

CITY OF

LEBO, KANSAS

ZONING AND SUBDIVISION

REGULATIONS

FOR

LEBO AND THE ADJOINING PLANNING AREA

**AS RECOMMENDED BY THE LEBO PLANNING COMMISSION AND ADOPTED BY THE LEBO
CITY COUNCIL ON 2003**

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LEBO PLANNING AREA ZONING REGULATIONS

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CITY OF LEBO ZONING REGULATIONS

ARTICLE 1. TITLE, PURPOSE, AND JURISDICTION

101. TITLE

These regulations, including the district zoning maps made a part hereof, constitute and may be cited as the “Zoning Regulations of Lebo, Kansas”, and shall hereinafter be referred to as “these regulations”.

102. PURPOSE

These regulations adopted pursuant to the provisions of Kansas State Statutes are intended to serve the following purposes:

- A. Promote and serve the public health, safety, morals, comfort, and general welfare of the citizens of Lebo, Kansas and the surrounding Planning Area.
- B. To create a variety of zoning districts with varying intensities of uses and standards.
- C. Obtain the objectives of the Lebo Comprehensive Plan.
- E. Preserve and protect property values.
- F. Prevent overcrowded of land.
- G. Provide adequate light and air.
- H. Avoid undue concentration of population.
- I. Regulate and restrict the use of land and location and size of structures.

103. CONSISTENCY WITH THE COMPREHENSIVE PLAN

These regulations are intended to be consistent with the adopted Comprehensive Plan of Lebo and with land use and development policies of the Planning Commission and City Council.

104. JURISDICTION

These regulations shall apply to all land within the City of Lebo and the Planning Area surrounding the City of Lebo described as being;

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, and 17 in Township 19 South, Range 14 East.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 2. INTERPRETATIONS, CONSTRUCTION AND DEFINITIONS

201. RULES OF INTERPRETATION

A. Minimum Requirements. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare.

B. Overlapping or Contradictory Regulations. Where the conditions imposed by the provisions of these regulations upon the use of land or structures are otherwise more restrictive or less restrictive than comparable conditions imposed by any other provision of any other applicable law, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards shall apply.

C. Private Agreements. The provisions of these regulations are not intended to abrogate any easement, m covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement, the requirements of these regulations shall govern.

D. Unlawful Uses. No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoptions of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

E. Not a Licensing Regulation. Nothing contained in these regulations shall be deemed to be a consent, license or permit to use any property or to locate, construct, or maintain any structure or facility or to carry on any trade, industry, occupation or activity.

F. Effect on existing approvals. Any approval given for any use prior to the adoption of these regulations will be allowed to be continued, provided that construction has been started and that such use or structure shall not be enlarged greater than such approval unless in compliance with these regulations.

202. RULES OF CONSTRUCTION

A. In the construction of these regulations the provisions and rules of this Section shall be applied, except when the context clearly requires otherwise.

1. The singular number includes the plural and the 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
4. The phrase "used for" shall include the Phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for"
5. The work "person" includes individuals, firms, corporations, and associations, governmental bodies and agencies, and all other legal entities.
6. The words "Governing Body" mean the City Council, Lebo, Kansas.
7. The words "Planning Commission" means the Lebo Planning Commission
8. The words "Comprehensive Plan" means the adopted Comprehensive Plan for the Planning Area of Lebo, Kansas
9. The words "zoning jurisdictions" mean the area as defined in Section 1-104 for which the jurisdiction of these regulations is applicable for zoning purposes
10. Unless otherwise specified, all distances shall be measured horizontally

B. Any word or phrase which is defined in this Article, or elsewhere in these regulations, shall have the meaning as so defined whenever used in these regulations, unless such definition is expressly limited in its meaning or scope.

C. Words or terms not herein defined shall have their ordinary meaning in relation to the context.

DEFINITIONS

The following definitions, including those contained elsewhere in these regulations, shall be used in the interpretation and construction of these regulations, unless the context clearly indicates otherwise. Words or terms not defined shall have their ordinary meaning in relation to the context.

Accessory Building. A detached subordinate building, located on the same lot with the main building, use of which is incidental to the main building or to the main use of the property.

Accessory Use. Any use which is incidental to and subordinate to the main use of the premises.

Advertising Sign. An advertising sign shall mean any structure, object or device, erected, maintained or used for advertising purposes related to the permitted principal use of the premises upon which it is located. This definition includes the terms "sign", "roof-signboard", "sign board", "advertising display", but does not include the term "billboard".

Agricultural Use. The growing of crops, pasturage, nursery, or the raising of poultry, 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 of an employee thereof, all on a tract of not less than 40 acres. Agriculture shall also include the sale of products on the premises, that are raised or produced on the premises, but shall not include feedlots as defined by state statute.

Alley. A dedicated public right-of-way along the side of or the rear of lots intended to provide a secondary means of access to and from streets and such lots.

Alter or Alteration. Any change or modification in construction or occupancy.

Animal Clinic or Hospital. Any building or structure designed and/or used for examinations, treatment, boarding or care of animals by a doctor of veterinary medicine.

Base Flood. A flood having a 1% chance of being equaled or exceeded in any one year.

Basement. That portion of a story having more than one-half of its height below the average grade.

Billboard. The term "billboard" shall mean any structure, object or device erected, maintained or used for advertising purposes not related to a principal use of the premises upon which it is located.

Bed and Breakfast Inn. A residential structure, other than a hotel or boarding house, where for compensation and prearrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons.

Boarding House. A building or place, other than a hotel, where by prearrangement and for compensation, lodging and meals for a definite period are provided for three or more person, and such accommodations are not furnished to transient or overnight customers.

Board of Zoning Appeals. Referred to herein as the “Board” which has been created by the Governing Body and which has the statutory authority to hear and determine appeals, conditional use, and variances to these zoning regulations as authorized by State statutes.

Building. A structure intended, designed, used or suitable for use for enclosure, shelter or protection of persons, animals, or property.

Building Height. The vertical distance from the “grade” to the highest point of the coping of a flat roof, or the deck line of a mansard roof or to the mean height between eaves and ridge of gable, hip, curved and gambrel roof.

Building Main. A building in which is conducted the principle use of the parcel upon which it is located.

Building Site. The land area, consisting of one or more lots or parcels of land under common ownership or control, considered as the unit of land occupied or to be occupied by a main building, or buildings and accessory buildings, or by a principle use or uses accessory thereto, together with such parking and loading spaces, yards, and open spaces as are required by these regulations.

Building Setback Line. A line within a lot or other parcel of land, which establishes the limits which a building or structure or addition thereto, may not be built beyond.

Business and Professional Office. The office of an engineer, dentist, doctor, attorney, real estate broker, insurance broker, architect, or other similar professional person, and any office used primarily for accounting, correspondence, research, editing or administration.

Campground, or Travel Trailer Park. Any piece, parcel, tract or plot of ground which provides space for transient occupancy and is used or intended to be used for the parking of one or more camping trailers, tents, or similar recreational vehicles. No camper shall occupy a campground for a period exceeding 30 consecutive days. The term campgrounds does not include sales lots on which unoccupied camping trailers, new or used, are parked for the purpose of storage, inspection, or sale.

Canopy. Any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs the public way.

Capacity in Persons. The maximum number of persons that can avail themselves of the services or goods of an establishment, at any one time, with reasonable comfort and safety.

Common Open Space. A parcel of land or an area of water, or combination of both and designed and intended for the use and enjoyment of the residents of the development. Common open space does not include streets, alleys, parks, off-street parking or loading area, public open space, or other facilities dedicated for public use. Common open space may contain areas for recreation such as tennis courts, and swimming pools.

Day Care Facilities. Regulations and definitions for facilities which provide care for children are established by state law and regulations of the Kansas Department of Health and Environment and the Kansas Department of Social and Rehabilitation Services. Such regulations and definitions are subject to change and are hereby incorporated by reference:

1. Child Care Center. A facility which provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three and less than 24 hours per day including day time, evening and nighttime care, or which provides before and after school care for school age children and is licensed by the State as a child care center. Facilities having less than 13 children may be licensed if approved by the State as meeting all regulations for such use.

2. Day Care Home. A home in which care is provided for a maximum of 10 children in compliance with all definitions and regulations of the State of Kansas and licensed by the State as a day care home.

3. Family Day Care Home. A home in which care is provided for a maximum of 6 children in compliance with the definitions and regulations of the State of Kansas and licensed by the State as a family day care home.

4. Group Day Care Home. A home in which care is provided for a maximum of 12 children in compliance with the definitions and regulations of the State of Kansas and licensed by the State as a group day care home.

5. Preschool. A facility providing educational experiences for children of less than kindergarten age, but who are 30 months of age or older, and in compliance with the definitions and regulations of the State of Kansas and licensed by the State as a preschool.

Disability. Shall mean with respect to a person as having:

1. A physical or mental impairment which substantially limits one or more of such person's major life activities,
2. Having a record of having such an impairment, and
3. Is regarded as having such an impairment.

Density. Restriction on the number of dwelling units that may be constructed per acre or per square feet of zoning lot area.

Developer. The legal or beneficial owner or owners of all of the land to be included in a planned development or the duly authorized agent thereof. The holder of a contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a developer for the purpose of these regulations.

Drive-in Establishment. A facility which accommodates the patron's automobiles and from which the occupants of such automobiles may purchase, transact business, or view motion pictures on other entertainment.

Dwelling. Any building, or portion thereof, which is designed or used primarily for residential purposes.

Dwelling, Single Family. A residential building having accommodations for and occupied exclusively by one family.

Dwelling, Two Family. A residential building having accommodations for and occupied exclusively by two families.

Dwelling, Multiple. A residential building or portions thereof designed with accommodations for or occupied by three or more families living independently of each other.

