One (1) truck maintenance or repair facility
 7. Other related uses as may be allowed within the approved PDO zoning district

10.42. Unattended Donation Box

- A. Shall only be allowed on-premise of the primary use.
- B. Shall not occupy any required off-street parking or loading areas.
- C. Shall not be located so as to interfere with vehicular or pedestrian circulation.

10.43. Utility Support Facility

The following provisions shall apply to any such facilities located in City of Augusta public street right-of-way.

- A. Shall be required to execute a franchise agreement with the City of Augusta, except for Augusta municipal utilities.
- B. Shall not be approved for any location in the public right-of-way that:
 1. Disturbs the location of or compromises the function of any other street, street improvement, or traffic control device, existing or planned, located within the public right-of-way.
 2. Disturbs the location of or compromises the function of any other public or private utility infrastructure, existing or planned, located in, under, or above the public right-of-way.
 3. Disturbs the location of or compromises the function of storm water drainage infrastructure, existing or planned, located within the public right-of-way.
 4. Disturbs the location of or compromises the function of any sidewalk, bicycle path, bus stop or other similar facility, existing or planned, located within the public right-of-way.
 5. Is located within a required clear zone, sight triangle of a street or driveway intersection, or is otherwise inconsistent with any applicable design criteria or engineering standards.
 6. Is deemed by the Planning Commission or City Council to pose a reasonable threat to the public interest necessitated by public health, safety, or welfare.

10.44. Vehicle Fueling Station; Fuel Pump

- A. Shall be located on a lot of at least one-half ($\frac{1}{2}$) acre in area, which has a minimum of one-hundred and fifty (150) feet provided in either depth or width, regardless of zoning district regulations.
- B. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures.
- C. Sites shall meet the hard surface paving requirements of [Article 07](#). In addition:
 1. One (1) dedicated loading bay shall be provided adjacent to filling valve equipment, subject to [Article 07](#) design standards.
 2. Fuel loading areas shall have pull-through truck access requiring no back-up maneuvers, and shall be

- arranged such that delivery vehicles do not extend into drive aisles or rights-of-way.
- D. Storage tanks shall be underground and meet applicable state and federal regulations.
 - E. Minimum off-street parking design standards of [Article 07](#) shall apply, except that the minimum spacing between fuel pump islands, measured between the closest points at finished grade, shall be:
 - 1. Twenty-two (22) feet between pump islands under separate canopies.
 - 2. Twenty (20) feet between pump islands under a shared canopy.
 - F. Fuel pump islands shall be located under a canopy designed and shall meet the following standards:
 - 1. Minimum Vertical Clearance: Thirteen feet six inches (13'6")
 - 2. Minimum Overhang (underside of canopy perimeter)
 - a. Ten (10) feet from the outer edge of pumps on sides parallel to pump islands
 - b. Two (2) feet from the end of the pump island on sides perpendicular to pump islands
 - 3. Minimum Pump Island Setback: Thirty-five (35) feet along all street frontages in zoning districts with lesser yard requirements.
 - 4. Bollard protection shall be provided at the end of each island sufficient to protect the entire width of the island. Minimum bollard height is five (5) feet above the adjacent grade. Bollards shall not be required where canopy support columns offer equal protection.
 - 5. Drive aisles and vehicle queuing areas provided for fuel pump islands shall not be allowed to satisfy off-street parking requirements.
 - G. Vehicle fueling stations as a primary use shall be limited to the following allowable secondary uses:
 - 1. One (1) garbage dumpster and liquid waste container enclosure
 - 2. One (1) automated car wash bay
 - H. Fuel pumps as a secondary use, shall also be subject to the following provisions:
 - 1. Shall only be allowed in conjunction with the following primary uses defined in [Article 05](#).
 - a. Automotive Repair Shop
 - b. Supercenter or Warehouse Club
 - c. Convenience Store
 - d. Grocery Store or Supermarket
 - e. Grain & Feed Store
 - 2. Shall not be fully unattended facilities. May be attended from within the primary use or from an attendant kiosk having a gross floor area not to exceed three-hundred (300) square feet. Such kiosks may offer limited retail sales of convenience goods, not to include cereal malt beverages, wine, or liquor.

10.45. Wireless Communication Tower

- A. Location / Height Guidelines
 - 1. The following wireless communication facilities should be permitted by right in any zoning district, subject to the issuance of a building permit, if they conform to the location / design guidelines in this section. Separate permitting requirements for right-of-way are described in this section.
 - a. New facilities that are concealed in or mounted on top of or the side of existing buildings (excluding single-family and duplex residences) and other structures, including collocation and support structures up to 20 feet above the building or the maximum height permitted by the building permit or an administrative permit in the underlying zoning district, whichever is greater.
 - b. Modification and/or replacement of support structures that are not significantly more visible or intrusive, including collocation and cumulative height extensions of up to 25 percent above the original structure height.

- c. Modification and/or replacement of wireless communication facilities, including collocation and cumulative height extensions of up to 25 percent above the original structure height that comply with the compatibility height standards of the Zoning Code.
- d. New or modified lattice towers no larger than 18 inches wide on any side up to 80 feet in height measured from grade.
- e. Small cell facilities or distributed antennae systems located in an interior structure or upon the site of any campus, stadium, or athletic facility.

If the Zoning Administrator determines that the wireless communication facility does not conform to the location / design guidelines, the building permit should be denied. Denied building permits may be appealed by applying for an administrative permit or a conditional use. An administrative permit should be approved subject to conditions that maintain conformance with the location / design guidelines. Wireless communication facilities that do not conform to the location / design guidelines may be approved for a conditional use on a case-by-case basis as circumstances warrant.

2. The following wireless communication facilities should be approved by administrative permit in any zoning district, with the concurrence of the zoning administrator, if they conform to the location / design guidelines in this section and, for zoning lots located within the City, are designated on the "Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map."
 - a. The disguised ground-mounted facilities up to 85 feet in height.
 - b. New undisguised ground-mounted facilities up to 65 feet in the R-1, R-2, R-3, and R-4 zoning districts that comply with the compatibility height standards in the Zoning Code.
 - c. New undisguised ground-mounted facilities up to 85 feet in height in the M-1, C-1, C-2, and C-3 zoning districts that comply with the compatibility height standards of the Zoning Code.
 - d. New undisguised ground-mounted facilities up to 120 feet in the A-1 and R-R zoning districts that comply with the compatibility height standards of the Zoning Code.
 - e. New ground-mounted facilities up to 150 feet in height in the I-1 zoning district that comply with the compatibility height standards of the Zoning Code.
3. Wireless communication facilities that exceed the maximum height for an administrative permit should be reviewed through the conditional use process. Conditional use approvals typically should be subject to conditions that maintain conformance with the location / design guidelines in this section. However, wireless communication facilities that do not conform to the location / design guidelines may be approved for a conditional use on a case-by-case basis as circumstances warrant.
4. There should be no nighttime lighting of or on wireless communication facilities except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. Flashing white obstruction lights should be permitted at the base of wireless communication facilities. Temporary lighting for nighttime repairs should be permitted.
5. No signs should be allowed on a wireless communication facility other than those required by applicable governmental agencies.
6. The owners should be responsible for the removal of unused facilities, including the uppermost 20% of support structures that are unused (except where removal of the uppermost 20% would require the removal of a lower portion of the support structure that is in use, in which case the required removal will be raised to the next highest portion of the support structure not in use), within 60 days if the wireless communication facility, or portion thereof, has been unused for 12 consecutive months. If such a facility or portion of a facility is not removed by the owner, then the City may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove it, and after removal may place a lien on the subject property for all direct and indirect costs incurred in its dismantling and disposal, including court costs and reasonable attorney fees. Under this paragraph, "owner" includes both the owner of the real property and the owner of the wireless communication facility, whether such ownership is divided or in the same person.
7. All wireless communication facilities should comply with all federal, state, and local rules and regulations.

Wireless communication providers are particularly encouraged to seek the following new locations for new facilities:

8. Mounted on top or the side of multistory buildings and other structures, appropriately concealed, screened, disguised or camouflaged.
9. On existing utility poles in street right-of-way and on parking lot and athletic field/stadium light standards.
10. On existing support structures, including those constructed for school district microwave antennas and private dispatch systems.
11. In wooded areas.
12. At certain City owned properties, where the size and nature of the use does not interfere with other functions and allows for compatible siting; these may include multistory buildings, water towers, large park areas, sewer treatment plant sites, maintenance yards, and public airports.
13. The City should also work with public and private agencies such as KDOT and Evergy to encourage the use of highway light standards, sign structures, and electrical support structures for new wireless communication facilities.

B. Design Guidelines

As a general rule, the less visible and obtrusive a proposed wireless communication facility is, the more acceptable it will be to the community. The visibility of facilities can be minimized by techniques such as concealment, disguise, camouflage, and sensitive design and siting. Specific guidelines include:

1. Preserving the pre-existing character of the area as much as possible.
2. Minimizing the height, mass or proportion of the facility to minimize conflict with the character of its proposed surroundings.
3. Minimizing the silhouette presented by new support structures and antenna arrays. Lattice-type support structures are generally not appropriate in areas within the Planning Area as defined by the Augusta Comprehensive Plan. Lattice-type support structures inside the Planning Area boundary generally should be limited to installations that have antennas mounted flush to the support structure with cables attached to the main support arms rather than the girders. When an antenna array that protrudes from the wireless communication facility is used on a support structure inside the Planning Area boundary, the support structure generally should be a monopole.
4. Using colors, textures, and materials that blend in with the existing environment and minimize reflection; under some circumstances, surfaces should be painted, or otherwise treated, to match or complement existing background structures or utility poles, as appropriate.
5. Concealing facilities within potential space in or on existing structures, or disguised to look like another type of facility, like a flagpole, clock tower, or church steeple.
6. Placing facilities in areas where trees and/or buildings obscure some or all the facility from view, and installing new plantings/screening around the site where visible from major streets or residential areas.
7. Placing facilities on existing walls, flush-mounted, or on roofs of buildings (excluding single-family and duplex) and structures, up to 20 feet above the existing structure, as opposed to building new ground-mounted support structures. Facilities on rooftops generally should be set back from roof edges or screened from view.
8. Screening equipment shelters and cabinets through landscaping, walls and/or fencing, as appropriate to the surroundings. In most cases, ground-level equipment should respect the setbacks for accessory uses in the applicable zoning district and be enclosed by 6-8 foot high security fencing, of a material compatible with its surroundings. Equipment should be encouraged indoors if space is available nearby. Burying equipment in an underground vault, to keep most of the equipment out of sight, may be necessary in right-of-way and in some other visually / environmentally sensitive locations, such as tourist attractions, historic landmarks / districts, and other locations of civic importance or architectural significance. Ground level shelters / equipment, appropriately screened

and generally landscaped with trees and/or shrubs, should be permitted on lots adjacent to right-of-way, to facilitate the use or reconstruction of utility poles in those right-of-way.

9. Permitted lighting on facilities only if required by federal regulations.

C. Right-of-Way

City right-of-way is an encouraged location for wireless communication facilities, particularly for small cell facilities and distributed antenna systems. Locating wireless communication facilities in the right-of-way requires an agreement with the City. Such agreements should include an ongoing rental fee, as allowed by law, to ensure that private property owners are not at a competitive disadvantage to the public sector in regards to renting land for the location of wireless communication facilities. However, state law requires that any rental fee for right-of-way must be competitively neutral with fees charged to other users of the right-of-way such as utility companies and federal rules establish a maximum rental fee that is “presumptively reasonable” and should be considered competitively neutral.

In addition to the design guidelines described above, wireless communication facilities should also meet the following additional design guidelines when located in the right-of-way:

1. Adjoining Property Owners

To the extent practical, the design and location should be changed to mitigate an adjoining property owner’s reasonable and objective concerns and to increase consistency with the guidelines of this section.

2. Location

Unless reusing an existing pole, facilities should be located adjacent to common lot lines or reserve / open space areas and not in front of buildings.

3. Wiring - Underground or Aerially

Facility wiring should be installed underground and within the support structure or within conduit immediately attached to the support structure. Facility wiring should not cross over, under, or through private property unless permitted by easement.

4. Antennas and Equipment

Antennas and equipment should be concealed by a cover or enclosure matching or coordinating with the color of the support structure or the color of existing equipment enclosures in the immediate vicinity. Equipment enclosures should be sized and placed in a manner that minimizes visual obtrusiveness, including clustering near other utility boxes and screening by landscaping if appropriate for the location. Installing equipment underground is particularly encouraged.

5. Public Safety

Place facilities in locations that are outside of the clear zone and do not cause a sight obstruction for the traveling public and / or obstruct pedestrian safety.