Dwelling Unit. One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use by one family, and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

Family. Either an individual or two or more persons related by blood, marriage or legal adoption, living together as a single housekeeping unit in a dwelling unit, or a group of not more than four persons who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, plus in either case usual domestic servants.

Farming Activities. Farming activities include any and all soil tillage operations essential for crop production, pasture grazing, pasture burning, spraying, fertilizer and /or manure application, conservation land treatment, harvesting crops, and such other farming activities attendant to proper land and soil management. Farming activities also include raising of livestock, horses, swine, poultry, in open or confinement, wild fowl raising, duck and geese raising, fish farming, fur bearing animal raising, bee keeping, worm raising, nursery operations, timber harvesting, feed milling attendant to one farm feeding.

Farm Structure. Any structure necessary for normal farming operations

Fence. A free-standing structure of metal, masonry, glass, wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

Floodway Fringe. Those portions of a flood plain outside of the boundaries of a regulatory floodway and within stream reaches, where such a floodway has been established.

Flood Plain. Land adjacent to a watercourse subject to inundation from a flood having a change occurrence in any one year of 1%.

Floor Area for Computing Off Street Parking Requirement. Floor area shall mean the gross floor area of the building measured from the exterior faces of the exterior walls or from the centerline of wall separating two buildings or uses and shall include all areas except that space used for storage.

Fraternal or Service Club. An association formally organized for fraternal, social, educational philanthropic or other similar purposes, including union and professional organizations, and operated not for profit for persons who are members paying annual dues, which owns, hires, or leases premises, the use of which is restricted to members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members. Food, meals, and beverages may be served on such premises provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold to member and their guests, provided such service is secondary and incidental to the promotion of other common objectives of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all Federal, State, and local laws.

Garage Private. Any accessory building or portion of the main building designed or used for the housing and storage of motor vehicles which are the property of, or provided for, the exclusive use of the occupants of the lot or premises upon which such building is located.

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

Governing Body. The City Council of Lebo, Kansas

Group Home. Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, which is a physical mental impairment as defined by K.S.A. 12-736, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home. Such a dwelling must be licensed as a group home by the Kansas Department of Social and Rehabilitation Services or the Kansas Department of Health and Environment.

Home Occupation. As defined in Article 9 of these Regulations.

Hotel. A building, or portion thereof, or a group of buildings, which provides sleeping accommodations for transients, with or without meals, whether such establishments are designated as a motel, cabin, tourist court, or other lodging type.

Inoperable Motor Vehicle. A motor vehicle that is wrecked, dismantled, or unable to move under its own power or is impounded by a governmental agency, or is not currently licensed.

Junk or Salvage Yard. A lot, land or structure or part thereof, used for the collective storage and sale of waste paper, rags, scrap metal, or discarded material such as from buildings or structures, or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof.

Kennel, Dog. Any place where four or more dogs over six months of age are boarded, bred or offered for sale.

Landscaping. The improvement of a lot, parcel or tract of land with grass and shrubs and or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar material and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Lot. A parcel or tract of land (legally described or platted) which is on record in the office of the register of deeds. For purpose of these regulations, a lot shall have a frontage upon a public street or road.

Lot Area. A total horizontal area within the lot lines of a lot, including road right-of-way contained in the legal description.

Lot Corner. A lot abutting upon two or more streets at their intersection. Such lot shall be deemed to front on that street on which the lot has its least dimension

Lot Coverage. That percentage of a lot which when viewed directly from above, would be covered by structure or structures, or any part thereof excluding projecting roof eaves.

Lot, Depth of. The distance between the midpoints of the front lot line and the midpoint of the rear lot line.

Lot, Double Frontage. An internal lot having a frontage on two non-intersecting streets.

Lot Internal. Any lot which does not constitute a corner lot.

Lot Line, Front. A boundary line of a lot, which coincides with a street boundary line. The word "street" as used in this definition, shall not include alley.

Lot Line, Rear. The lot line that is most distant from, and is ors most nearly parallel to the front lot line. If a rear lot line is less than 15 feet long or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet long lying wholly within the lot parallel to the front line.

Lot Line, Side. A lot line that is neither a front line nor a rear lot line.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Register of Deeds, or parcel of land, the deed to which was recorded prior to the adoption of these regulations.

Lot Width. The mean horizontal distance between the side lot lines, measured at right angles to the lot depth. Where side lot lines are not parallel, the minimum width of a lot shall be measured at the front yard setback line, but in no case shall the front line be less than 35 feet in width.

Lot Zoning. A parcel of land that is designated by its owner or developer, at the time of applying for a zoning permit as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of (1) A single lot of record, or (2). A portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record.

Manufactured Home. A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the Federal Manufacture Housing Construction and Safety Standards Code.

Manufactured Home on a Permanent Foundation. A manufactured home mounted on and securely attached to masonry or concrete foundations which extends around the full perimeter of the manufactured home and which meets standards set by the City of Lebo. Such homes shall have all traveling and towing gear removed.

Mobile Home. A transportable structure larger than three hundred and twenty (320) square feet in floor area, designed to be used as a year-around residential dwelling and built prior to the enactment of the Federal Mobile Home Construction and Safety Act of 1974, which became effective for all mobile home construction on June 16, 1976.

Mobile Home, Double Wide. A mobile home that consists of two (2) or more sections that are transported separately and assembled at the site into one (1) structure of a width of not less that twenty (20) feet.

Mobile Home, Single Wide. A mobile home that consists of one (1) section with the main body, exclusive of expansions or extensions is not more than sixteen (16) feet in width.

Modular Home. A manufactured residential structure built to a nationally recognized and accepted construction standard published by the Building Officials Conference of America (BOCA) or the International Conference of Building Officials (ICBO) and the unit is inspected and certified at the factory that it meets this standard.

Motel. See Hotel definition

Motor Vehicle Repair Shop. A building or portion of a building, arranged, intended or designed to be used for the making repairs to motor vehicles, excluding body repair and painting.

Motor Vehicle Body Shop. A building or portion of a building, arranged, intended or designed to be used for vehicle body repairs including painting.

Motor Vehicle Storage Yard. A building or premises where operable, inoperable, abandoned, wrecked or junked vehicles are stored while waiting further disposition

Nonconforming Lot of Record. An unimproved lot, which does not comply with the lot size requirements for any permitted use in the district in which it is located.

Nonconforming Use or Structure. The use of any building or premises, which are lawfully used at the time of the effective date of these regulations, which do not conform to the requirements of these regulations. This definitions shall have the same application to any amendments thereto.

Nursing Home, Retirement Home or Convalescent Home. An institution licensed by the state of the reception, board, care or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, alcoholic or narcotics addiction.

Parking Space. An all weather surfaced area on private or public property, either within or outside a building, suitable in size and location to store one standard automobile.

Person. An individual, firm, trust, partnership, association or corporation.

Plat. A map, plan or lay out of a city, township, section or subdivision indicating the location and boundaries of individual properties.

Premises. A parcel together with all buildings and structures thereon. See Building Site

Private Club. An association organized and operated either for or not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises provided adequate dining space and kitchen facilities are available. Alcoholic beverages may be sold to member and their guests, provided such service is secondary and incidental to the promotion of other common objectives of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all Federal, State, and County laws.

Public Sewer or Water System. Any system operated by a municipality or other governmental agency or a public utility for the disposal of wastes and the furnishing of water.

Recreational Vehicle. A vehicular type unit built on or for the use on a chassis and designed primarily as living quarters for recreational, camping, vacation or travel use and which has its own motive power or is mounted or drawn by another vehicle and which has body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet.

Rehabilitation Home. A residential building which is used by an organized group, licensed or regulated by the State of Kansas to supervise the rehabilitation of the individual occupants. Sometimes known as "halfway" houses for the rehabilitation of wayward juveniles, drug or alcoholic addicts or former offenders.

Residential Design Manufactured Home. A manufactured home on a permanent foundation which has minimum dimensions of 22 body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes.

Restaurant. A public eating establishment, except drive-ins, in which the primary function is the preparation and service of food upon the premises.

Rooming House. A building or portion thereof other than a hotel, where lodging of three or more persons is provided for compensations.

Screening. Decorative fencing or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation.

Setback, Building. A line nearest the front of and across a lot or parcel of land establishing the minimum open space to be provided between the front line of a building or structure and the line of the front street right-of-way. The setback distance shall be measured from the existing right-of way line.

Service Station. Any building or premises used solely or principally for the storage, dispensing, sale of offering for sale, at retail of any automotive fuels, of lubricants and accessories.

Sign. Any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are use to designate an individual firm, profession, business or commodity and which are visible from any public street or from the air. See “Advertising Sign” and “Billboard”.

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

Street. That area of land platted and dedicated for public use, or lawfully used, as a public thoroughfare for vehicular travel and which provides principal vehicular and pedestrian access to adjacent properties.

Structure. Anything fabricated, assembled, constructed or erected by the skill of man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but not limited to, buildings, advertising signs, billboards trash burners, radio/television towers, but not including fences, driveways, had surfaced walks and terraces, or public items such as utility poles, street light fixtures and street and traffic signs.

Structural Alterations. Any change in the supporting members of a building, such as bearing wall or partitions, columns, beams, or girders, or any complete rebuilding of the roof or the exterior walls. For the purpose of these regulations, the following shall not be considered a structural alteration:

1. Attachment of a new front where structural supports are not changed.
2. Addition of fire escapes where structural supports are not changed.
3. New windows where lintels and support wall are not materially changed.
4. Repair or replacement of non-structural members.

Tavern. An establishment in which cereal malt beverages are sold or served to customers for consumption on the premises.

Tourist Home. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation

Use. The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

Use Regulations. The provisions of these regulations which identify permitted, special and conditional uses, impose use limitations, and regulate accessory and temporary uses and home occupations.

Uses, Temporary. See Article 9 of these Regulations.

Yard. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided therein. In measuring a yard, the depth of the yard shall be the minimum horizontal distance between the lot line and the main building.

Yard, Front. A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than the projection of steps or entranceway. Covered porches shall be considered part the main building and shall not project into a require front yard. On a corner lot each yard that abuts a street shall be considered a front yard.

Yard, Rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies, or unenclosed porches. Where no rear line exists or is less than 10 feet, a line 10 feet in length and parallel to the front yard shall be drawn between the side lines and the rear yard measured from there. On corner lot the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Side. A yard extending from the front lot line to the rear lot line, and being the minimum horizontal distance between the side lot line and the side of the main building or any projection thereof.

Zoning Administrator. The person or persons authorized and empowered by the Governing Body to administer the requirements of these zoning regulations.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 3. DISTRICTS, BOUNDARIES AND GENERAL PROVISIONS

301. DISTRICT CLASSIFICATIONS.

In order to classify, regulate and restrict the location of structures and various uses of land, including height, intensity, yards and open spaces, the City of Lebo and that portion of Coffey County which falls under the jurisdiction of these regulations is divided into the following districts.

A, Agricultural District

R-1, Residential District

R-2, Residential District

C-1, Commercial District

C-2, Central Business District

I-1, Light Industrial District

1-2, Heavy Industrial District

PUD, Planned Unit Development District

302. ZONING MAPS

The boundaries of the districts are shown on the Official Zoning District Maps, which are filed in the office of the City of Lebo Zoning Administrator. Each of the said zoning maps, and information shown thereon is as much a part of these zoning regulations as if such notations, references, and other information were specifically set forth herein.

303. ACTIVITIES GOVERNED BY THESE REGULATIONS

A. New Structures. All structures built after the adoption of these regulations and all structures moved from one site to another shall comply with the provisions of these regulations.

B. Existing Structures. If the use of any structure existing at the time of adoption of these regulations shall change its use, it shall comply with the provisions of these regulations.

C. Structural Alterations. Structural alterations shall not be made to a legal non-conforming use (See Article 11 of these Regulations).

D. Open Land. Any use of open land, and any existing use of open land changed to another use after the adoption of these regulations, shall comply with the provisions of these regulations.

304. RULES WHERE UNCERTAINTY MAY ARISE

When uncertainty exists with regard to the boundaries of the zoning districts as shown on the Zoning Maps, the following rules shall apply:

A. Where boundary lines are shown as approximately following streets and roadways, the boundary will be the centerline of such street or roadway.

B. Where boundary lines are shown as approximately following property lines or section lines, such lines shall be construed to be the boundary.

C. Where a boundary follows a stream, lake or other body of water, such boundary line shall be deemed to be at the centerline of such stream, lake or other body of water.

305. EXISTING OFF-STREET PARKING

No structure or use already established on the effective date of these regulations shall enlarge unless the minimum off street parking spaces and loading space which would be required by Article ___ is provided for such enlargement.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 4. A, AGRICULTURAL ZONING DISTRICT

401. INTENT OF THE A, AGRICULTURAL DISTRICT

The A, Agricultural District is intended for the purpose of protecting agricultural uses by restricting and regulating density, land coverage and uses. The intent of this district is to retain certain areas of land for agricultural uses exclusively. This district is also intended to permit rural residential living on parcels not less than five (5) acres.

402. DISTRICT REGULATIONS

A. In the A, Agricultural District no building, structure or land shall be used and no building or structure shall be enlarged, altered, or erected which is designed for, used, or intended for other than one of the following uses:

1. General agricultural operations.
2. Single-family dwellings, including Residential Designed Manufacture Homes, on a permanent foundation.
3. Day Care Facilities licensed by the State of Kansas.
4. Public Parks and Recreation Areas
5. Greenhouses and Nurseries
6. Golf courses excluding miniature and pitch and put courses and driving ranges operated commercially.
7. Home Occupations
8. Stands for the sale, at retail of agricultural products or commodities raised on the premises
9. Customary accessory uses when located on the same premises as the main use, including barns, sheds, tennis courts, swimming pools, private garages, private greenhouses, barbecue ovens, fire places and similar uses.
10. The renting of not to exceed two sleeping rooms with a total occupancy of no more than 3 persons and providing no separate kitchen facilities for such sleeping rooms.
11. Accessory uses and structures

B. The following uses may be permitted by Special Use Permit when submitted to, reviewed and approved by the Lebo City Planning Commission and approved by the appropriate Governing Body.

1. Any Public building or land used by any department of the City, County, State or Federal Government.
2. Cemetery or Mausoleum.
3. Churches, Synagogues or other similar places of worship
4. Public, Parochial or Private Schools
5. Nursing, Retirement or Convalescent Homes
6. Natural gas or oil exploration and extraction
7. Salvage Yards subject to the following:
 - (1) Located on a tract at least 300 feet from any residence or any residential district
 - (2) Operation will be completely enclosed with a fence or wall with at least ninety (90) percent density and designed with a uniform height, texture and color and installed in such a manner as to keep all scrap, junk, or other materials within the yard, and to insure maximum safety to the public and obscure such materials from the view from any public street or adjoining property.
 - (3) There will be no permanent or temporary loading, unloading or storing of materials outside of the enclosed area.
 - (4) Burning of any materials shall only be permitted after approval of the Coffey County Fire District.

(5) The applicant shall maintain a current license to operate the Salvage Yard from the State of Kansas.

8. Telecommunication, Radio and Television Towers.
9. Utility Substations.

403. INTENSITY OF USE

All single-family dwellings shall be erected on a tract of land containing no less than five (5) acres.

404. HEIGHT REGULATIONS

Non-farm structures shall not exceed thirty-five (35) feet in height. Farm related structures shall not exceed thirty-five (35) feet in height except when located more than one hundred fifty (150) feet from a residential district they may be erected to a height not to exceed eighty (80) feet.

405. YARD REGULATIONS

A. Front Yards.

1. There shall be a front yard of no less than forty (40) feet measured from the street right-of-way line.
2. When a lot intersects two or more streets or roads or is a through lot with double frontage, the required front yard shall be provided off of all streets.
3. No accessory building shall be allowed in any required front yard.

B. Side Yards

Except as otherwise provided in Article 9, there shall be a side yard of not less than fifteen (15) feet

C. Rear Yards.

There shall be a rear yard of not less than forty (40) feet for all main structures.

406. SIGN REGULATIONS

See Article 12 for Sign Regulations.

407. OFF STREET PARKING

See Article 10 for Parking Requirements.

408. SUPPLEMENTAL REGULATIONS

See Article 9, Supplemental Regulations for additional requirements, which may apply.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 5, RESIDENTIAL DISTRICTS

501. INTENT OF THE R-1, RESIDENTIAL DISTRICT

It is the intent of the R-1, Residential District to provide areas for low to moderate density single family development, while allowing certain public and semi-public uses, such as churches and schools which will not be detrimental to the health, safety or general welfare of the residents in the area. It is further intended that this district also allow, under certain prescribed conditions, other residential development including two-family and multiple family uses.

502. INTENT OF THE R-2, RESIDENTIAL DISTRICT

It is the intent of the R-2, Residential District to provide areas for low to moderate density single family development on smaller lots than the R-1 District, while allowing certain public and semi-public uses, such as churches and schools which will not be detrimental to the health, safety or general welfare of the residents in the area. It is further intended that this district also allow, under certain prescribed conditions, other residential development including two-family and multiple family uses.

503 DISTRICT REGULATIONS

A. In the R-1 and the R-2 Residential Districts no building, structure or land shall be used and no building or structure shall be enlarged, altered, or erected which is designed for, used, or intended for other than one of the following uses:

1. Single Family Dwellings including Residential Design Manufactured Homes on a permanent foundation.
2. Day Care Home licensed by the State of Kansas
3. Family Day Care Home licensed by the State of Kansas
4. Group Day Care Home licensed by the State of Kansas
5. Preschool with 13 children or less, licensed by the State of Kansas
6. Public Parks and Recreation Areas
7. Home Occupations
8. Customary accessory uses when located on the same premises as the main use, including barns, shed, tennis courts, swimming pools, private garages, private greenhouse, barbecue ovens, fire places and similar uses.
9. The renting of not to exceed two sleeping rooms with a total occupancy of no more than 3 persons and providing no separate kitchen facilities for such sleeping rooms.
10. Accessory uses and structures.

B. The following uses may be permitted by Special Use Permit when submitted to, reviewed and approved by the Lebo City Planning Commission and approved by the appropriate Governing Body.

1. Any Public building or land used by any department of the City, County, State or Federal Government.
2. Boarding or Lodging Houses
3. Cemetery or Mausoleum.
4. Churches, Synagogues or other similar places of worship
5. Childcare Center.
6. Fraternal Organizations and Lodges
7. Pre-school with more than 13 children when licensed by the State of Kansas
8. Public, Parochial or Private Schools
9. Public Utility Facilities
10. Modular Home Parks (See Section 507 of this Article for Specific Requirements)
11. Multiple Family Dwellings

- 12. Nursing, Retirement or Convalescent Homes
- 13. Natural gas or oil exploration and extraction

504. INTENSITY OF USE

No structure shall be erected, converted or moved into either R-1 or R-2, Residential Districts unless they comply with the minimum lot areas as set forth in Table 504. Two-family or multiple family residential uses must also be approved by the Planning Commission and Governing Body as a Special Use permit. All other Special uses must be on a lot of a size approved by the Planning Commission and Governing Body.