6. Right-of-Way / Utility Accommodations

Place facilities in locations that do not hinder existing or planned uses of the right-of-way such as utilities, drainage, street lights, sidewalks, driveways, turn lanes, etc.

7. Facility Height

The height of facilities should not be more than 10% taller than the height of existing structures in the right-of-way that are located within one block of the proposed facility unless a greater height is authorized by the City Engineer, or designee, in which case facilities at a height of 50 feet or less are particularly encouraged.

8. Poles

Replacing or utilizing existing utility poles is encouraged and installing new support structures solely for the wireless communication facility is discouraged. Pole diameter should not exceed that of existing poles in the right-of-way located within one block of the proposed facility.

D. Submittal Requirements

Review of proposals for wireless communication facilities will be greatly aided by using a set of standardized submittal requirements. The following are the suggested submittal requirements:

1. A scaled vicinity plan, dimensioned and identifying existing buildings, trees, and other features within 200 feet of the wireless communication facility in the City or within 1,000 feet of the wireless communication facility in the unincorporated area of the County.
2. A one-inch-equals-20 feet site plan, dimensioned, identifying the location of all facility elements.
3. Typical elevations of all facility elements, dimensioned.
4. Specification of exterior materials and colors of all facility elements.
5. Landscape / screening plan, with all materials and sizes specified.
6. Appearance of proposed facility shown in site context by photo-simulation.

When a wireless communication facility requires zoning approval, an application for a building permit should be submitted concurrently unless a tolling agreement is submitted that suspends the review “shot clock” during the time period between approval of the zoning application and submittal of the building permit application.

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Article 11 Home Occupations

11.01. Purpose

The purpose of this article is to allow business activities associated with certain occupations, which are generally compatible with other residential uses, to be carried out within residential principal structures.

11.02. Restrictions & Limitations

Except as otherwise provided in these regulations, home occupations shall be restricted as follows.

- A. Shall be incidental and subordinate to the primary use, which shall be maintained as the principal residence of the business owner.
- B. Shall not occupy more than 25 percent (25%) of the floor area of any single floor/story of the principal structure, except as provided in [Section 11.05](#) and as allowed per [Article 10](#).
- C. Shall store all materials and equipment used for the home occupation within an enclosed structure.
- D. Shall not be allowed any exterior alterations that are inconsistent with the residential nature or character of the principal structure.
- E. Shall only be allowed signs as allowed by and in accordance with [Article 08](#).
- F. Only residents of the principal residence shall be engaged in home occupation activities.
- G. Shall not generate vehicular traffic that is unreasonably excessive for a residential land use.
- H. Shall not generate parking demand that is unreasonably excessive for a residential land use; shall not utilize the required front yard for parking, other than existing driveway(s).
- I. Shall utilize no equipment that creates a nuisance of noise, odor, emissions or electrical interference; or otherwise interfere with another's personal enjoyment or utilization of their principal residence.

11.03. Allowable Home Occupations

The following home occupations shall be allowed, subject to the limitations of [Section 11.02](#) and other provisions of these regulations.

- A. Instruction in the visual and performing arts, restricted to five (5) students at any one time.
- B. Creation, display, and sales of works of art, crafts, and other items handcrafted on-premise.
- C. Professional and technical office-based work, as defined in [Section 05.02](#).
- D. Personal care services, as defined in [Section 05.02](#), except for nail salons and tanning salons.
- E. Agricultural business activities performed in A-1 zoning districts.
- F. Office, administrative, appointment-setting, or similar non-production activities related to occupations with primary work activities conducted off-premise, such as telecommuting, taxi drivers, and other work of a similar nature.
- G. Work related to the following personal and household services, as defined in [Section 05.02](#):
 1. Household items or furnishings repair and maintenance
 2. Repair and maintenance of personal items or goods
 3. Tailors and dressmakers
- H. Day care services, as provided in [Section 11.05](#).

11.04. Prohibited Home Occupations

The following home occupations shall be specifically prohibited under any circumstances.

- A. Retail sales of any goods or merchandise, except as provided in [Section 11.03.B](#).
- B. Rental or leasing of any equipment or consumer goods.

- C. Automotive and equipment service work, as defined in [Section 05.02](#).
- D. Physician, dental, chiropractic, optometric, psychiatric, psychological, physical therapy, occupational therapy, social therapy, counseling, or other related medical, mental, or social care provided by a licensed or unlicensed professional.
- E. Bed and breakfast inns, which are specifically defined as transient lodging in [Section 05.02](#).
- F. Animal or pet-related services such as veterinary medicine, grooming, breeding, and boarding.
- G. No prohibition listed in this section shall be construed to prohibit services from being delivered within the residence of clients or patients, such as home health care or babysitting by the hour.
- H. No prohibition listed in this section shall be construed to prohibit the performance of interior or exterior repairs or modifications to homes, home appliances, lawns, landscaping, etc.

11.05. Home Occupation Day Care Services

In addition to other applicable requirements, the following provisions shall apply to all day care homes and day care nurseries.

- A. Shall be limited to providing care for no more than three (3) children at any one time, which do not reside on-premise, except when appropriately licensed by the Kansas Department of Health and Environment (KDHE).
- B. KDHE-licensed Day Care Homes and Day Care Nurseries, shall comply with all other applicable local and state regulations.
- C. Except for outdoor play, day care activities shall be conducted entirely within the principal structure and shall occupy no more than fifty percent (50%) of the principal structure's gross floor area.
- D. Outdoor play shall be limited as follows:
 - 1. Outdoor play equipment shall only be installed and outdoor play activities shall only take place within a side yard or rear yard enclosed within an approved fence with a secured gate.
 - 2. Outdoor play activities shall occur only between the hours of 7:30 a.m. to 6:30 p.m.

Article 12 Roles & Responsibilities

12.01. Purpose

This article identifies the responsibilities of each party playing a role in the establishment, amendment, enactment, administration, and enforcement of these regulations.

12.02. Planning Commission

The City shall regulate land use as provided by [K.S.A. 12-741](#), et. seq., and appoint a Planning Commission by City ordinance.

- A. The Planning Commission has the following responsibilities.
 1. Serve as an advisory body to the City Council on community planning matters.
 2. Conduct public hearings on text amendments to these regulations, zoning district boundary changes (rezoning applications), and conditional use permits.
 3. Establish findings of fact and adopt recommendations to the City Council on such zoning actions.
 4. Review capital improvement for consistency with the Comprehensive Plan.
 5. Conduct an annual review of the Comprehensive Plan and zoning regulations, including the Official Zoning Maps, to be held the first meeting each month of September. The review shall identify changing conditions, ensure consistency with the community vision and goals, and suggest needed amendments. A resolution shall be adopted stating the findings and recommendations of each annual review.
- B. General Rules & Procedures
 1. All members of the Planning Commission are voting members.
 2. Planning Commission members shall serve without compensation, but may be reimbursed for expenses when authorized by the City Council.
 3. The Planning Commission shall elect officers from its membership to include Chairperson, Vice-Chairperson, and Secretary. The Planning Commission may appoint a staff member to serve as Secretary.
 4. The Planning Commission shall adopt bylaws establishing specific rules for its operation.
 - a. Hearing procedures shall not conflict with the ordinance appointing the Planning Commission, applicable state statutes, or these regulations.
 - b. Bylaws shall be subject to the approval of the City Council.
 - c. Filing fees shall be established separately by the City Council.
 5. The secretary shall keep public records of all official actions. Meeting minutes shall be kept as evidence of information presented at hearings, findings of fact, and decisions. The vote of each member shall be recorded on each item, including whether the member was absent, abstaining or disqualified from voting.
 6. Special meetings may be held when called by the Chairperson, or in accordance with the bylaws.
 7. After a meeting has been called to order and a quorum declared present, all actions shall be made by motion and decided by a majority vote of the members present and voting.

12.03. City Council

No action, recommendation, or resolution of the Planning Commission shall be enacted without having been approved and adopted by the City Council. Relative to these regulations, City Council shall have the following responsibilities.

- A. Enact and amend the zoning regulations, including the Official Zoning Map, zoning district boundaries, and conditional uses, upon receiving and considering such recommendations from the Planning Commission.

- B. Upon affirmative vote of approval on any such recommendation from the Planning Commission, the City Council shall adopt an ordinance to that effect. No approved application or recommendation from the Planning Commission shall be enforced without such an ordinance having been adopted.
- C. Adopt a schedule of filing fees for the various types of zoning actions and permits, which may be amended as needed from time to time, to account for new or increased costs of administering these regulations.

12.04. Office of the Zoning Administrator

A Zoning Administrator shall be appointed by the City Manager and shall be responsible for administering and enforcing these regulations. Pursuant to these duties, the Zoning Administrator shall be granted the following authority and responsibilities.

- A. Approve and issue all permits and certificates necessary for construction on a lot or the occupancy of a structure; and make and maintain records of all such permits and certificates.
- B. Conduct inspections of structures and land uses to determine compliance with the provisions of these regulations or any decision of the Planning Commission or Board of Zoning Appeals.
- C. Maintain a current set of administrative forms and applications for actions governed by these regulations, along with a schedule of filing fees.
- D. Provide technical and administrative assistance to City staff, citizens, applicants, Planning Commission, Board of Zoning Appeals, and the City Council.
- E. Receive, file, and forward to the Planning Commissions all applications for zoning permits and information necessary to render decisions.
- F. Receive, file, and forward to the Board of Zoning Appeals all applications for appeals and variances, including records and information necessary to render decisions.
- G. Maintain permanent and current records of the zoning regulations including, but not limited to, the Official Zoning Map, and all amendments, variances, appeals and applications therefore and records of hearing thereon.
- H. Maintain for public use or distribution copies of the zoning regulations, Official Zoning Map, and bylaws of the Planning Commission and Board of Zoning Appeals.
- I. Administer the Comprehensive Plan and Subdivision Regulations, and other duties as assigned by the City Manager.
- J. Administrative Exception. If, in the opinion of the Zoning Administrator, the strict application of one or more provisions of the zoning regulations will create a manifest injustice to a property owner and variance or exception relief is not otherwise herein provided, the Zoning Administrator may issue an administrative exception from said provisions. The administrative exception shall be in writing, dated and signed by Zoning Administrator and filed with the zoning variance case decisions. The Zoning Administrator may establish conditions for the administrative exception to remain in force. An administrative exception is solely an equitable remedy, within the complete and absolute discretion of the Zoning Administrator, and therefore is not subject to administrative, legislative or judicial review. The fee to request an administrative exception is the same fee amount as the application fee for a zoning variance.

12.05. Office of the City Clerk

The City Clerk shall maintain official records and carry out responsibilities in the administration of these regulations as follows.

- A. Maintain at least three (3) official copies of these regulations available for public inspection, which shall be marked "Official Copy as Incorporated by Ordinance No. _____." Such copies shall include all text amendments, omissions, and deletions, which shall also be so noted.
- B. Supply official copies, marked as indicated above, to the appointed official of all City departments.
- C. Provide assistance to facilitate and record actions of the City Council related to their exercise of duties in administering these regulations.

Article 13 Site Plan Review

13.01. Purpose

Site plan review is intended to ensure that proposed developments meet applicable provisions of these regulations prior to approval; and to ensure that development occurs in accordance with these regulations and applicable conditions of approval prior to the issuance of Building Permits.

13.02. Applicability

This article provides for two types of Site Plan submittals: Administrative Site Plans and Development Site Plans. The applicability of each is as follows.

A. Administrative Site Plans

1. An Administrative Site Plan shall be required with all applications for PDO overlay zoning and sign permits.
2. No application shall be considered complete without having a Site Plan attached that meets the requirements of this article. Administrative Site Plans are reviewed and approved as part of the accompanying application.

B. Development Site Plans

1. Development Site Plan approval is required prior to the issuance of a Building Permit for construction of any new structure and any modification that alters the building footprint of an existing structure.
2. Single-family residential principal structures shall be exempt, except when zoned R-3 and part of a zero lot line development.

13.03. Administrative Site Plan Requirements

A. The following shall apply to all Administrative Site Plan submittals. The Zoning Administrator may waive requirements of an Administrative Site Plan. Administrative Site Plan requirements may be reduced or removed by the Zoning Administrator.