**TABLE 504
INTENSITY OF USE**

| USE | R-1 DISTRICT | R-2 DISTRICT |
|-------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| SINGLE FAMILY | 7,000 SQUARE FEET | 5,000 SQUARE FEET |
| TWO-FAMILY | 10,500 SQUARE FEET | 7,500 SQUARE FEET |
| MULTIPLE FAMILY | 2500 SQUARE FEET PER UNIT MINIMUM 10.500 SQUARE FEET | 2,000 SQUARE FEET PER UNIT MINIMUM OF 7,500 SQUARE FEET |
| BOARDING LODGING HOUSES | MINIMUM OF 1,000 SQUARE FEET PER OCCUPANT WITH MINIMUM OF 7,000 SQUARE FOOT LOT | MINIMUM OF 1,000 SQUARE FEET PER OCCUPANT WITH MINIMUM OF 5,000 SQUARE FOOT LOT |

Where a lot has less area than required by Table 504, and was in existence as a separate lot prior to _____, 2002, such lot may be used only for single family purposes or any other authorized non-residential use.

505. HEIGHT REGULATIONS.

Structures shall not exceed thirty-five (35) feet in height. Structures that are approved by the Board of Zoning Appeals may be erected to a height approved by the Board, provided that the required front, side and rear yards are increased.

506. YARD REGULATIONS.

A. Front Yards.

- 1. There shall be a front yard of no less than twenty (20) feet measured from the street right of way line.
- 2. When a lot intersects two or more streets or roads or is a through lot with double frontage, the required front yard shall be provided off of all streets.
- 3. No accessory building shall be allowed in any required front yard.

B. Side Yards

Except as otherwise provided in Article 9, there shall be a side yard of not less than five (5) feet

C. Rear Yards.

There shall be a rear yard of not less than twenty (20) feet for all main structures

507. SPECIAL MANUFACTURED HOME PARK REGULATIONS

A Manufactured Home Park may be allowed by Special Use as per Section 503 of this Article, subject also to the following minimum conditions:

- 1. Each boundary of the Manufactured Home Park shall be at least fifty (50) feet from any existing residential dwelling.
- 2. Each Manufactured Home Park shall be located on a well-drained tract, properly graded to prevent water from stagnating.

3. Each space for a manufactured home shall be at least 4,000 square feet in area and be clearly defined and marked.
4. Each manufactured home shall be located on its space so that it is at least fifteen (15) feet from any other manufactured home or building within the park, except that such homes may be set so as to be no less than ten (10) feet end to end.
5. All manufactured home spaces shall face a driveway with a width of not less than twenty (20) feet, and shall have unobstructed access to a public roadway or highway. All dead end driveways shall have an approved turnaround or cul-de-sac.
6. Each manufactured home space shall provide a minimum of two off driveway parking stalls.
7. Each Manufactured Home Park shall provide easily accessible playground space of at least twenty-five hundred (2,500) square feet or twenty five (25) square feet per manufactured home, whichever is the greatest.
8. All driveways and roadways within the park shall be all weather surfaced, maintained and adequately lighted.
9. Each Manufactured Home Park shall be connected to an approved public or private water supply and sewage system, and public electrical utility system. Public natural gas supply shall be provided where available. All water and sewage systems must be approved by the City of Lebo. Construction may not start on any phase of the Park until such systems have been approved and approval has been filed with the Zoning Administrator. Where there is no water and/or sewage system available for the individual spaces, the size of each space shall be determined by the Planning Commission upon receipt of recommendation of the Coffey County Health Department.
10. Storm shelters adequate to serve all occupants of the Manufactured Home Park shall be provided unless exempted by the Planning Commission and the Governing Body.

508. SIGN REGULATIONS.

See Article 12 for Sign Regulations.

509. OFF STREET PARKING.

See Article 10 for Parking Requirements.

510. SUPPLEMENTAL REGULATIONS.

See Article 9, Supplemental Regulations for additional requirements, which may apply.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 6. BUSINESS DISTRICTS

601. INTENT OF THE BUSINESS DISTRICTS

It is the intent of the Business Districts to provide locations for various types of retail trade, service business and office uses, which are necessary to the City and Planning Area, and to provide for the regulating of density and intensity of use. It is intended that except in rare instances, these districts will be located on major streets or highways. Each such district will require ingress and egress to the street or highway, so the location of the districts must be carefully determined.

602. B1, GENERAL BUSINESS DISTRICT

The B1, General Business District is intended to provide commercial locations away from the downtown area, which require specific setbacks and required off-street parking. These locations will, in some instances, require larger buildings and lot areas.

603. B2, CENTRAL BUSINESS DISTRICT

The B2, Central Business District is intended to provide commercial locations in the central part of the city which provides sufficient in street parking, so that additional on site parking is not required. This district is further intended to provide for locations that do not require setbacks from streets or adjoining property.

604. ALLOWABLE USES

Only those uses listed on Table 604 shall be permitted in the B1, General Commercial District or the B2, Central Business District. Uses that are allowed by Special Use must make application to the Lebo Planning Commission who will hold a public hearing and make a recommendation to the appropriate Governing Body, who will make the final approval or denial. Some allowable and Special Uses have one or more conditions listed. All of such conditions must be complied with as if they were set out within the chart.

**TABLE 604
ALLOWABLE AND SPECIAL USES**

X= Allowed outright

S= Allowed as Special Use (After approval of Planning Commission and Governing Body)

C= Allowed with certain specified conditions NA= Not allowed in this district.

| # | USE | B1 | B2 |
|----|-------------------------------------------------------------------------|----|--------|
| 1 | AMUSEMENT SERVICES, INCLUDING BOWLING ALLEYS, MINIATURE GOLF, BILLIARDS | X | X (C1) |
| 2 | ANIMAL HOSPITALS | X | S |
| 3 | ARTIST STUDIOS AND GALLERIES | X | X |
| 4 | BANKS AND OTHER FINANCIAL INSTITUTIONS | X | X |
| 5 | BUSINESS SCHOOLS | X | X |
| 6 | CONSTRUCTION EQUIPMENT SALES OR CONSTRUCTION OFFICES | X | X |
| 7 | CONVENIENCE STORES | X | X |
| 8 | DAY CARE FACILITIES | X | X |
| 9 | DRY CLEANERS-LAUNDRIES | X | X |
| 10 | EQUIPMENT RENTAL AND LEASING | X | X |
| 11 | FOOD STORAGE LOCKERS | X | X |
| 12 | FRATERNAL-CIVIC-SOCIAL SERVICES | X | X |
| 13 | FUNERAL AND MORTUARY SERVICES | X | X |
| 14 | FURNITURE REPAIR AND UPHOLSTERING | X | X |
| 15 | GREENHOUSE, NURSERIES AND SUPPLIES AND SALES | X | X |
| 16 | HEALTH CLUBS, EXERCISE AND ATHLETIC CLUBS AND FACILITIES | X | X |
| 17 | HOSPITALS | X | X |
| 18 | HOTELS-MOTELS | X | X |
| 19 | KENNEL, BOARDING AND BREEDING | S | NA |
| 20 | LIBRARIES | X | X |
| 21 | LIQUOR STORE | X | X |
| 22 | MANUFACTURED HOME SALES | X | NA |
| 23 | MEDICAL-DENTAL OFFICES AND CLINICS | X | X |
| 24 | MONUMENT SALES | X | X |
| 25 | MOTOR VEHICLE REPAIR | X | X |
| 26 | MOTOR VEHICLE SALES | X | NA |
| 27 | NEWSPAPER PUBLISHING AND PRINTING | X | X |
| 28 | PRINTING, COMMERCIAL | X | X |
| 29 | PRIVATE CLUBS | X | X |
| 30 | PROFESSIONAL-BUSINESS-PUBLIC OFFICES | X | X |
| 31 | PUBLIC OWNED BUILDINGS AND USES INCLUDING CITY HALLS, SHOPS, JAILS | X | X |
| 32 | RADIO/TELEVISION BROADCASTING STUDIOS | X | X |
| 33 | RECREATION CENTERS | | |

**TABLE 604 (CONTINUED)
ALLOWABLE AND SPECIAL USES**

X= Allowed outright

S= Allowed as Special Use (After approval of Planning Commission and Governing Body)

C= Allowed with certain specified conditions NA= Not allowed in this district.

| # | USE | B1 | B2 |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------|
| 34 | RECREATIONAL VEHICLE SALES AND SERVICE | X | NA |
| 35 | RESTAURANTS | X | X |
| 36 | RETAIL SALE OF MERCHANDISE INCLUDING, BUT NOT LIMITED TO: ANTIQUES, APPAREL, APPLIANCES, BICYCLES, BOOKS, BUILDING MATERIALS, CARPET AND OTHER FLOOR AND WALL COVERINGS, CLOCKS, ELECTRICAL EQUIPMENT AND SUPPLIES FARM MACHINERY AND SUPPLIES, FOOD AND GROCERIES, FURNITURE, HARDWARE, HEATING AND AIR CONDITIONING EQUIPMENT, JEWELRY, MUSIC INSTRUMENTS AND SUPPLIES, MOTOR VEHICLES AND PARTS AND SUPPLIES, PET SHOPS, PHARMACIES, PHOTOGRAPHIC EQUIPMENT, PLUMBING EQUIPMENT AND SUPPLIES, OFFICE EQUIPMENT AND OFFICE SUPPLIES, SERVICE STATIONS | X | X |
| 37 | SERVICE BUSINESSES INCLUDING BUT NOT LIMITED TO: AUCTION SALES EXCLUDING LIVESTOCK, BARBER AND BEAUTY SHOPS, BUILDING CONTRACTORS INCLUDING ELECTRICAL, PLUMBING AND MECHANICAL, CAR WASH, INTERIOR DECORATING, LOCKSMITH, PET GROOMING, PHOTOCOPYING AND BLUEPRINTING, PHOTOGRAPHIC STUDIOS, MAILING SERVICES, REPAIR SHOPS, VETERINARIAN | X | X (C2) |
| 38 | TAVERNS, BEER HALLS, DRINKING ESTABLISHMENTS LOCATED AT LEAST 200 FEET FROM A SCHOOL OR CHURCH | X | X |
| 39 | THEATERS | X | X |
| 49 | UTILITY SUBSTATIONS | S | S |

CONDITIONS REQUIRED ABOVE.

1. Indoor uses only in the C2 district.
2. A special use permit is required where the clinic is also used as a boarding or breeding kennel

SECTION 605. YARD REGULATIONS

Minimum front, side and rear yards in the C1 General Business District shall conform to the following table. Front yard setbacks shall be measured from the public street right-of-way. No yards are required in the C2, Central Business District

**TABLE 605
YARD REGULATIONS**

| USE | MINIMUM FRONT YARD | MINIMUM SIDE YARD | MINIMUM REAR YARD |
|--------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| ALL PERMITTED USES | 25 FEET | NONE | 25 FEET |
| ALL SPECIAL USES | AS APPROVED BY THE PLANNING COMMISSION | AS APPROVED BY THE PLANNING COMMISSION | AS APPROVED BY THE PLANNING COMMISSION |

NOTE! 1. Corner Lots shall provide the same frontage on both streets. 2. There shall be a yard of 25 feet for any business in either district which abuts a residential area.

SECTION 606. MINIMUM YARD FRONTAGE

In the B1, General Commercial District, there shall be a minimum yard width for permitted uses of at least 50 feet, unless specifically reduced by the Planning Commission. The minimum width for special uses permitted will be as approved by the Planning Commission. There is no minimum width for a lot in the B2, Central Business District.

SECTION 607. HEIGHT REGULATIONS

There shall be no height restrictions for permitted uses in the B1, General Commercial District or the B2, Central Business District. All other uses permitted by special use may be built to a height approved by the Planning Commission

SECTION 608. OFF STREET PARKING

Regulations relating to required off street parking for uses in the B1, General Commercial District are set forth in Article 12, of these regulations. There are no off-street parking requirements in the B2, Central Business District.

SECTION 609. ACCESSORY USES

Regulations relating to accessory uses in both of the Business Districts are set forth in Article 9, of these regulations.

SECTION 610. SIGN REGULATIONS

Allowable Signs and regulations for both of the Business Districts are set forth in Article 12, of these regulations.

SECTION 611. SCREENING REQUIRED ADJACENT TO RESIDENTIAL DISTRICTS

Whenever a Business District is adjacent to a Residential District, screening to protect the residential use from the effect of the commercial use shall be installed. Screening shall consist of a fence, wall or evergreen plantings at least six (6) feet in height and having a visual density of 90% solid. Screening located adjacent to the front yard of an adjacent residential use shall not exceed four (4) feet in height. All screening shall be erected within three (3) feet of the adjacent property line. Evergreen screening of a type and size specified by the Planning Commission may be allowed at the time of rezoning.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 7. INDUSTRIAL DISTRICTS

SECTION 701. INTENT

It is the intent of the Industrial Districts to provide areas for both light and heavy industrial type uses and other compatible uses.

SECTION 702. INTENT OF THE I-1, LIGHT INDUSTRIAL DISTRICT

The Intent of the I-1, Light Industrial District is to provide areas for the manufacturing, processing, and fabrication of products and other compatible uses that require little or no outside storage. The effect on adjoining property is one created primarily by traffic generated by goods and employees.

SECTION 703. INTENT OF THE I-2, HEAVY INDUSTRIAL DISTRICT

The Intent of the I-2, Heavy Industrial District is to provide areas for industrial type uses that require large areas of outdoor storage of raw and or finished materials and for those uses which produce or store materials and or goods that may be noxious or offensive due to smoke, dust, noise, odor, fumes, or explosiveness,

SECTION 704. ALLOWABLE USES

Only those uses listed on Table 704 shall be permitted in the I-1 Light Industrial or I-2, Heavy Industrial Districts. Uses that are allowed by Special Use must make application to the Lebo City Planning Commission who will hold a public hearing and make a recommendation to the appropriate Governing Body, who will make the final approval or denial. Some allowable and Special Uses have one or more conditions listed. All of such conditions must be complied with as if they were set out within the chart.

**TABLE 704
ALLOWABLE AND SPECIAL USES**

X= Allowed outright

S= Allowed as Special Use (After approval of Planning Commission and Governing Body)

C= Allowed with certain specified conditions

| # | USE | I-1 | I-2 |
|-----|-----------------------------------------------------------|-----|-------|
| 1. | AIRPORTS AND AIRCRAFT STORAGE AND MAINTENANCE | S | X |
| 2. | ARSENAL | | X |
| 3. | ASPHALT OR CONCRETE MIX PLANT | S | X |
| 4. | ASSEMBLY OR REPAIR OF ELECTRICAL OR MECHANICAL APPLIANCES | X | X |
| 5. | AUCTION SALES INCLUDING LIVESTOCK | X | X |
| 6. | BOTTLED GAS RETAIL | X | X |
| 7. | BOTTLING PLANTS | X | X |
| 8. | BUILDING MATERIAL, SALES, STORAGE INCLUDING LUMBER YARDS | X | X |
| 9. | COMMERCIAL FEED LOTS | | S (1) |
| 10. | COMPOSTING PLANTS | | X |

**TABLE 704 (Continued)
ALLOWABLE AND SPECIAL USES**

X= Allowed outright

S= Allowed as Special Use (After approval of Planning Commission and County Commission)

C= Allowed with certain specified conditions

| # | USE | I-1 | I-2 |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-------|
| 11. | CONSTRUCTION OR AGRICULTURAL EQUIPMENT SALES AND STORAGE | X | X |
| 12. | ELECTRICAL GENERATING PLANTS | S | X |
| 13. | EXTERMINATING SERVICE | X | X |
| 14. | FARM SUPPLIES, INCLUDING LIVESTOCK FEED | X | X |
| 15. | FAT RENDERING | | S |
| 16. | FEED, GRAIN STORAGE AND SALES | X | X |
| 17. | FERTILIZER MANUFACTURE | | S |
| 18. | FOOD STORAGE LOCKERS | X | X |
| 19. | FOOD STORAGE OR DISTRIBUTIONS | X | X |
| 20. | FOUNDRIES | | X |
| 21. | GAS, PETROLEUM DRILLING AND REFINERY PLANTS | | S |
| 22. | GENERAL CONTRACTORS BUSINESS AND STORAGE YARDS (INCLUDING PLUMBING AND MECHANICAL) | X | X |
| 23. | GREENHOUSE, NURSERY AND GARDEN SUPPLIES | X | X |
| 24. | LANDSCAPE CONTRACTING SERVICES | X | X |
| 25. | LAUNDRY, DRY-CLEANING PLANTS | X | |
| 25. | LIGHT MANUFACTURING, FABRICATION, PROCESSING | X | X |
| 27. | LIVESTOCK WHOLESALE | S | X |
| 28. | MACHINE SHOP, MILLWORK | X | X |
| 29. | MANUFACTURING, FABRICATION OR PROCESSING OF PRODUCTS WHICH ARE CONSIDERED NOXIOUS OR OFFENSIVE DUE TO SMOKE, DUST, ODOR, NOISE, FUMES OR EXPLOSIVENESS | | X |
| 30. | MEAT PACKING PLANTS | | X |
| 31. | MOTOR VEHICLE BODY SHOP | X | X |
| 32. | MOTOR VEHICLE STORAGE YARD | S | X |
| 33. | MOTOR VEHICLE SALVAGE YARD | | X (2) |
| 34. | PROPANE STORAGE YARDS | | S |
| 35. | RAILROAD STORAGE YARDS | | X |
| 36. | RESEARCH LABORATORIES | X | X |
| 37. | SANITARY LANDFILL | | S |
| 38. | SEWAGE DISPOSAL PLANTS | | S |
| 39. | SHEET METAL, PLUMBING, BLACKSMITH SHOPS | X | X |
| 40. | SMELTERING ORE OR METAL | | S |
| 41. | SOYBEAN PROCESSING PLANT | | X |
| 42. | TRUCK WASH | S | X |

**TABLE 704 (Continued)
ALLOWABLE AND SPECIAL USES**

X= Allowed outright

S= Allowed as Special Use (After approval of Planning Commission and Governing Body)

C= Allowed with certain specified conditions

| # | USE | I-1 | I-2 |
|-----|----------------------------------------------------------------------------------|-----|-----|
| 43. | TRUCK STORAGE YARDS | X | X |
| 44. | UTILITY MAINTENANCE YARDS | | X |
| 45. | UTILITY SUBSTATIONS, PUMPING STATIONS, WATER RESERVOIRS, AND TELEPHONE EXCHANGES | X | X |
| 46. | WASTE DISPOSAL OR TRANSFER STATION | | X |
| 47. | WATER PLANT | X | X |
| 48. | WAREHOUSES | X | X |
| 49 | WHOLESALE STORAGE OF GASOLINE OR OTHER PETROLEUM PRODUCTS | | X |

CONDITIONS REQUIRED ABOVE.

1. Must be located at least 1,000 feet from any dwelling and one mile from any Residential District.
2. (a) Auto Salvage Yards shall be located at least 200 feet from a residential district or farmstead.
 - (b) Yard must be screened by natural objects, plantings, fences or other appropriate means so as not to be visible from the main traveled way of any street or highway system or any other state county, or local street or road, or from adjoining property.
 - (c) No junk or salvaged materials shall be loaded, unloaded, stored, either temporarily or permanently outside the enclosed building, fence, or wall or within public right-of way.
 - (d) Burning of any material shall be done only in daylight hours and with approval of the Coffey County Fire District, except as prohibited by the Kansas Department of Health and Environment.
 - (e) The applicant shall maintain a valid state license to operate an auto salvage yard and if the license lapses for a period of three (3) months or if the license is revoked by the state, then the special use shall terminate, the use shall immediately cease, and all salvage materials shall be removed from the site within sixty (60) days.
 - (f) Salvage yards legally existing as of the effective date of these regulations may continue, but not expand in area unless a special use permit is issued complying with these regulations.