1. Twelve (12) copies submitted on letter size (8½" X 11") or tabloid (11" X 17") sheets; plus one (1) copy in electronic format (.pdf file extension).
2. Site address, owner name, north arrow, reference scale, scale bar, and legend. Reference scale shall be at an appropriate scale to depict all required elements, portrayed as 1 inch = X feet at a ten (10) foot increment. Drawings shall be oriented north, except when impractical.
3. Subject lot and adjacent lot property boundary lines and setback lines with dimensions.
4. Existing and proposed zoning and uses on the subject lot and adjacent lots.
5. Edge of pavement for streets and sidewalks.
6. Sight triangles, access controls, and easements, with dimensions.
7. Existing and proposed structures on the lot and within one-hundred and fifty (150) feet of the subject lot, with dimensions, number of floors/stories, gross floor area, and height. Not required for sign permit Site Plans.
8. Existing and proposed off-street parking, loading, driveway, and emergency turn-around locations.
9. Railroad track, fence, and existing and proposed utility line locations.
10. Significant on-site features including, but not limited to: natural and artificial drainage ways, wetland areas, ditches, and hydrologic features. Not required for sign permit Site Plans.
11. Existing or proposed on-site wastewater system and well and/or water line locations. Not required for sign permit Site Plans.
12. Floodplain location.
13. Compatibility buffer requirements, including visual buffers, landscape buffers, and applicable compatibility height setbacks, with proposed locations and dimensions. Not required for sign permit

Site Plans.

14. Proposed outdoor display, storage, and garbage/liquid waste container areas with dimensions. Not required for sign permit Site Plans.
 15. Development report narrative and engineering documents, as applicable.
 16. As applicable, other attachments required per [Article 10](#) specific use standards. This shall not be required for sign permit Site Plans.
- B. Sign permit Site Plans shall include the information indicated below.
1. Site plan with information as indicated in [Section 13.03.A](#). In addition, the following shall be provided.
 - a. Location of the proposed sign(s), labeled with sign category and type.
 - b. Location of all existing signs to remain on the same lot, labeled with sign category, type, and face area. Sign height shall be provided for existing freestanding signs.
 - c. Indicate the spacing distance between all proposed freestanding signs and existing freestanding signs located within fifty (50) of a proposed sign on the same lot or an adjacent lot.
 - d. As applicable, the location and routing of electrical supply lines.
 2. Scaled full-color elevation drawing showing the following information.
 - a. Freestanding Signs: Only the front elevation (face view) is required. Include dimension labels for total sign height and width (including support structure), sign face height and width, and sign face surface area.
 - b. Building Signs: The drawing shall show the entire front exterior building wall. Include dimension labels for wall height and width, total wall surface area, sign body height and width, sign face height and width, and sign face surface area.
 - c. The sign face layout shall be shown on the drawing, including dimensions of lettering and graphics.
 - d. Material descriptions and colors for the sign face, body/frame/cabinet material and support structure.
 3. Detail drawings as follows.
 - a. Installation Details
 - i. Freestanding Signs: Foundation and footing details.
 - ii. Building Signs (except window signs): Anchor and mounting details.
 - b. Electrical wiring diagram, if applicable.
 - c. If applicable, planter box details with dimensions. Shall include construction materials and plant locations labeled with species.
 4. Technical specifications for any type of artificial light source or electrical component.

13.04. Development Site Plan Requirements

A Development Site Plan shall be approved by the Zoning Administrator prior to the issuance of a Building Permit on any zoning lot. Development Site Plans shall meet the following requirements.

- A. Shall be prepared and sealed by a licensed professional engineer, architect, or landscape architect.
- B. Drawn to a scale of one (1) inch equals twenty (20) feet, on twenty-four by thirty-six inch (24" x 36") sheets. Three (3) hard copies shall be submitted; plus one (1) copy in electronic format (.pdf file extension). Submittals for individual single-family residential lots may utilize letter size (8½" X 11") sheets if drawn at the required scale.
- C. Shall include the following information.
 1. Site address, owner name, north arrow, reference scale, scale bar, and legend. Drawings shall be oriented north, except when impractical.
 2. Subject lot and adjacent lot property boundary lines and setback lines with dimension.

3. Existing and proposed zoning and uses on the subject lot and adjacent lots.
 4. Edge of pavement for streets and sidewalks, with dimensions and traffic flow arrows.
 5. Existing and proposed contour lines at one (1) foot intervals; indicate direction of storm water flow.
 6. Existing and proposed rights-of-way, access controls, easements (utility, drainage, access, fire lane), and sight triangles, with dimensions.
 7. Existing and proposed utilities and storm water drainage structures.
 8. Existing and proposed structures within one-hundred and fifty (150) feet of the subject lot, with dimensions, number of floors/stories, gross floor area, percent lot coverage, and height.
 9. Existing and proposed off-street parking, loading, and driveway locations, with required quantities and dimensions, calculations and the number of stalls proposed.
 10. Required compatibility buffers, including visual buffers, landscape buffers, and applicable compatibility height setbacks, with proposed locations and dimensions.
 11. Proposed outdoor display, storage, and garbage/liquid waste container areas with dimensions.
 12. Existing and proposed permanent sign locations.
 13. Boundary and elevation of the one-percent (1%) chance flood event (100-year floodplain).
 14. Finished building pad elevation.
 15. Parking layout of all off-street parking areas with the quantity of proposed parking stalls and calculations for standard and ADA-accessible parking stall requirements.
 16. Delineate on-site circulation with traffic flow arrows, designated delivery/service entrances and routes, on-site pavement markings, traffic control signage, and incidental directional signs.
 17. Location and species name (common and scientific) of all existing isolated trees having a diameter of six (6) inches or more. Groupings of existing trees may show the perimeter outline, with a written inventory of individual trees.
- D. Scaled building elevation drawing for all sides with:
1. Elevations of all proposed and related existing structures with roof pitches noted.
 2. Location of signs to be mounted on the elevations.
 3. List of exterior siding and roofing material types.
- E. Lighting Plan
1. Location of all existing and proposed lighting fixtures and poles.
 2. Size specifications and elevation view with dimensions.
 3. Illumination type, pole and fixture materials and colors.
 4. Foundation/footing or wall anchorage details.
 5. Photometric plan
- F. Buffer and Landscape Plan: Consistent with the requirements of [Section 09.06](#), inclusive of all screening fences/walls, berms, and landscape elements.
- G. Drainage Plan: Upon request of the Zoning Administrator or designated official.
- H. Parking & Traffic Studies: Upon request of the Zoning Administrator or designated official.

13.05. Development Site Plan Approval

- A. The Zoning Administrator's approval or denial shall utilize the following standards of review:
1. The extent to which the proposal conforms to these regulations.
 2. The extent to which the development would be compatible with the surrounding area.
 3. The extent to which the proposal conforms to the City's Subdivision Regulations.
 4. The extent to which the proposal conforms to customary engineering standards used in the City.

5. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.
- B. Zoning Administrator approval or denial may be appealed to the Board of Zoning Appeals per [Section 15.04](#).

Article 14 Processes & Procedures

14.01. Purpose

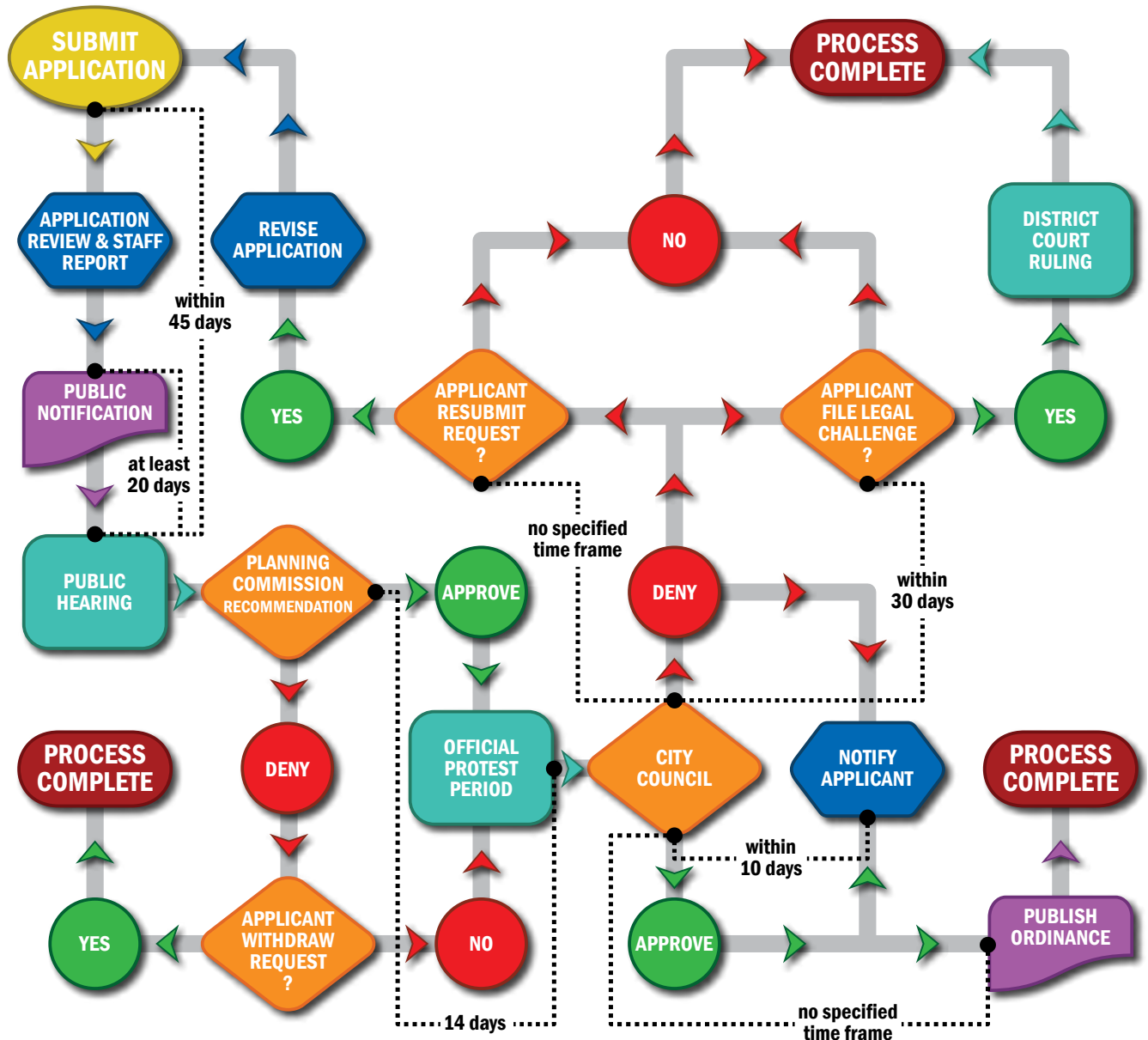
This article establishes the rules for amending these regulations, changing zoning district boundaries, approving conditional and temporary uses; approving Site Plans and the processes by which such shall be administered.

14.02. Amendments; Conditional & Temporary Uses

There are two types of amendments to these regulations: revisions to the regulations (text, uses, standards, etc.); and changes to zoning district boundaries (rezoning cases). These types of amendments are reviewed and approved according to the same rules and processes used for conditional use applications and temporary use requests.

A. Process: Applications for any of these actions utilize the general process shown in the diagram below.

Figure 14.1: Zoning Approval Process



B. Applications

1. Applications for text amendments to the regulations may be submitted only by the City Council or Planning Commission. Applications for all other zoning actions affecting specific properties may be submitted by the City Council, Planning Commission, or property owners or their authorized agents ([K.S.A. 12-757](#)). Regardless of the applicant, the general review and approval process shown in [Figure 14.1](#) is used for all text amendment, rezoning, conditional use, temporary use, and Development Site Plan applications.
2. The following shall apply to applications for Site Plan approval.
 - a. Administrative Site Plans shall be submitted as part of the related rezoning, conditional use, or temporary use application, including secondary or accessory uses/structures that require conditional use approval.
 - b. Administrative Site Plans shall be submitted as part of the Zoning Compliance Certificate application for establishing any secondary or accessory use/structure allowed by-right in the applicable zoning district that was not approved on the original Site Plan for the subject lot. Such applications are approved by the Zoning Administrator without requiring a public hearing, Planning Commission action or City Council approval.
 - c. A Development Site Plan application shall be submitted and approved prior to the issuance of a Building Permit for the construction of any secondary or accessory structure requiring such permit. Approval of a Development Site Plan may be approved by the Zoning Administrator without requiring a public hearing, Planning Commission action or City Council approval.
3. The Zoning Administrator shall maintain current application forms for the various types of zoning actions, a schedule of filing fees, and schedule of Planning Commission meeting dates with associated filing deadlines.
4. Such documents and forms shall be readily accessible to the public, both in hard copy available at the City Administration Building and electronic versions posted to the City website.
5. Applications shall be filed with the Zoning Administrator. All complete applications submitted by the filing deadline will be processed and added to the scheduled Planning Commission agenda. Applications shall only be considered complete when submitted with the following.
 - a. A completed application form with the appropriate filing fee.
 - b. Names, addresses, telephone numbers, email addresses, and signatures of the property owner(s), plus the same for applicant(s) and agent(s), as applicable.
 - c. The type of action requested and a written description of the specific request, including:
 - i. Existing and proposed land uses, structures, and zoning district classifications
 - ii. For text and regulation revisions, the description shall include a marked up version of the original language and a clean copy of the exact new language, word for word.
 - iii. All other applications shall include the legal description and street address of the subject property. A general description of location shall suffice undeveloped properties having no assigned street address.
 - d. Lot dimensions of the subject property stated in acres or square feet, including fractions.
 - e. A Administrative Site Plan per [Section 13.03](#), including all required information and graphic depictions, except for text and regulation revisions.
 - f. The required certified property ownership list specified in [Section 14.03.A. 3](#), except for text or regulation revisions, and “down zoning” of a property from one zoning district classification to a zoning district of lower intensity. The relationship of intensity between the various zoning districts is provided in [Section 04.03](#).
 - g. Any additional information and attachments as may be required by these regulations or indicated in the Planning Commission bylaws.
6. Public hearings for all zoning applications shall be heard within forty-five (45) days of the application

date, except when the applicant requests a later public hearing date or withdraws the application prior to the hearing date.

7. At the time of filing, a copy of the completed application form, with the application date and scheduled public hearing date, shall be provided to each applicant.

14.03. Public Notification & Conduct of Hearings

- A. The following means of public notice shall be provided at least twenty (20) days prior to the scheduled public hearing date.
 1. Published once in the official newspaper, including the hearing time and location, the legal description of the subject property, or a general description sufficient to identify the property location. When only a general description is provided, notices shall state that a complete legal description is available for public inspection and where such information is available.
 2. A copy of such notice shall be mailed to each property owner, applicant, and owner's agent listed on the application, and to the Secretary of the Planning Commission.
 3. Notice shall also be mailed to all owners of record of real property:
 - a. This property owner notification provision does not apply to public hearings for text or regulation revisions, or down zoning requests, as described in [Section 14.02.B.4.f.](#)
 - b. Inside Augusta city limits and located within two-hundred (200) feet of the exterior boundary of the subject property.
 - c. Inside the corporate limits of a city other than Augusta and located within two-hundred (200) feet of the exterior boundary of the subject property.
 - d. In unincorporated Butler County and located within one-thousand (1,000) feet of the exterior boundary of the subject property.
 - e. A certified list of such property owners of record, including names and mailing addresses, shall be provided by the applicant. Such ownership lists shall be obtained from a land title company, provided it is certified as being true and accurate by a licensed abstractor or title professional. Failure of any property owner to receive such notice after it has been properly addressed and mailed shall not invalidate any action of the Planning Commission or City Council.
 4. If, after notifications have been made and a quorum of the Planning Commission has not convened for the subject hearing; or the Planning Commission has, by vote, authorized the continuance of a hearing to a later date, such may be rescheduled. No further public notice need be given when the future date and time are announced at the present meeting.
 5. The Planning Commission may give additional notice to any person at any time as provided in its bylaws. Such rules may include requirements for additional notice to be provided for by the posting of signs on the property to be considered in the appeal application.

B. Conduct of Hearings

After providing the required notifications, all such meetings and hearings shall be open to the public and subject to the Kansas Open Meetings Act ([K.S.A. 75-4317](#), et seq.). All public hearings shall be conducted according to the following provisions.

1. No voting or binding actions shall be taken without a quorum being present.
2. The Planning Commission may exercise quasi-judicial functions and deliberations in closed session according to [K.S.A. 75-4318\(a\)](#), provided:
 - a. A closed session may only proceed upon proper motion and vote of the Planning Commission.
 - b. No voting or binding actions shall be taken in a closed session.
3. Any person may testify at a hearing, either in person or by authorized agent or attorney.
4. The Planning Commission may request additional testimony and written or verbal reports on issues

related to a specific hearing, from any person, property owner, subject matter expert, utility provider, government agency, etc. when deemed necessary to render an informed decision. Such reports shall be attached to the meeting minutes and made part of the public record.

5. Every official Planning Commission decision shall be filed with the Zoning Administrator without unreasonable delay and shall be open to public inspection during regular business hours.
6. A report on each official Planning Commission action, including summaries of all public hearings, shall be filed with the City Council within fourteen (14) days of the action or hearing date. Such reports may be incorporated into the meeting minutes, rather than filed as separate documents.

14.04. Official Actions & Decisions

In considering the merits of an application and rendering official decisions, the Planning Commission and City Council shall be allowed to act in accordance with the following provisions.

- A. All Planning Commission decisions authorized by this article are advisory recommendations subject to the City Council's discretion as provided in this section.
- B. Conditions of Approval
 1. When deemed appropriate based on findings of fact, the Planning Commission may stipulate conditions of approval in addition to minimum requirements. This shall include:
 - a. Condition of approval specifically allowed by these regulations or authorized by Kansas statutes.
 - b. Measures that are not required for the proposed use, but required as a specific use standard or compatibility buffer for similar uses, when deemed a reasonable means of mitigating negative impacts of the proposed use.
 - c. For proposed changes to zoning district boundaries only, a lesser intensity zoning district may be approved in lieu of the applicant's requested zoning district. Such shall not trigger any additional public notification requirements.
 - d. No condition allowing deviation from a minimum requirement shall be allowed if such is defined as a variance per [Article 15](#) or would have an effect equal to a variance.
 - e. The City Council may only require conditions of approval in the circumstance and manner described below in [Section 14.04.C.6](#).
- C. Planning Commission & City Council Voting Provisions
 1. Planning Commission votes are determined by the majority of only those members present and voting; and shall not require a majority of the full membership to be in concurrence.
 2. Failure of the Planning Commission to make a recommendation shall be considered a recommendation of denial (disapproval).
 3. The Planning Commission shall submit recommendations to the City Council, which shall include:
 - a. The findings of fact upon which the recommendations is based.
 - b. As circumstances dictate, the Planning Commission's verbal motions and recommendations, and written recommendations, reports, and resolutions:
 - i. Need not cite specific findings of fact or list them individually when such findings, recommendations, and other relevant details are cited individually in written staff reports.
 - ii. May incorporate by reference findings of fact and other relevant details contained in written staff reports, provided such staff reports are attached to or incorporated into the meeting minutes, case reports, and resolutions containing written recommendations.
 - c. Likewise, the Official Zoning Map shall be incorporated by reference.
 4. In taking action on a Planning Commission recommendation for text or regulation revisions, rezoning cases, or conditional uses, the City Council may only take one of the following actions:
 - a. Adopt the recommendation by ordinance, as submitted.
 - b. Override the recommendation with a vote of at least a two-thirds ($\frac{2}{3}$) majority of City Council.

- c. Return it to the Planning Commission for reconsideration with an explanation of the reasoning for such.
5. Upon receiving a recommendation returned by the City Council, the Planning Commission shall take one of the following actions during its next regular meeting:
 - a. Resubmit the original recommendation with an explanation of the reasoning for such.
 - b. Submit an amended recommendation based on the original.
 - c. Submit a new recommendation.
 - d. Take no action, which shall be considered a resubmittal of the original recommendation.
6. When the follow-up recommendation is received from the Planning Commission, the City Council, by simple majority vote, may take one of the following actions:
 - a. Override the recommendation.
 - b. By ordinance, adopt the Planning Commission's recommendation as submitted, with revisions or amendments, or with conditions (see [Section 14.04.B](#)).
 - c. Take no action.
7. The proposed amendment, rezoning, or conditional use shall become effective upon publication of the adopting ordinance.

14.05. Petitions of Protest

Planning Commission decisions (approval or denial) on rezoning and conditional use applications may be protested by petition as follows. Temporary uses are not subject to this provision.

- A. Petitions of protest shall only be declared valid when containing a sufficient number signatures of individuals having standing to protest, which shall be limited to either of the following cases:
 1. Twenty percent (20%) or more of the owners of record of all real property that would be rezoned by approval of the application.
 2. Owners of record of twenty percent (20%) or more of the total notification area for the application, as described in [Section 14.03.A.3](#). The area calculation shall include properties located both inside and outside of Augusta city limits, but shall exclude public street rights-of-way.
- B. Protest petitions must be filed with the City Clerk within fourteen (14) days of the public hearing's conclusion to be considered valid.
- C. Upon being certified by the City Clerk as a valid protest petition, a super-majority approval threshold is triggered. This shall require the adopting ordinance to pass with at least a three-fourths ($\frac{3}{4}$) majority vote of the Governing Body.

14.06. Other Planning Actions & Approvals

- A. The Planning Commission and Zoning Administrator have authorities, powers, and responsibilities over the administration and enforcement of the Subdivision Regulations similar to those prescribed by these regulations for zoning activities. Such are detailed in the Subdivision Regulations and shall be carried out accordingly in concert with these regulations and the Comprehensive Plan.
- B. Comprehensive Plan Adoption & Amendment
 1. Procedural Requirements
 - a. Prior to conducting public hearings in consideration of adopting the Comprehensive Plan and subsequent plan amendments, notification shall be published in the official newspaper in a manner similar to that described in [Section 14.03](#), except for the listed information that is unique to actions affecting individual properties only.
 - b. Public hearings shall also be conducted in a like manner as provided in these regulations.
 - c. The Comprehensive Plan and all amendments to the plan shall be adopted as such by resolution

of the Planning Commission, which shall include a recommendation of approval.

- d. Upon adoption according to these procedures, the Planning Commission shall submit to the City Council, a certified copy of the plan or amendments to the plan, with a written summary of the public hearing. A copy of the plan shall be "certified" when transmitted with a written statement, signed by the Chairperson and Secretary, attesting that the provided copy is a true and accurate representation of the same plan that was presented for the public hearing and Planning Commission approval proceedings.
- e. All Planning Commission approvals and resolutions shall require an affirmative vote of a majority of the entire Planning Commission membership, except as otherwise stipulated in these regulations or prescribed by Kansas statutes.
- f. An attested (certified) copy of the adopted or amended Comprehensive Plan shall be sent, along with a written summary of the public hearing, to all taxing subdivisions (townships, school districts, special districts, etc.) in the City's established planning area.
- g. The Comprehensive Plan and Comprehensive Plan amendments, shall become effective only after being approved by the City Council and adopted by ordinance.

C. Conditional Uses

Conditional uses approved in accordance with these regulations shall run with the land upon approval. They shall remain in effect without regard to ownership, so long as the use remains on the subject property without being significantly altered or destroyed.

D. Temporary Uses

Temporary uses are considered a form of conditional use and shall be reviewed and approved according to a similar process and in a similar manner, except that the following provisions differ from those for conditional uses.

1. They are not permanent and do not run with the land. They shall be established for limited period of time, which shall be specified as a condition of approval.
2. In no case shall a temporary use be established for longer than sixty (60) consecutive days, provided that extensions may be approved by the Zoning Administrator upon written request of the applicant. No more than three (3) extensions shall be approved, each lasting the same period of time specified in the original approval. Additional extensions shall only be approved by separate application for a new temporary use permit and approval of such by the original process.
3. Temporary uses shall only be required to provide public notice by publication in the official newspaper, not individual property owners. In addition, the protest petition provision shall not apply to temporary uses.
4. Emergency temporary use applications and those having critical time constraints, may qualify for expedited approval if, in the Zoning Administrator's judgment, sufficient justification has been provided in writing. In such cases:
 - a. The application may be forwarded directly to the City Council for consideration without a Planning Commission recommendation.
 - b. Only very short-term uses, lasting for a period no longer than seven (7) consecutive days, shall qualify for expedited approval; and no time extensions shall be approved.
 - c. Only complete applications submitted at least twenty-one (21) days from the date of commencement shall be considered for expedited approval.
 - d. The Zoning Administrator shall review the request in the same manner and according to the same criteria as a normal temporary use application. The supporting documents and applicable recommendations shall be provided to the City Council for consideration of the application.
 - e. As approved by applicable Kansas statutes and City code, the City Council may approve the adopting ordinance on an emergency basis and waive normal approval, public notification, and ordinance publication procedures/requirements.

14.07. Standards of Review

- A. The Planning Commission shall review applications for all types of zoning approval governed by these regulations, according to the standards of review outlined in this section.
- B. All Planning Commission actions deemed to be in accordance with the adopted Comprehensive Plan, shall be presumed to be reasonable.
- C. In reviewing rezoning requests, conditional uses, and temporary uses, findings of facts shall be incorporated into all recommendations and resolutions of approval. Such findings shall specifically consider the degree to which the proposed use or application is compatible with surrounding uses, and its appropriateness at the proposed location within the proposed zoning district.