SECTION 705. YARD REGULATIONS

Minimum front, side and rear yards shall conform to the following table. Front yard setbacks shall be measured from the public street right-of-way.

**TABLE 705
YARD REGULATIONS**

| USE | MINIMUM FRONT YARD | MINIMUM SIDE YARD | MINIMUM REAR YARD |
|------------------------------------------------------|----------------------------------------|----------------------------------------|----------------------------------------|
| ALL PERMITTED USES IN EITHER THE I-1 OR I-2 DISTRICT | 30 FEET | NONE | 20FEET |
| ALL SPECIAL USES IN EITHER THE I-1 OR I-2 DISTRICT | AS APPROVED BY THE PLANNING COMMISSION | AS APPROVED BY THE PLANNING COMMISSION | AS APPROVED BY THE PLANNING COMMISSION |

NOTE! 1. CORNER LOTS SHALL PROVIDE THE SAME FRONT YARD ON BOTH STREETS. 2. WHEN A SIDE YARD OF A USE IN EITHER INDUSTRIAL DISTRICT ABUTS A RESIDENTIAL LOT THE SIDE YARD SHALL BE 20 FEET. IF A REAR YARD ABUTS A RESIDENTIAL DISTRICT THE REAR YARD SHALL BE 40 FEET

SECTION 706. MINIMUM YARD FRONTAGE

In the both the I-1, Light Industrial District and the I-2 Heavy Industrial District, there shall be a minimum yard width for permitted uses of at least 50 feet, unless specifically reduced by the Planning Commission. The minimum width for special uses permitted will be as approved by the Planning Commission.

SECTION 707. HEIGHT REGULATIONS

There shall be no height restrictions for permitted uses in the either Industrial District. All other uses permitted by special use may be built to a height approved by the Planning Commission.

SECTION 708. OFF STREET PARKING

Regulations relating to required off street parking for uses in the I-1, Light Industrial District and the I-2, Heavy Industrial District are set forth in Article 10 of these regulations.

SECTION 709. ACCESSORY USES

Regulations relating to accessory uses, in I-1, Light Industrial District and the I-2 Heavy Industrial District, are set forth are set forth in Article 9, of these regulations.

SECTION 710. SIGN REGULATIONS.

Allowable Signs and regulations for I-1, Light Industrial District and the I-2 Heavy Industrial District are set forth in Article 12 of these regulations.

SECTION 711. SCREENING REQUIRED ADJACENT TO RESIDENTIAL DISTRICTS

Whenever an Industrial District is adjacent to a Residential District, screening to protect the residential use from the effect of the industrial use shall be installed. Screening shall consist of a fence, wall or evergreen plantings at least six (6) feet in height and having a visual density of 90% solid. Screening located adjacent to the front yard of an adjacent residential use shall not exceed four (4) feet in height. All screening shall be erected within three (3) feet of the adjacent property line. Evergreen screening of a type and size specified by the Planning Commission may be allowed at the time of rezoning.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 8. PUD, PLANNED UNIT DEVELOPMENT

801. INTENT

It is the intent of the PUD, Planned Unit Development District to encourage innovation in development by permitting greater variety and flexibility in type, design, and layout of buildings and the use of land; to encourage more efficient use of land using modern land development methods; encourages development which protects the value of property and to provide a procedure which relates to the type, design and development of the property. The PUD is an overlay zone. The developer shall submit preliminary and final development plans in accordance with the provisions of this article.

802. GENERAL PROVISIONS

A. A planned unit development shall be in general conformity with the provisions of the Comprehensive Plan adopted for the Lebo Planning Area, and shall not have an adverse affect on adjoining property.

B. A planned unit development may be established for residential use, commercial use or industrial use or any combination thereof.

C. Minimum size of any PUD tract shall be 3 acres

D. A Preliminary Plan shall be submitted for the entire tract of land to be developed; however the Final Plan of development may be submitted in stages.

E. Yard setbacks and heights for development shall be consistent with the district in which the project is located, but may be varied with approval of the Planning Commission.

F. Off street parking shall be provided for all uses within the PUD in accordance with the parking required by Article 10 of these Regulations.

G. Development must begin within eighteen (18) months of the date of the Final approval by the Governing Body. The time period may be extended upon application to and approval from the Planning Commission upon showing of good cause by the developer. Failure to start within the eighteen (18) months of the date of approval by the Governing Body shall void the approval unless the time has been extended by the Planning Commission.

H. When a non-residential PUD abuts a residential district, a solid or semi-solid screen 6 to 8 feet in height and with no less than 90% density shall be erected within three (3) feet of the property line separating the PUD from the residential district.

I. The PUD shall include plans for development and maintenance of any common open spaces, private streets, drives, and utilities.

803. APPLICATION

The application for a PUD is a two-step process. A Preliminary Plan must be submitted to the Planning Commission for approval and pubic hearing the same as for any other rezoning request. The approval of the Planning Commission shall be submitted to the appropriate Governing Body for approval. Upon approval of the Preliminary Plan by the Governing Body they shall approval an ordinance or resolution as the case may be designating the tract with the overlay PUD and amend the official zoning map. The developer may then submit a Final Plan for any portion or the complete project to the Planning Commission. Approval of the Final Plan by the Planning Commission shall be submitted to the appropriate Governing Body for final approval.

804. PRELIMINARY PUD

The applicant shall submit an application for rezoning the same as for any other rezoning application. The application shall include (5) copies of any required drawings, plans, or specifications. The application for a preliminary PUD shall include:

- A. The complete legal description of the property.
- B. Either contours at 2-foot intervals if any new public streets are involved or spot elevations if no new streets are required.
- C. General location, size and use of all proposed structures.
- D. Drawing showing location of adjoining streets, entrances, driveways, screening (if required), setbacks, open spaces and parking facilities.
- E. Approval of the City of Lebo or, Coffey County Health Department for county properties, for water and sewer facilities proposed.
- F. If the development is proposed to be completed in stages, a plan of development shall be submitted showing the approximate time of development proposed for each stage.

805. FINAL PLAN

After approval of the preliminary plan, the applicant shall submit a final plan for the entire development or for a portion of the area approved. The request for a Final plan shall include drawings showing all approval and conditions of the approved preliminary plan. A Final plan must be in substantial compliance with the approved preliminary plan with only minor changes allowed. If there are substantial changes, the Planning Commission shall require submission of an amended preliminary plan of development. If a final plan is in substantial compliance with the preliminary approval a public hearing need not be held for the plan. The Planning Commission's approval of the final plan shall be submitted to the County Commission for final approval and acceptance of any public right-of-ways and/or utility easements.

806. RECORDING

The final plan shall include space for signatures of approval of the Planning Commission Chairman and the County Commissioners and shall be filed for record with the Coffey County Register of Deeds

CITY OF LEBO ZONING REGULATIONS

ARTICLE 9. SUPPLEMENTARY REGULATIONS

901. GENERAL

The regulations set forth in this article, supplement and/or qualify the district requirements found elsewhere in these regulations.

902. ACCESSORY USES

Accessory uses are permitted in any zoning district in connection with any principal use that is permitted.

A. Definitions. An accessory use is a structure or use which:

1. Is subordinate to and serves a principal building and/or principal use, and
2. Is subordinate in area, extent or purpose to the principal building served, and
3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served, and
4. Is located on the same lot as the principal building or principal use served.

B. Permitted Accessory Uses. Any structure or use that complies with the terms of 802 (A) above may be allowed as an accessory use or structure and may be included, but is not limited to the following list of examples:

1. A structure for storage incidental to a permitted use.
2. A child's playhouse.
3. A private swimming pool and bathhouse.
4. A guest house (without kitchen facilities) or rooms for guests in accessory building provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units for permanent occupancy as housekeeping units.
5. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls and hedges.
6. Fallout shelters provided that they shall not be used for any principal or accessory use not permitted in the zoning district.
7. Signs, when specifically permitted by these regulations.
8. Storage of major recreational equipment such as boats or camping trailers; provided that they shall not be utilized for living purposes, except for the convenience of temporary lodging only, and when parked on a residential lot shall be located not less than five feet from the front lot line.
9. Restaurants, drug stores, gift shops, clubs and lounges and newsstands when located in a permitted hotel or motel.
10. Employee restaurants and cafeterias when located in a permitted business or industrial building.
11. Outdoor storage shall not be permitted as an accessory use in residential districts except as a temporary or seasonal activity.

C. Location Requirements.

1. No detached accessory building hereafter constructed shall be located within a required front yard or be located within 10 feet of any dwelling existing or under construction on the building site, except that for a detached garage the minimum distance from the dwelling shall be no less than five feet.

2. No single accessory building, in a residential district, shall occupy more than 30 percent, nor shall all such buildings collectively occupy more than 40 percent of the required yard spaces.

3. No accessory buildings shall be located closer than five (5) feet to any lot line; in the case of a corner lot, no accessory building shall project closer to the street side yard than the front yard abutting. An existing accessory building, which does not meet the required setback, may be rebuilt, or enlarged, provided it does not further decrease the existing setback.