Such reviews of compatibility shall be based on and stated in terms of the following criteria:

- 1. Character of the immediate neighborhood.
- 2. Consistency with the Comprehensive Plan, vision, and character of the City of Augusta.
- 3. Adequacy of public utilities, roadways, and other needed public services, relative to the anticipated impacts of the proposed use.
- 4. Suitability of the uses to which the property has been restricted under its existing zoning.
- 5. Length of time property has remained vacant as zoned.
- 6. Compatibility of the proposed district classification with nearby properties.
- 7. The extent to which the zoning amendment may detrimentally affect nearby property.
- 8. The proportionality of losses/impacts to individual property owners in the immediate vicinity relative to the net public gain for the community-at-large.
- 9. Public input or sentiment regarding the proposed use as voiced in the public hearing and other communications.

14.08. Finality of Council Decisions

As provided by [K.S.A. 12-760](#), as amended, all zoning decisions provided in these regulations are considered to be reasonable exercises of authority granted to the City. All such actions enacted by the City Council are considered final upon publication of the adopting ordinance. Any person, government official or agency, or other individual, jointly or separately dissatisfied or aggrieved by any such action, may file a petition within thirty (30) days of the ordinance publication in the Butler County District Court seeking relief by judicial review.

14.09. Zoning Compliance Certificates

The Zoning Administrator shall issue a written Zoning Compliance Certificate to the owner or occupant of any property, or authorized agent thereof, as follows.

- A. Sent to zoning change and conditional use applicants within ten (10) days of publication of the adopting ordinance. The compliance certificate shall cite specific applicable references of these regulations and related approvals regarding the uses that can be established and any related standards.
- B. Provided within ten (10) days of submitting an application for a secondary or accessory use or structure. The Zoning Administrator shall provide a compliance certificate upon verifying the subject property is appropriately zoned for the proposed use or structure and located in compliance with these regulations according to the Administrative Site Plan submitted with the application or previously approved for the subject property.
- C. Provided within ten (10) days of submitting an application for a Development Site Plan. The Zoning Administrator shall provide a compliance certificate upon accepting the Site Plan application and verifying that the subject site is appropriately zoned for the proposed use and structure.
- D. Provided upon request to any new tenant seeking to occupy an existing developed structure, which shall apply only occupants of business, commercial, and industrial properties. No new commercial/industrial utility connections or accounts, which have not been previously reviewed for zoning compliance, shall be set up without first being issued a Zoning Compliance Certificate.

- E. The Zoning Administrator shall issue a Zoning Compliance Certificate prior to any Certificate of Occupancy being issued by the Building Inspector or other designated official. No Certificate of Occupancy shall be issued without a Zoning Compliance Certificate.

14.10. Building Permits

- A. An approved Building Permit shall be obtained prior to commencement of the following activities.
 - 1. Construction, remodeling, reconstruction, or moving of a structure, when such is subject to the provisions of the Building Code.
 - 2. Moving, relocation, or set up of a mobile or manufactured home.
 - 3. Grading, excavation, or other improvement of land preliminary to the establishment of a use on any property subject to the floodplain regulations.
- B. Every Building Permit application shall include the following information.
 - 1. A copy of the recorded plat of such land certified by the Butler County Register of Deeds office shall be required for new principal structures.
 - 2. No application shall be accepted without verification that a Site Plan has been approved for the subject property, as applicable.
 - 3. Applications that do not require an approved Site Plan shall instead include a plot plan drawn to scale showing the following information:
 - a. Location of proposed building site with the ground area, height, and bulk of all present and proposed structures.
 - b. Access drives and parking lots.
 - c. Structure footprint in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land.
 - d. Other information as may be required by the Zoning Administrator or Building Inspector for the proper enforcement of these regulations.
 - 4. One (1) copy of both the plat and the Site Plan or plot plan, whichever is applicable, shall be retained by the Zoning Administrator or Building Inspector as a public record.
- C. A Building Permit shall be either issued or refused by the Zoning Administrator or Building Inspector within ten (10) days after the application is filed or within such further period as may be agreed to by the applicant. No Building Permit shall be issued unless all the zoning requirements of these regulations are met.
- D. A Building Permit shall become null and void one-hundred eighty (180) days after the date of issuance, unless within such period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.
- E. Any Building Permit issued in conflict with these regulations shall be null and void.

Article 15 Board of Zoning Appeals

15.01. Authorization

The City Council shall designate a Board of Zoning Appeals, hereinafter referred to as the “Board,” as prescribed by [K.S.A. 12-759](#). If so designated, the Planning Commission is authorized under [K.S.A. 12-759](#) to serve in such capacity.

15.02. General Rules & Procedures

The Board shall operate according to the following general rules and procedures.

- A. All members of the Planning Commission are voting members of the Board.
- B. Board members shall serve without compensation, but may be reimbursed for expenses when authorized by the City Council.
- C. All officers of the Planning Commission are officers of the Board.
- D. The Board shall adopt bylaws establishing specific rules for its operation.
 1. Hearing procedures shall not conflict with the ordinance designating the Planning Commission as the Board, applicable state statutes, or these regulations.
 2. Bylaws shall be subject to the approval of the City Council.
 3. Filing fees shall be established separately by the City Council.
- E. The secretary shall keep public records of all official actions, which shall be maintained separately from that of the Planning Commission. Meeting minutes shall be kept as evidence of information presented at hearings, findings of fact, and decisions. The vote of each member shall be recorded on each item, including whether the member was absent, abstaining or disqualified from voting.
- F. Special meetings may be held when called by the Chairperson, or in accordance with Board bylaws.
- G. Board meetings shall be held separately from Planning Commission meetings; provided that they may be held in conjunction with Planning Commission meetings, which have been recessed to conduct Board business and reconvened to continue the Planning Commission agenda.
- H. After a Board meeting has been called to order and a quorum declared present, all Board actions of shall be made by motion and decided by a majority vote of the members present and voting.

15.03. Powers and Jurisdiction

The Board shall have the following jurisdiction and authority as a quasi-judicial body.

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Zoning Administrator.
- B. To authorize in certain cases a variance from the specific terms of these regulations, which are not contrary to the public interest and where a literal enforcement of the provisions of these regulations will result in unnecessary hardship.
 1. In all variances, the Board shall observe the spirit of these regulations, preserve and secure public safety and welfare, ensure that substantial justice is done.
 2. The Board shall not authorize any variance that permits any use prohibited within the applicable zoning district.
- C. Shall have jurisdiction, in accordance with the authority granted the Board in these regulations, only to hear appeals and variances affecting properties located within the City limits of the City of Augusta.

15.04. Appeals of Zoning Administrator Determinations

Determinations of the Zoning Administrator regarding the interpretation, application, or enforcement of these regulations, may be appealed to the Board. Such appeals may be filed as provided in this article by any person aggrieved, by any officer of the City, or any governmental entity affected by any decision of the Zoning Administrator.

A. Applications of Appeal

1. Applications of appeal shall be filed with the Chairperson within thirty (30) days of the date the subject determination was made by the Zoning Administrator. Such applications shall be accompanied by the appropriate filing fee and the following:
 - a. A written description of the grounds for appeal.
 - b. The legal description of the subject property.
 - c. The required ownership list specified in [Section 14.03](#).
 - d. Any additional information as may be required by the rules of the Board.

B. Stay of Enforcement

1. Upon filing, an appeal shall stay all enforcement of the action being appealed.
2. Enforcement shall not be stayed if the Zoning Administrator certifies in writing to the Board that by reason of facts stated in writing, a stay would pose a danger to or otherwise threaten public health, safety, or welfare. In such cases, enforcement shall not be stayed, except by order of the Board or a court of record with notice and basis of due cause provided to the Zoning Administrator.

C. Public notice shall be given and a hearing on the application of appeal conducted as specified under [Section 14.03.A.3](#).**D. Board Actions**

1. The Board may take any of the following actions on an appeal of a Zoning Administrator determination.
 - a. Affirm or reverse, wholly or partly.
 - b. Modify the order, requirement, decision, or determination; and substitute its own, which shall have all the powers of the Zoning Administrator.
 - c. Issue or direct the issuance of a zoning permit or compliance certificate.
2. No conditions may be attached to such a decision that would not otherwise have been available to the Zoning Administrator in making the initial determination.

15.05. Requests for Variance

A. The Board may authorize variances from the terms of these regulations when such are not contrary to the public interest, observe the spirit of these regulations, preserve and secure public safety and welfare, and ensure that substantial justice is done. Variances shall:

1. Only be authorized in the manner and under the circumstances stipulated in this article.
2. Be accompanied by findings of fact that demonstrate the literal enforcement of specific provisions of these regulations will result in unnecessary hardship for the applicant.
3. Not permit any use that is prohibited by these regulations in the applicable zoning district.

B. Applications for Variance

1. Applications for variance shall be filed with the Chairperson. Such applications shall be accompanied by the appropriate filing fee and the following:
 - a. A written description of the requested variance.
 - b. The legal description of the subject property.
 - c. The required ownership list specified in [Section 14.03.A.3](#).

- d. Additional information including:
 - i. The particular requirements of these regulations that prevent the proposed use or construction.
 - ii. The characteristics of the subject property that prevent compliance with the requirements of these regulations.
 - iii. The reduction of the minimum requirements of these regulations necessary to permit the proposed use or construction.
 - iv. The particular hardship that would result if the particular requirements of these regulations were applied to the subject property.
 - v. A sketch drawn to scale showing the subject lot(s), with all existing and proposed structures that necessitate the request.
 2. Public notice shall be given and a hearing on the application of variance conducted per [Section 14.03](#).
- C. Authorized Variances
- Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in [Section 15.05.D](#), and shall be granted only as follows.
1. Variances to the applicable minimum lot area, lot width and lot depth requirements.
 2. Variances to the lot coverage and minimum yard requirements.
 3. Variances to the dimensions of fences and other permitted obstructions in required yards.
 4. Variances to the required number of off-street parking spaces and amount of off-street loading, except for adjustments to ADA requirements.
 5. Variances to dimensional sign provisions.
 6. Variances to applicable requirements and conditions of approval for conditional use and temporary use applications.
 7. Variances to applicable provisions of the floodplain district regulations.
- D. Standards of Variance Approval
1. The Board may grant variances supported by written findings of fact based upon the particular evidence presented the hearing, subject to the conditions stipulated by [K.S.A. 12-759\(e\)](#) as follows.
 - a. The variance requested arises from a condition that meets all of the following provisions:
 - i. Unique to the property in question.
 - ii. Not ordinarily found in the same zoning district.
 - iii. Not created by an action or actions of the property owner or the applicant.
 - iv. Granting of the variance will not adversely affect the rights of adjacent property owners or residents.
 - v. Strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - vi. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
 - vii. Granting the variance will not be opposed to the general spirit and intent of these regulations.
 2. The Board shall consider the extent to which the evidence supports the conclusions required by [Section 15.05.D.1](#) and demonstrates that:
 - a. The hardship claimed by the applicant is an unnecessary hardship caused by the physical surroundings, lot shape, or topography of the subject property; rather than the proposed use being inappropriate for the subject property or incompatible with its surroundings, or another mere inconvenience to the applicant.
 - b. The hardship claimed by the applicant is not solely economic in nature, such as an attempt to

avoid expenses related to meeting the otherwise applicable provisions, or a desire to increase the applicant's profit margin for such development.

- c. The requested variance will not diminish the condition or value of other properties in the vicinity; or the inhibit the rights of others to use their property in a lawful manner and enjoy the benefits gained from such uses.
- d. The requested variance will not result in an inadequate supply of light or air to adjacent property; create a substantial increase to congestion on public roadways; disproportionately impact public utility system service or capacity; impose a flood or fire hazard; or otherwise endanger the public health, safety, or welfare.

E. Performance Assurances

The Board may impose conditions upon the granting of a variance or require certain guarantees of the applicant as may be necessary to achieve compliance with the standards of [Section 15.05.D](#), to mitigate potentially negative effects of such variances, and to carry out the general purpose and intent of these regulations.