903. TEMPORARY USES PERMITTED

The following uses of land are permitted in each zoning district unless specifically restricted to particular zoning districts and are subject to the regulations and time limits, which follow, and to the other applicable regulations of the district in which the use is permitted:

- A. Temporary asphalt or concrete batching plants are permitted in any commercial or industrial district, only when being used as part of a local construction project.
- B. Temporary buildings for use incident to construction, which buildings must be removed upon completion or abandonment of the construction work.
- C. Christmas tree sales in any district except residential for a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of these regulations provided that no tree shall be displayed within 30 feet of the intersection of the curb line of any two streets.
- D. Seasonal sale of farm produce grown on the premises in a single-family residential district to continue for not more than six months per year. Structures incidental to such sale need not comply with the applicable front yard requirements if the structures are removed or moved back of the required front yard setback line at the end of the season during which they are used.
- E. A carnival or circus may temporarily be located in any district. Such use need not comply with the front yard requirements, provided that structures or equipment, which might block the view of operators of motor vehicles on the public streets, shall not be located within 30 feet of the intersection of the curb line of any two streets.
- F. Promotional activities of retail merchants involving the display of goods and merchandise may be conducted outside of enclosed buildings for a period of not more than two consecutive weeks in any three month period and retail business may display merchandise of a type generally sold within the building in the area immediately adjacent to the building subject to the following conditions.
 - 1. No portion of the display shall be on publicly owned property.
 - 2. No food or drink may be displayed outside the building except in accordance with standards, if any, established by the applicable health agency.
 - 3. These provisions shall in no way be deemed to authorize the outdoor display or the sale of used furniture, used appliances, used plumbing, used house wares, used building material or similar display or sale in any business districts unless permitted by other sections of these regulations.
- G. The periodic conduct of what is commonly called "garage or yard sales" which do not exceed a period of more than five days during each six months.
- H. Fire works stands, in the county area complying with all County and State regulations regarding such use, including safety features and time frames.

904. HOME OCCUPATIONS AUTHORIZATION

Home occupations that are customarily incidental to the principal use of a residential building shall be permitted provided the residential appearance of the building is maintained and no undue traffic or parking problems are created. No zoning permit is required.

- A. Definition. A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or within a structure that is accessory to a residential building.

B. Restrictions and Limitations. In addition to all of the use restrictions and limitations applicable to the district in which it is located, home occupations shall be permitted subject to the following restrictions:

1. The home occupation shall be conducted entirely within the principal residential building or in a permitted private garage or accessory structure thereto.
2. In no way shall the appearance of the structure or the conduct of the occupation within the structure so altered that it may reasonably be recognized as serving a non-residential purpose (either by color, materials of construction, lighting, sounds or noises, vibrations, etc.).
3. No mechanical equipment is used which makes any loud, unnecessary or unusual noise, or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others.
4. No outdoor display or storage of material.
5. Goods or stock for sale must be stored in enclosed areas
6. No commodity is sold on the premises except that which is prepared on the premises.
7. No more than one employee other than persons occupying the dwelling shall be employed.
8. Not more than 20 percent of the net floor area of the dwelling may be devoted to the occupation. No signs displayed except as permitted in these regulations or required by State law in conjunction with a particular occupation.

C. Home Occupations Permitted. Customary home occupations include, but are not limited to the following list of occupations provided, however, that each listed occupation shall be subject to all requirements of this article.

1. Artists, authors, sculptors or composers.
2. Barber and beauty shops.
3. Boarding homes for children and day care homes.
4. Dressmakers, seamstresses, tailors.
5. Home crafts, such as model making, rug weaving, lapidary work, cabinet making, etc.
6. Music teachers, provided that instructions shall be limited to two pupils at any time, except for occasional groups.
7. Office facilities for architects, engineers, attorneys, real estate or insurance agents, brokers and members of similar professions
8. Office facilities for salesmen, sales representatives, and manufacturer's representatives, when no exchange of tangible goods is made on the premises.
9. Photographic studios.

D. Home Occupations Prohibited. Permitted home occupations, for example, shall not in any event be deemed to include:

1. Animal kennels or hospitals.
2. Auto and other vehicle repair.
3. Dancing schools.
4. Funeral homes.
5. Massage parlors.
6. Medical or dental clinics or hospitals.
7. Nursery schools and day care centers, unless specifically permitted by the district regulations.
8. Renting of trailers or equipment.
9. Restaurants.
10. Small grocery stores.
11. Retail sales of any type unless specifically permitted in Section C above.

905. MISCELLANEOUS

A. Number of Structures on one lot. Except for one and two-family uses there may be more than one principal building per lot, provided that all setbacks are observed.

B. Platted Building or Setback lines. If a recorded subdivision plat imposes a front building or setback different than the front yard required by the district in which the subdivision is located, the recorded setback shall prevail.

C. Yard requirements for Open Land. If a tract is occupied by a permitted use without structures, then only the required front yard would be necessary for such use, unless such is waived by the Planning Commission.

D. Permitted Obstructions in Required Yards. Every part of a required yard shall be open to the sky, unobstructed, except for allowable accessory buildings, and except for:

1. Unenclosed porches and decks open to the sky, and not more than three (3) feet above grade, may extend no more than ten (10) feet into a required front or rear yard, and or no more than two and a half (2 1/2) feet into a required side yard.
2. Bay windows may extend no more than eighteen (18) inches into a required yard.
3. Cornices, canopies, eaves, other ornamental features, fireplaces, and flues may extend no more than two and a half (2 1/2) feet into a required yard.

E. Commercial or Industrial Access. No land zoned for either Agriculture or Residential shall be used as access to or from any commercial or industrial district, except as may be approved by a PUD.

F. Required Street Frontage. Except for agricultural structures, or approved PUD's no building or structure shall be built except upon a lot or tract that has frontage on a public street or roadway.

G. Sight Triangle. No structure over 36 inches in height shall be located within 30 feet of the right-of-way intersection of two adjoining streets.

906. UNLICENSED VEHICLES ALLOWED CONDITIONALLY.

A motor vehicle which is unlicensed /and or inoperable may be allowed in any district within an enclosed building Also no more than one unlicensed motor vehicle, which is being restored, may be allowed on the property provided such vehicle is more than 35 years old.

907. EXCEPTIONS TO FRONT YARD REGULATIONS.

A. Where there is no recorded front building line and all structures within the block setback greater than required by district regulations, a new or enlarged structure may set in line with the structure closest to the street.

B. Where there is no recorded front building line and fifty (50) percent or more of the structures set less than required by district regulations, a new or enlarged structure may set in line with the average of the structures on either side and adjacent to the new or enlarged structure.

908. FENCE REGULATIONS

Except as otherwise provided in these regulations, and also except for agricultural uses, the following restrictions apply to the construction of all fences in all zoning districts.

A. Location and Heights of Fences.

1. Front Yard. Fences may be erected within a required front yard provided that no such fence shall exceed forty-eight (48) inches in height following the natural contour of the ground and no fence shall exceed thirty-six (36) inches in height within a sight triangle.

2. Side or Rear Yard. Fences may be erected within a side or rear yard to a maximum height of six feet six inches (6'6") in height following the natural contour of the ground.
3. Buildable Area. Fences located in any location where a structure may be built may be erected to a maximum height of 8 feet.
4. Exception: The Zoning Administrator may authorize a higher fence at Schools, Parks, Playgrounds, or Commercial or Industrial areas where needed for security and where such fence will promote the safety, health or general welfare of the public.

B. Prohibited Fences. No barbed wire or other sharp fence and no electrically charged fence shall be erected or maintained within the corporate limits of the City of Lebo. Any such fence existing at the time of the adoption of these regulations shall be removed within sixty (days) of the effective date thereof. PROVIDED. The Zoning Administrator, when deemed necessary for security around Commercial, Industrial or Public property, may authorize the placing of barbed wire on top of a fence no less than six (6') feet in height. The Zoning Administrator shall determine the direction of the barbed wire.

C. Retaining Walls. Retaining walls may be erected at the height and location of fences, with the height being measured from the low side of the wall.

D. Removal. Any fence or wall erected or maintained in violation of these regulations shall be removed within five (5) days after receipt of notice from the Zoning Administrator.

E. Permit and Fees. No person shall erect any fence without first having obtained a written permit to do so from the Zoning Administrator. Fees shall be as determined by the Governing Body by Ordinance from time to time.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 10. OFF STREET PARKING AND LOADING

1001. OFF-STREET PARKING

Off-street parking facilities as required by this article shall be provided for any new building and for any new use established, additions to existing use, or any change in manner of use which results in increased capacity.

A. General Provisions.

1. Utilization: Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses.
2. Parking space dimension: A required off-street parking space shall be not less than eight (8) feet six (6) inches in width and not less than nineteen (19) feet in length, exclusive of access drives or aisles, ramps, or columns.
3. Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space.
4. Open and enclosed parking: Off-street parking spaces open to the sky may be located in any yard, except that in residential districts no such parking spaces shall be located in a required front yard or a required side yard adjacent to a street. Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in the district in which located.

B. Design and Maintenance.

1. Design: Off-street parking spaces may be open to the sky or enclosed in a building.
2. Surfacing: All open off-street parking areas except required parking spaces accessory to a residential use, shall be graded and otherwise improved with an all weather surface.
3. Screening: All off-street parking areas containing more than six parking spaces should be effectively screened on each side that adjoins residential district by a wall, fence or densely planted compact evergreen hedge not less than six feet nor more than eight feet in height. Parking areas shall be arranged and designed so as to prevent damage to, or intrusion into, such wall, fence or hedge.
4. Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
5. Repair and service: No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities.
6. Computation: When determination of the number of off-street parking spaces required by these regulations results in a requirement of a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.
7. Collective provisions: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so furnished is not less than the sum of the separate requirements for each such use, and provided that all regulations covering the location of accessory parking spaces in relation to the use served are adhered to.
8. Location: All parking spaces required to serve buildings or uses shall be located on the same zoning lot as the structure or use served unless a conditional use permit is obtained under Section 1003.
9. Employee parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

1002. REQUIRED SPACES

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as per the following Table.