1. Such performance assurances may include, but not be limited to:
 - a. Conditions
 - i. Further restrictions on bulk regulations.
 - ii. Time of operation and use limitations.
 - iii. Visual buffers, landscape buffers, and height compatibility setbacks, except as otherwise prohibited by applicable laws and regulations.
 - iv. Provision of utilities, drainage and other public improvements.
 - v. Additional access or access controls.
 - vi. Off-street parking and loading requirements.
 - vii. Platting, dedications, or guarantees.
 - b. Guarantees
 - i. Covenants that run with the land and filed with the County Register of Deeds that assure the installation of conditional improvements at a future date.
 - ii. Corporate surety bonds, cashier's checks, escrow accounts, or similar security accepted in lieu of installing/constructing conditional improvements within a specified time. Such shall be in the City's name, filed with the City Clerk in an amount to be fixed by the Board, which amount shall be roughly proportional to the estimated costs. The City Council may enforce such securities by all equitable means.
2. Failure to comply with any of the conditions imposed upon a variance shall constitute a violation of these regulations. Upon a finding by the Board of such a violation, the resolution granting the variance may be declared null and void.
3. Changes to such conditions may only be made in the same manner as the original variance. In such cases, it shall be required to apply for a new hearing. Only the requested change shall be considered at the rehearing.

15.06. Notice & Conduct of Hearings

- A. The Board shall be subject the same requirements for public notifications and conduct of public hearings as the Planning Commission, which are provided in Section
- B. Decisions & Records
 1. On all actions, the Board shall render a written decision in the form of a resolution without reasonable delay, but within forty-five (45) days of closing the hearing.
 2. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to applications for variances in order to properly issue permits.
 3. Variances granted by the Board shall be valid for a period not to exceed one-hundred and eighty

(180) days from the hearing date. Applicable zoning permits shall be received within that time, provided that upon written request, the Board may grant extensions, each not to exceed one-hundred and eighty (180) days. Such extensions granted shall not require further notice or hearing.

15.07. Finality of Board Decisions

- A. Orders and determinations of the Board are not subject to appeal to the Planning Commission or City Council. All such decisions are considered final, notwithstanding the right of any aggrieved party to seek a judicial review as provided by law.
- B. Any person, official or governmental agency, jointly or separately dissatisfied by any decision of the Board, may seek relief by petition of the Butler County District Court. Such petitions shall be duly filed with the Court within thirty (30) days of the date the final decision is filed with the Zoning Administrator.

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Article 16 Planning Area Regulations

16.01. Authority

This Article is established by authority of an inter-local agreement between Butler County, Kansas and the City of Augusta, Kansas delegating certain land use regulatory authority to the City within territory designated as the "Planning Area" of the City of Augusta. K.S.A. 12- 2901 et seq. and K.S.A. 12-744(c). Planning Area is defined in [Section 01.02](#).

16.02. Building Code & County Regulations

Properties within the Planning Area shall comply with the current Butler County building codes and sanitation codes. Butler County shall have jurisdiction over building codes and sanitation codes within the Planning Area, and shall enforce and administer such codes.

16.03. Residential Infrastructure Requirements

All residential uses shall be subject to the following infrastructure requirements.

A. Water

1. The County Sanitarian shall approve a property's domestic water supply prior to the establishment of a residential use. In addition, the property owner shall provide written proof the adequacy and availability of the property's domestic water supply.
2. Water available for domestic use shall only be provided by a rural water district, incorporated city or other water supply system when approved by the Planning Commission. The subdivision and/or lot owner shall provide written proof of the adequacy and availability of the water supply from any applicable rural water district, city extending service to the subdivision or individual water well on a single lot, with approval of the County Sanitarian.

B. Sewage

1. All sewage collection and treatment facilities shall be in compliance with the Butler County Sanitation Code.
2. A minimum lot size of one (1) acre shall be required for private sewage disposal systems.
3. A minimum lot size of five (5) acres shall be required for lagoon sewage treatment.
NO private sewage disposal system shall be permitted on any lot of less than one acre. No lagoons shall be permitted on any lot of less than five acres.

C. Streets

Properties being developed shall be subject to the following requirements for the provision of adequate streets.

1. Subdivisions of five (5) or more lots of one (1) acre or less: The developer shall provide or guarantee for the streets abutting each lot by the creation of a special benefit district for asphalt surfaced streets with curbs and gutters.
2. Subdivisions of five (5) or more lots between one (1) acre and twenty (20) acres: The developer shall provide or guarantee for the streets/roads abutting each lot by the creation of a special benefit district for six-inch (6") thick asphalt surfaced streets with proper drainage ditches, per Ordinance No. 1870.
3. Subdivisions of fewer than five (5) lots over twenty (20) acres: The developer shall provide for or guarantee for the streets/roads abutting each lot by the creation of a special benefit district for concrete, asphalt or gravel surfaced streets with proper drainage ditches.
4. Impact fees to provide for off-site street and road improvements shall be paid in accordance with the Butler County Road Impact Fee Resolution.

D. Building Setback Line

1. To allow ample area for highway expansion, the following building setback lines are hereby

established for properties with frontage on U.S. 54 Highway.

- a. One-hundred fifty (150) feet from the highway centerline between Hunter Road and Diamond Road.
 - b. One-hundred (100) feet from the highway centerline between Diamond Road and Indianola Road.
2. No land use shall be established and no building or structure shall be constructed on either side of U.S. 54 Highway within the designated setback area, except for allowable obstructions as defined by these regulations.

E. Fire Protection

1. The following information shall be provided in writing to the applicable rural fire district:
 - a. Street layout of the proposed development
 - b. Ingress and egress of the proposed development and each lot therein
 - c. Adequacy of the planned water supply system and/or surface water features for firefighting purposes.
2. The fire chief of the applicable rural fire district shall review the above items and, if applicable, recommend necessary modifications. No development shall occur without the property owner/developer receiving approval from the fire chief.

F. Exemptions & Variances

No exemptions or variances from the infrastructure requirements of this section shall be approved under any circumstances.

16.04. Manufactured Homes

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

Article 17 Enforcement

17.01. Violations

Any of the following shall be a violation of the City of Augusta Zoning Regulations and shall be subject to the enforcement remedies and penalties provided by this article and by other applicable law.

A. Development of Use Without Permit or Approval

To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without all of the required permits, approvals, certificates and other forms of authorization required by these regulations in order to conduct or engage in such activity.

B. Development or Use Inconsistent with Permit or Approval

To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to lawfully engage in such activity.

C. Development or Use Inconsistent with Conditions

To violate, by act or omission, any terms, condition or qualification placed by the City upon a required permit, certificate, rezoning, plan approval or other form of authorization granted by the City to allow the use, development of other activity upon land or improvements thereon.

D. Development of Use Inconsistent with Regulations

To erect, construct, reconstruct, remodel, alter, maintain any land in violation or contravention of any zoning, subdivision or general regulation of the zoning regulations or any amendment thereof.

E. Making Lot or Yard Nonconforming

To reduce or diminish any lot area so that the yards or open spaces shall be smaller than prescribed by these requirements or the final plat or plan.

F. Increasing Use Intensity

To increase the intensity of use of any land or structure, except in accordance with the procedures and substantive requirements of the zoning regulations.

G. Continuing Violation

To continue any of the above violations. Each day of a violation shall be considered a separate offense.

H. Removing, Defacing, Obscuring Notice

To remove, deface or obscure any sign required by the zoning regulations or otherwise interfere with any notice required thereby.

17.02. Enforcement Actions

A. The Zoning Administrator or other designated official may inspect any property or structure whenever there is reasonable cause to believe a violation of these regulations may exist. Upon being presented with proper credentials by the Zoning Administrator or designated official:

1. No person shall refuse entry or access to the site or property where a sign exists when entry is required for the purpose of conducting an inspection.
2. No person shall obstruct, hamper, or interfere with such City representatives while in the process of carrying out their official duties.

B. The City shall have the enforcement authority to take the following actions in resolving violations of these regulations.

1. The City may deny or withhold any and all permits, certificates, plan or plat approvals or other forms of authorization on any land, structure, or improvement when evidence exists of unmet general zoning requirements; unmet requirements for specific types of land uses, developments, or structures; unmet

- conditions or qualifications of a permit, certificate, approval or previously granted authorization; uncorrected violations of these regulations.
- a. The City may grant such authorization on a provisional basis, subject to the condition that the deficiency or violation be corrected.
 - b. These provisions shall apply regardless of whether the current owner or applicant is responsible for the violation in questions.
2. The City may revoke issued permits and granted approvals when the Zoning Administrator or other designated official finds a departure from the plans, specifications or conditions required under the terms of a particular permit, plan, or other approval; such authorization was procured by false representation of the applicant or was issued by mistake; any provision of these regulations is being violated.
 - a. If the violation involves a failure to comply with approved Site Plans or conditions of Site Plan approval, the City Council may, upon sending written notice to the applicant and conducting a hearing:
 - i. Revoke such Site Plans or related approvals.
 - ii. Allow development to continue subject to strict compliance with applicable plans, approvals, and conditions of approval, or the provision of security bond.
 - b. The Zoning Administrator or other designated official may revoke a Building Permit or Certificate of Occupancy upon sending written notice of violation to the applicant or owner and shall post such notice in a prominent location on the site or building that is readily visible to any individual entering the site or building.
 - i. Further construction activities shall be prohibited upon posting of the notification.
 - ii. Upon revocation of a Building Permit which was issued by mistake, the owner shall meet with the City to determine the nature of and reason for the mistake.
 - iii. If construction plans are in conflict with ordinances, regulations or other City requirements, the City may require modification to such plans that conform to all applicable ordinances, regulations or requirements.
 - iv. If a mistake has been made calculating the fee for a Building Permit, the proper fee shall be calculated and the difference refunded or charged to the applicant, as appropriate.
 3. With or without revoking permits, the City may issue a stop work order for any construction activities on a building, structure, or property when it has a good faith belief that there is an uncorrected violation of a City regulation, issued permit or other granted authorization.
 4. The City may seek an injunction or other equitable relief to stop any violation of these regulations or an issued permit, certificate, or granted authorization.
 5. The City may seek a court order in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
 6. The City may seek such criminal or civil penalties as provided by Kansas law for violation of these regulations. Criminal penalties shall not exceed \$500.00, or imprisonment for not more than six (6) months for each offense, or both. For purposes of these penalties, each day's violation shall constitute a separate offense.
- C. The City shall may pursue any remedy that is not specifically listed herein, but is otherwise available under Kansas law and applicable to a specific violation of these regulations or related provisions.
 - D. The remedies listed above shall be cumulative.

17.03. Enforcement Procedures

A. Routine Enforcement

In the case of violations that do not involve ongoing site development, construction in progress, or an

emergency situation, the City shall give written notice of the nature of the violation to the applicant, property owner, authorized agent, or occupant of the property, which shall be sent to the last known address.

B. Emergency Enforcement

If the Zoning Administrator or other authorized City official makes a reasonable determination that an emergency or unsafe situation exists in violation of these regulations, the City may immediately use the enforcement powers and remedies available under this article. This may include filing a complaint seeking criminal penalties in Municipal Court. No other notification procedures shall be required as prerequisites to any such immediate action.

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Appendix A - Supplemental Landscape Guidance

Preferred Trees for South Central Kansas



Growing trees successfully depends on the selection of the right trees for the intended site. It is important to match the growing conditions and space available on the site with the cultural requirements and projected size of each tree to be planted. The following four charts show the tolerances of individual trees to various environmental conditions as well as the major landscape attributes of each tree. Not all recommended trees for South Central Kansas are included. The preferred trees listed were recommended by industry professionals such as city foresters, local tree boards, county and horticulture extension agents, commercial arborists and retail/production nursery interests. For a more extensive list see *Shade & Ornamental Trees for Kansas MF-2688*

KEY TO USING THIS INFORMATION:

TREE SPECIES AND CULTIVARS: The names of the trees are listed in the center of four different charts. Three of the charts list deciduous trees grouped by average mature height. The fourth chart lists evergreen trees. Cultivars are listed if they possess improved plant characteristics like better fall color; a unique form; more attractive flowers, fruit; greater heat tolerance; or increased pest resistance.

ENVIRONMENTAL TOLERANCES: The left side of each chart indicates the recommended environmental conditions of each tree; including full sun (**S**), light shade (**L**), soil pH adaptability, and soil moisture tolerances (**Dry** or **Wet**). Each chart also shows how resistant each tree is to insect and disease pests. A “**G**” (for good) under the appropriate column indicates the tree is strongly tolerant of the characteristic indicated. An “**F**” (for fair) signifies that the tree shows some tolerance. A blank space in a column indicates the tree is not tolerant and should not be subjected to that environmental condition. Specific information on the “pH adaptable”, “soil moisture”, and “pests” categories follows:

pH ADAPTABLE: (**G**) = tree may tolerate soils with a pH up to 8.0 or more; (**F**) = tree generally will tolerate an alkaline soil up to a pH of 7.5; (blank) = tree may not tolerate alkaline soils; do not plant in alkaline soils to avoid the problem of iron or manganese chlorosis.

SOIL MOISTURE: while most trees prefer a moist and well drained soil, some of these species will tolerate moderate drought (**D**) or occasional wet (**W**) periods. Some trees will tolerate both to some extent and they are indicated with **DW**. See *Drought-Tolerant Tree for South-Central Kansas (MF-3246)* for a list of drought tolerant trees.

PESTS: (**G**) = tree is usually free of insect and disease problems; (**F**) = tree encounters insect or disease pests on an infrequent basis and often is not permanently damaged; (blank) = tree may suffer from pests which may permanently damage or kill the tree and/or the tree may exhibit minor insect and disease problems on a frequent basis which may affect the aesthetics of the tree or insects may commonly be a nuisance.

LANDSCAPE ATTRIBUTES: The right side of each chart includes average mature height and spread of each tree, which can be variable depending on growing conditions and other factors. Landscape attributes of flowers, fruit, and fall color are also listed.

FLOWERS: (**G**) = the flowers are showy; (**F**) = the flowers are not particularly showy, but may possess other desirable characteristics such as fragrance; (blank) = the flowers are generally considered insignificant.

FRUIT: (**G**) = fruits are generally aesthetically pleasing; (**F**) = fruits are not considered showy, but may provide other interest or benefits such as attracting wildlife; (blank) = no showy or useful fruit.

FALL COLOR: (**G**) = the autumn leaf color is typically quite good; (**F**) = the fall color may provide interest in some years; (blank) = autumn foliage color is generally not considered an asset of this particular tree.

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ENVIRONMENT				SMALL DECIDUOUS TREES (usually under 20 feet at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	DW	F	Amur Maple (<i>Acer tataricum</i> subsp. <i>ginnala</i>) Cultivars: 'Compactum'; 'Flame'. Seeds readily.	15-20	15-25	F		G
SL	G	D	F	Tatarian Maple (<i>Acer tataricum</i>) Cultivar; Hot Wings has attractive red fruit.	20-25	15-25	F	F	F
SL	G	D	F	Eastern Redbud (<i>Cercis canadensis</i>) var. <i>alba</i> (white flowers); Cultivars: 'Forest Pansy' and 'Merlot' have red/purple new growth.	20-25	20-25	G		F
SL	G	D	G	Oklahoma Redbud (<i>Cercis canadensis</i> var. <i>texensis</i> 'Oklahoma') Glossy green leaves, more intense flower color, insect resistance	15-20	15-20	G		F
SL	G	DW	G	Chinese Fringetree (<i>Chionanthus retusus</i>) Cultivar 'Tokyo Tower'	15-20	15-20	G		F
SL	G	D		Winterberry Euonymus (<i>Euonymus bungeanus</i>). Seeds readily.	15-20	10		G	F
S	F	D	F	Flowering Crabapple (<i>Malus spp.</i>) For disease resistant cultivars see Crabapple publication MF-875.	varies	varies	G	G	F
SL	G	D	G	Smoketree (<i>Cotinus spp.</i>) American Smoketree (<i>C. obovatus</i>) and Red Smoketree varieties (<i>C. coggygria</i>). Hybrid 'Grace' has vigorous purple growth.	20	15	F		G

ENVIRONMENT				MEDIUM DECIDUOUS TREES (usually 20 to 40 feet at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	D	G	Trident Maple (<i>Acer buergerianum</i>) Some trees could suffer winter damage north of Newton.	20-35	20-30			G
SL	G	D	G	Hedge Maple (<i>Acer campestre</i>)	25-35	25-35			G
SL	F	D	G	Shantung Maple (<i>Acer truncatum</i>) Hybrids also available: Norwegian Sunset; Pacific Sunset (hybrids with Norway Maple). Range of fall color, yellow-red.	25-30	25-30			G
SL	F	DW	G	European Hornbeam (<i>Carpinus betulus</i>) Cultivars 'Fastigiata' and 'Frans Fontaine' are columnar cultivars.	30-40	20-30			F
S	G	D		Goldenrain Tree (<i>Koelreuteria paniculata</i>) Host to boxelder bugs. Seeds readily.	30-40	30-40	G	G	F
S	G	DW	G	Osage Orange (<i>Maclura pomifera</i>) Cultivars: 'Wichita' and 'Whiteshield'. Use fruitless and thornless cultivars only.	30-40	20-40			G
S	F	D		Flowering Crabapple (<i>Malus spp.</i>) For disease resistant cultivars see Crabapple publication MF-875.	varies	varies	G	G	F
S	G	D	G	Chinese Pistache (<i>Pistacia chinensis</i>) Do not plant north of Harvey County. Use cold-hardy seed source if possible. Seeds readily. Cultivar 'Keith Davey' is seedless and has red fall color.	30-35	30-40		F	G
S	F	D	F	Callery Pear (<i>Pyrus calleryana</i>) Cultivars: 'Aristocrat'; 'Capital'; 'Chanticleer'; and 'Cleveland Select'. Cultivar 'Bradford' is not recommended. Seeds readily.	30-40	10-45	G		G
S	G	D	G	Chinkapin Oak (<i>Quercus muehlenbergii</i>)	35-40	40-45		F	F
SL	F	D	F	Japanese Tree Lilac (<i>Syringa reticulata</i>) Cultivar: 'Ivory Silk'	25	20	F		

ENVIRONMENT				LARGE & VERY LARGE DECIDUOUS TREES (usually 40 feet and larger at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	DW		Freeman Maple (<i>Acer x freemanii</i>) Cultivars: Autumn Blaze; Autumn Fantasy. The cultivars are prone to bark sunscald/frost cracking due to exposure and frequent winter temperature fluctuations.	50-60	40-50			G
SL		W		Red Maple (<i>Acer rubrum</i>) Cultivars: 'Autumn Flame'; 'October Glory'; Red Sunset; Burgundy Belle. The species and cultivars are prone to bark sunscald/frost cracking due to exposure and frequent winter temperature fluctuations.	40-60	35-50	F		G
SL	F	D	F	Sugar Maple (<i>Acer saccharum</i>) Caddo (seedling). Cultivars: 'Legacy'; 'John Pair'; 'Autumn Splendor'; All are more heat tolerant and leaf tatter resistant cultivars.	40-60	30-50			G
S		W	F	River Birch (<i>Betula nigra</i>). Cultivar Heritage has larger leaves, better salmon-white bark.	40-60	40-50			F
SL	G	DW		Common Hackberry (<i>Celtis occidentalis</i>) Cultivar Prairie Sentinel is columnar.	40-60	40-50		F	F
S	G	D	G	Ginkgo (<i>Ginkgo biloba</i>) Cultivars: 'Autumn Gold'; 'Princeton Sentry' (narrow pyramidal form). Slow-growing. Use named MALE cultivars only.	50-60	25-40			G
S	G	DW		Thornless Honeylocust (<i>Gleditsia triacanthos</i> var. <i>inermis</i>). Cultivars Skyline; 'Shademaster'; Honeylocusts are susceptible to many pests.	40-60	30-50			F
SL	G	DW	G	Kentucky Coffee Tree (<i>Gymnocladus dioica</i>) Seedless is available.	50-60	30-45		F	F
S		W	F	Sweetgum (<i>Liquidambar styraciflua</i>) Fruit can be a nuisance.	50-75	35-50		F	G
SL	G	DW	G	London Planetree (<i>Platanus x acerifolia</i>) Cultivar 'Bloodgood' has resistance to anthracnose. Exclamation has disease resistance and strong central leader.	60-80	50-65		F	
S	F	DW	G	Sawtooth Oak (<i>Quercus acutissima</i>)	40-50	30-45		F	F
S	F	DW	G	White Oak (<i>Quercus alba</i>)	50-60	40-60		F	F
S	F	DW	F	Swamp White Oak (<i>Quercus bicolor</i>)	50-60	40-60		F	F
S	G	D	G	Texas Red Oak (<i>Quercus buckleyi</i>)	50-60	40-60		F	G
S	F	DW	F	Shingle Oak (<i>Quercus imbricaria</i>)	50-60	40-60			F
S	G	DW	G	Bur Oak (<i>Quercus macrocarpa</i>) Large fruit can be a nuisance.	60-80	50-70		F	
S	G	D	F	English Oak (<i>Quercus robur</i>) Many columnar cultivars available: Crimson Spire; 'Fastigiata'; Kindred Spirit; Regal Prince	40-60	45-65		F	
S	F	D	F	Red Oak (<i>Quercus rubra</i>)	60-75	40-60		F	G
S	G	DW	F	Shumard Oak (<i>Quercus shumardii</i>)	60-80	40-60		F	G
SL		DW	F	Willow Oak (<i>Quercus phellos</i>)	50-60				
S		DW	G	Baldcypress (<i>Taxodium distichum</i>) Cultivar 'Frio River' has excellent pH tolerance. 'Shawnee Brave' has upright pyramidal growth. Knees can be a problem in the landscape.	50-70	20-50		F	G
SL	F	W	F	American Linden (<i>Tilia americana</i>) Cultivar 'Redmond' pyramidal form. Lindens are favored by honey bees.	50-60	35-40	F		F
SL	G	W	F	Littleleaf Linden (<i>Tilia cordata</i>) More rounded. Cultivar: 'Greenspire' (pyramidal). Lindens are favored by honey bees.	35-45	25-40	F		F
S	G	DW	G	Silver Linden (<i>Tilia tomentosa</i>) 'Sterling' is an improved cultivar. Lindens are favored by honey bees.	40-45	25-35	F		
S	G	DW	F	American Elm (<i>Ulmus americana</i>) Cultivars: 'Jefferson'; 'New Harmony'; Prairie Expedition; 'Princeton'. Choose disease resistant cultivars.	60-80	40-60			F
S	G	DW	G	Elm hybrids (<i>Ulmus</i>) Accolade; Danada Charm; 'New Horizon'; 'Patriot'; 'Prospector'. Bred for attractive foliage and disease resistance.	>45	>40			F
SL	G	DW	F	Lacebark Elm (<i>Ulmus parvifolia</i>). Also available: cultivars Athena; Allee; 'Emerald Prairie'; many others.	40-60	35-50			F
SL	F	D	F	Japanese Zelkova (<i>Zelkova serrata</i>) Cultivars 'Green Vase', 'Halka', and 'Village Green' have improved growth habit. 'Musashino' is columnar.	40-45	25-30			G

ENVIRONMENT				EVERGREEN TREES	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
S	G	D	G	Incense Cedar (<i>Calocedrus decurrens</i>)	30-40	20-30			
S	G	D	F	Arizona Cypress (<i>Cupressus arizonica</i>) Cultivars 'Blue Ice'; 'Blue Pyramid'; and 'Cooke Peak'	20-30	15-20			
S	G	D		Upright Chinese Juniper (<i>Juniperus chinensis</i>). Very rust resistant. Cultivars: 'Keteleeri'; 'Robusta Green'; 'Wintergreen'; other disease resistant cultivars are available.	varies	varies		G	
S	G	D		Eastern Red Cedar (<i>Juniperus virginiana</i>) Also available: cultivar 'Canaertii' (irregular form); 'Taylor' (upright growth) many others also. Seeds readily.	30-40	25		G	
SL	G	DW	G	Southern Magnolia (<i>Magnolia grandiflora</i>) Cultivars 'Bracken's Brown Beauty' and 'Edith Bogue' are the most cold hardy.	30-40	30-40	G	G	
S				Black Hills Spruce (<i>Picea glauca var. densata</i>)	30-40	15-20		F	
S	G	D		Pinyon Pine (<i>Pinus edulis</i>) Slower growing.	10-20	10-15		F	
S	F	D	F	Vanderwolf's Pyramid Limber Pine (<i>Pinus flexilis</i> 'Vanderwolf's Pyramid') Vigorous upright selection of Limber Pine.	30-40	15-30		F	
S	F	D		Austrian Pine (<i>Pinus nigra</i>) Limited use - subject to tip and needle blights as well as pine wilt disease.	40-60	25-40		F	
S	F	D	F	Southwestern White Pine (<i>Pinus strobiformis</i>)	40-60	25-40		F	
SL	G	DW	G	Oriental Arborvitae (<i>Platycladus orientalis</i> or <i>Thuja orientalis</i>) Many ornamental cultivars available.	20-30	20-25			

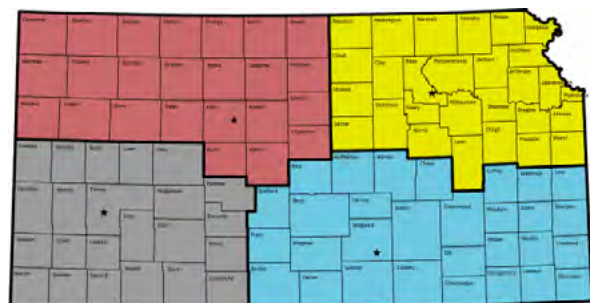
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Preferred tree lists are available for other areas of the state. Visit us on the web for more information at:
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Kansas Forest Service Community Forestry Districts.





Trees and Shrubs for Difficult Sites

Trees—Dry Locations¹

Name	Plant Range ² and Height	Wildlife Value	Alkaline Tolerance	Remarks
Goldenrain tree (<i>Koelreuteria paniculata</i>)	E,C,W 30-50'	Fair	Fair	Interesting, ornamental; grows in a wide range of soil conditions; intermediate shade tolerance.
Hackberry (<i>Celtis occidentalis</i>)	E,C,W 50-100'	Good	Good	Widely adapted to a variety of soils and growing conditions; used by many birds and mammals; intermediate shade tolerance.
Hawthorn, Cockspur (<i>Crataegus crusgalli</i>)	E,C,W 20-35'	Good	Good	Attractive to birds; cedar-apple rust may be problematic; shade intolerant.
Hickory, Shagbark (<i>Carya ovata</i>)	E 75-100'	Excellent	Good	Slow grower; tolerates shade well; native bottomland tree, often found on upland sites
Honeylocust (<i>Gleditsia triacanthos</i>)	E,C,W 50-75'	Fair	Good	Does well in filtered shade; available in thornless varieties; susceptible to several insect and disease problems.
Juniper, Rocky Mountain (<i>Juniperus scopulorum</i>)	W 40-60'	Good	Good	Evergreen; plant only in western most counties of Kansas; shade tolerance intermediate in youth, intolerant at maturity.
Oak, Black Jack (<i>Quercus marilandica</i>)	E, C 35-50'	Excellent	Fair	Provides cover and food for many mammals and birds; slow grower; shade intolerant.
Oak, Bur (<i>Quercus macrocarpa</i>)	E,C,W 50-75'	Excellent	Good	Hardy throughout Kansas; large tree, slow-moderate grower; shade intolerant.
Oak, Chinkapin (<i>Quercus muehlenbergii</i>)	E,C 35-50'	Excellent	Good	Medium-large tree; moderate grower; native to limestone bluffs and hillsides; shade intolerant.
Osage Orange (<i>Maclura pomifera</i>)	E,C,W 35-50'	Good	Good	Large fruits on female tree, male varieties available; heaviest and hardest wood in North America; very drought tolerant; can spread aggressively in eastern Kansas; shade intolerant.
Ponderosa Pine (<i>Pinus ponderosa</i>)	E,C,W 35-50'	Fair	Good	Tip moth may be a problem; shade intolerant.
Redcedar, Eastern (<i>Juniperus virginiana</i>)	E,C,W 40-75'	Excellent	Fair	Evergreen; affected by cedar-apple rust and bagworms; shade tolerance intermediate in youth, intolerant at maturity.

¹Generally tolerant or adapted to dry, upland shallow soil or rocky sites.

²See map, page 4

Trees—Wet Locations¹

Name	Plant Range ² and Height	Tolerates Short Periods of Flooding	Wildlife Value	Remarks
Ash, Green (<i>Fraxinus pennsylvanica</i>)	E,C,W 50-75'	Yes	Fair	Excellent bottomland tree; fast grower in wet locations; shade tolerant as seedling.
Baldcypress (<i>Taxodium distichum</i>)	E,C 50-75'	Yes	Poor	Adaptable to a large range of sites; appears as an evergreen in the summer, but is deciduous; intermediate shade tolerance.
Birch, River (<i>Betula nigra</i>)	E 35-50'	Yes	Poor	Requires very moist sites with a pH \leq 6.5; low shade tolerance.
Buckeye, Ohio (<i>Aesculus glabra</i>)	E,C 35-50'	Yes	Poor	Used in shaded areas; sensitive to leaf scorch.
Cottonwood (<i>Populus deltoides</i>)	E,C,W 75-100'	Yes	Fair	Good for bank stabilization and shore protection; fast grower; shade intolerant.
Hackberry (<i>Celtis occidentalis</i>)	E,C,W 50-100'	Yes	Good	Widely adapted tree used by many birds and mammals; intermediate shade tolerance.
Hickory, Shellbark (<i>Carya laciniosa</i>)	E 75-100'	Yes	Excellent	Native bottomland tree; more tolerant of shade and standing water than shagbark hickory.
Linden, American (Bass-wood) (<i>Tilia americana</i>)	E,C,W 75-100'	Yes	Fair	Flowers attract bees; fast grower; shade tolerant.
Maple, Silver (<i>Acer saccharinum</i>)	E,C 50-75'	Yes	Poor	Good bottomland tree; will develop iron chlorosis in high pH soils; wood is brittle; intermediate shade tolerance.
Mulberry, Red (<i>Morus rubra</i>)	E,C,W 35-50'	Yes	Excellent	Grows well throughout Kansas; berries excellent wildlife food; intermediate shade tolerance.
Oak, Pin (<i>Quercus palustris</i>)	E 75-100'	Yes	Excellent	Good fall color; will develop iron chlorosis in high pH soils; shade intolerant.
Oak, Red (<i>Quercus rubra</i>)	E,C 75-100'	Yes	Excellent	A relatively fast grower among the oaks; shade intolerant.
Oak, Swamp White (<i>Quercus bicolor</i>)	E,C 40-60'	Yes	Excellent	Does well on wet, poorly-aerated soils; intermediate shade tolerance.
Pecan (<i>Carya illinoensis</i>)	E 75-100'	Yes	Excellent	Native bottomland tree in southeast Kansas; requires well-drained soils; least shade tolerant of hickories.
Sycamore (<i>Platanus occidentalis</i>)	E,C 75-100'	Yes	Fair	Fast growing when young; tolerates wide range of soil condition as long as adequate moisture; intermediate shade tolerance.
Willow, Black (<i>Salix nigra</i>)	E,C,W 35-50'	Yes	Fair	Excellent for bank stabilization and shore protection; rapid grower; shade intolerant.
Willow, Peach-leaved (<i>Salix amygdaloides</i>)	E,C,W 35-50'	Yes	Fair	Excellent for bank stabilization and shore protection; rapid grower; shade intolerant.

¹Generally suited for areas prone to occasional flooding and/or ponding of water such as streambanks, low areas, etc.

²See map, page 4

Shrubs—Dry Locations¹

Name	Plant Range ² and Height	Wildlife Value	Alkaline Tolerance	Remarks
Caragana (<i>Caragana arborescens</i>)	E, C, W 6-12'	Good	Good	Good for field windbreaks; recovers well from defoliation; attracts grasshoppers for game birds; drought tolerant; shade intolerant.
Cherry, Choke (<i>Prunus virginiana</i>)	E, C, W 6-12'	Good	Good	Forms thickets; edible fruit; intermediate shade tolerance.
Coralberry (Buckbrush) (<i>Symphoricarpos orbiculatus</i>)	E,C,W 1-2'	Fair to Good	Good	Good winter food and cover for wildlife; shade tolerant.
Cotoneaster, Peking (<i>Cotoneaster acutifolia</i>)	E, C, W 4-6'	Good	Fair	Non-thicket forming; thick, dense foliage; shade intolerant.
Currant, Golden (<i>Ribes odoratum</i>)	E, C, W 3-5'	Good	Good	Forms loose, open thickets; edible fruit; loses foliage in hot temps; tolerant of 50% shade.
Dogwood, Rough-leaved (<i>Cornus drummondii</i>)	E,C,W 4-8'	Good	Good	One of the hardiest woody shrubs; excellent soil stabilizer; shade intolerant.
Lilac (<i>Syringa vulgaris</i>)	E, C, W 6-12'	Fair	Good	Low, dense growth provides cover for wildlife and low level wind protection; shade intolerant.
Plum, American (<i>Prunus americana</i>)	E,C,W 6-12'	Excellent	Good	Grows in dense thickets; sprouts readily from roots; edible fruit; shade intolerant.
Plum, Sandhill (<i>Prunus angustifolia</i>)	E,C,W 6-12'	Excellent	Good	Excellent for soil stabilization; edible fruit; shade intolerant.
Sumac, Fragrant (<i>Rhus aromatica</i>)	E,C,W 4-6'	Fair to Good	Good	Fall color excellent; very drought hardy; non-thicket forming shrub; shade intolerant.

¹Generally tolerant or adapted to dry, upland shallow soil or rocky sites.

²See map, page 4

Shrubs—Wet Locations¹

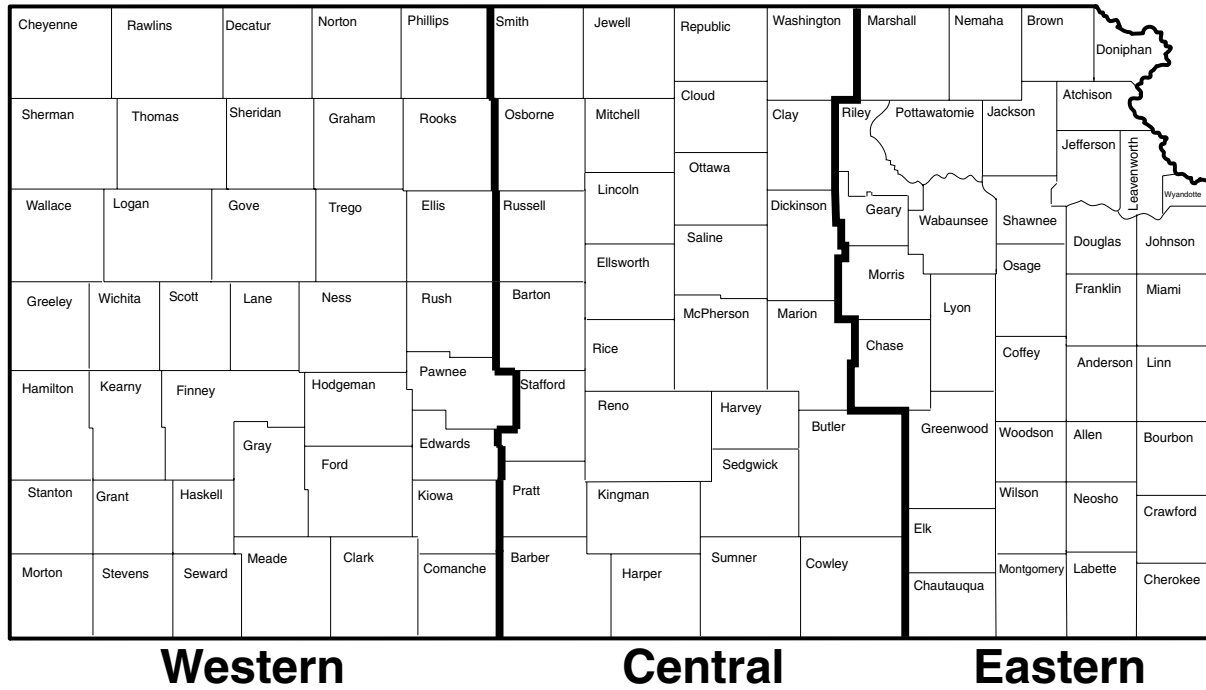
Name	Plant Range ² and Height	Wildlife Value	Bank Stabilization and Shore Protection	Remarks
Buttonbush (<i>Cephalanthus occidentalis</i>)	E,C 4-8'	Good	Excellent	Excellent for protecting shores against wave action; shade intolerant.
Dogwood, Redosier (<i>Cornus stolonifera</i>)	E,C 4-8'	Good	Fair	Twigs have red winter color; forms thickets; shade intolerant.
Dogwood, Rough-leaved (<i>Cornus drummondii</i>)	E,C,W 4-8'	Good	Excellent	Dense thickets provide cover and protection for birds and small mammals; shade intolerant.
Elderberry (<i>Sambucus canadensis</i>)	E,C,W 6-12'	Excellent	Good	Excellent for stream banks; prolific berry producer; shade tolerant.
Holly, Deciduous (<i>Ilex decidua</i>)	SE 10-20'	Fair	Fair	Good bird nesting site; use only in extreme southeast Kansas; intermediate shade tolerance.
Willow, Sandbar (<i>Salix interior</i>)	E,C,W 6-12'	Fair	Good	Excellent for stabilization of sandy soils; fast grower; shade intolerant.
Witchhazel, Vernal (<i>Hamamelis vernalis</i>)	E 6-12'	Fair	Good	Tolerates periods of standing water well; intermediate shade tolerance.

¹Generally suited for areas prone to occasional flooding and/or ponding of water such as streambanks, low areas, etc.

²See map, page 4

The species included in this publication are not the only species that could be planted on difficult sites. Publication space precluded the inclusion of all possible species.

Plant Range Map



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