**TABLE 1002
REQUIRED OFF STREET PARKING**

| USE | OFF STREET PARKING SPACES REQUIRED |
|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| RESIDENTIAL: Dwellings Nursing Home Manufactured Home Park Dormitories, Boarding Homes, Fraternities, Sororities | 2 spaces for each dwelling unit 1 space for each 3 beds 2 space per mobile home unit One space for each 2 persons |
| CHURCHES | One space for each 4 seats |
| SCHOOLS Pubic or Private Elementary or Jr. High, High School or College | 2 spaces per class room plus drop off and pick up space 1 space for each 15 students plus 1 space for each 2 employees |
| ASSEMBLY: Restaurants, Taverns, Private Clubs, Theaters Funeral Homes | 1 space for each 3 seats based on maximum capacity |
| PROFESSIONAL OFFICES INCLUDING DOCTORS AND CLINICS | 1 space for each 400 square feet of floor area |
| FURNITURE AND LARGE APPLIANCE STORES | 1 space for each 400 square feet of floor area |
| RETAIL SALES | 1 space for each 200 square feet of floor area |
| MANUFACTURING, ASSEMBLY PLANT OR OTHER INDUSTRIAL USES | 1 space for each three employees on a maximum shift |
| PERSONAL SERVICE INCLUDING BEAUTY AND BARBER SHOPS | 1 space for each 150 square feet of area |
| BOWLING ALLEYS | 5 spaces for each lane plus parking required for any assembly area |
| AUTOMOBILE OR TRUCK WASH | 2 holding spaces per stall plus drying area |
| MOTEL OR HOTEL | 1 for each guest room |

Parking spaces for other permitted uses not listed above shall be provided in accordance with the determination of the Zoning Administrator with respect to the number of spaces that are required to serve employees and/or the visiting public at each such use.

1003. CONDITIONAL USE FOR PARKING

In order to provide required off-street parking areas, the Board of Zoning Appeals, may grant a conditional use permit for the establishment of parking areas in any zoning district under the following provisions:

- A. Location: Parking area must be within 300 feet of the boundary of the use for which the parking is provided.
- B. Use: The parking area shall be used for vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
- C. Improvements: All design and maintenance requirements of Section 901B above shall be complied with.

The Appeals Board shall determine the necessity of additional improvements in order to protect adjacent property owners and the public interest. Such improvements shall include, but not be restricted to proper setbacks, screening wall, grass, shrubs, trees and maintenance.

1004. OFF-STREET LOADING AND UNLOADING

Loading and unloading space shall be provided off-street and on the same premises with every building, structure or part thereof, hereafter erected, established or enlarged and occupied for goods display, retail operation, department store, market, hotel, mortuary, laundry, dry cleaning, manufacturing activities, or other uses involving the receipt or distribution of materials or merchandise by motor vehicle. The loading and unloading space or spaces shall be so located to avoid undue interference with public use of streets, alleys and walkways.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 11. NONCONFORMING USES

1101. NONCONFORMING LOTS OF RECORD

A. Even though the lot area, width or depth of the area is less than the minimum required by these regulations for the district, any of the following specified lots or parcels of land may be used as a building site for dwelling purposes in a residential district if all other requirements of Section 1102 (B) below are met; provided, that no more than one dwelling unit shall be placed upon any such lot or parcel:

1. Any lot shown on a subdivision plat recorded prior to August 1, 2002.
2. Any parcel of land purchased prior to August 1, 2002 by the present owner or by a person from whom the present owner acquired it through testamentary disposition or in testate succession, where no adjacent land is owned, by the same person.
3. Any lot or parcel of land where the deficiency is due exclusively to the condemnation of a portion thereof for a public purpose or the sale thereof to any agency or political subdivision of a city or the State or Federal government.

B. Construction permitted by Section 1101 A above shall comply with all other regulations applicable in the residential zoning district in which the lot in question is located.

1102. NONCONFORMING STRUCTURES

A. Authority to Continue. Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions in Sections 1102(B) through 1102(D).

B. Enlargement, Repair, Alterations. Any such structure described in Section 1102 (A) may be enlarged, maintained, repaired or remodeled; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure.

C. Damage or Destruction. In the event that any structure described in Section 1102 (A) is damaged or destroyed, by any means, to the extent of more than 50 percent of its assessed valuation, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 50 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

D. Moving. No structure described in Section 1102 (A) shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

1103. NONCONFORMING USES

A. Authority to Continue. Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use of land, may be continued, so long as otherwise lawful, subject to the regulations contained in Sections 1103(B) through 1103(J).

B. Ordinary Repair and Maintenance. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use; provided, however, that this subsection shall not be deemed to authorize any violation of Section 1103(C) through 1103(I) of these regulations.

Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition provided that such restoration will not be in violation of Section 1102 (F) of these regulations.

C. Structural Alteration. No structure that is devoted in whole or in part to a nonconforming use shall be structurally remodeled unless the entire structure and use thereof shall thereafter conform to all regulations of the zoning district in which it is located.

D. Extension. A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities shall include, without being limited to:

1. Extension of such use to any structure or land area other than one occupied by such nonconforming use on the effective date of these regulations or on the effective date of a subsequent amendment heretofore that causes such use to become nonconforming.
2. Extension of such use within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of these regulations or on the effective date of a subsequent amendment heretofore that causes such use to become nonconforming; provided, however, that such use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on such effective date.

E. Enlargement. No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

F. Damage or Destruction. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50 percent of its assessed valuation, such structure shall not be restored unless such structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located. When such damage or destruction is 50 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained, and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.

G. Moving. No structure that is devoted in whole or in part to a nonconforming use, shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No nonconforming use of land shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

H. Change in Use. If no structural alterations are made other than those necessary to repair or maintain the structure as described in Section 1002(B), a nonconforming use of a structure may be changed to another nonconforming use of the same or higher restrictive classification. When a nonconforming use has been changed to any permitted use, it shall not thereafter be changed back to a nonconforming use.

I. Abandonment or Discontinuance. When a nonconforming use of land, not involving a structure, or involving only a structure which is accessory to the nonconforming use of land, is discontinued or abandoned, for a period of six consecutive months (regardless of any intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located.

When a nonconforming use of a part or all of a structure which was not designed and intended for any use which is permitted in the zoning district in which such structure is located, is discontinued or abandoned for a period of 12 consecutive months (regardless of any intent not to abandon or to resume such use), such use shall not thereafter be re-established or resumed, and any subsequent use or occupancy of such structure shall comply with the regulations of the zoning district in which such structure is located.

J. Nonconforming Accessory Uses. No use, which is accessory to a principal nonconforming use, shall continue after such principal use shall cease or terminate.

CITY OF LEBO ZONING REGULATIONS ARTICLE 12. SIGNS

1201. PURPOSE

The purpose of the Sign Regulations is to control the size, number and location of signs and other advertising devices. It is further intended to permit only these signs that are essential and reasonable for the conduct of business and industry within the City of Lebo and the adjacent Planning Area and to prevent unreasonable numbers, size and illumination of signs.

1202. DEFINITIONS

Definitions of terms used in this Article shall be as follows, unless the context otherwise indicates:

Advertising Sign. An advertising sign shall mean any structure, object or device, erected, maintained or used for advertising purposes related to the permitted principal use of the premises upon which it is located. This definition includes the terms “sign”, “roof-signboard”, “sign board”, “advertising display”, but does not include the term “billboard”.

Billboard. An advertising sign, board or panel constructed for the purpose of displaying posters, pictures, printed or painted advertising matter elsewhere than the premises, which such is located.

Bulletin Board. A sign, normally with a transparent cover, upon which information such as hours or operation or posters are attached.

Front Footage. The frontage of the lot on which the sign is located.

Flashing Sign. Any illuminated sign on which the lighting is not constant at all times.

Pole Sign. Any sign not attached to a building, other than a billboard, erected and supported upon the ground and attached to the ground permanently.

Projecting Sign. Any sign, other than a wall sign, which is supported by the wall of a building and projects out from such wall.

Roof Sign. Any sign erected, constructed and placed upon the roof of a building with the principal support on the roof or exterior walls.

Temporary Sign. A sign, banner, pennant, special flag, balloon or other air or gas filled devices intended for short-term use.

Wall Sign. All flat signs of permanent construction that is attached flat up against any wall of a building.

1203. SIGNS PERMITTED IN THE A, AGRICULTURAL DISTRICT AND THE R1 AND R2, RESIDENTIAL DISTRICTS

A. Un-illuminated name plates for home occupations attached to the wall of the structure being used for such home occupation and being no more than two (2) square feet in area.

B. Bulletin Boards and signs for churches and other public and semi-public buildings allowed in the Agricultural and or Residential districts subject to the following:

1. Only one such sign or bulletin board located on the same property as the principal use.
2. No such sign or bulletin board shall exceed twenty (20) square feet in area.
3. Location of such sign or bulletin board shall be no closer to the front property line than one
4. Ground signs shall be permanently anchored to the ground and be no more than eight (8) feet in height.

C. Signs identifying subdivisions or other development areas shall not exceed sixteen (16) square feet in size.

D. Signs for structures permitted by Special Use in these districts shall be as approved by the Planning Commission and the appropriate Governing Body and shall be identified and located at the time of the application for the Special Use Permit.

1203. SIGNS PERMITTED IN THE B1, GENERAL BUSINESS DISTRICT, THE B2 CENTRAL BUSINESS DISTRICT AND THE I-1, LIGHT INDUSTRIAL DISTRICT AND THE I-2, HEAVY INDUSTRIAL DISTRICT.

A. In the "B1", "B2", "I-1", and "I-2" Districts advertising signs which advertise only the service, articles or products offered upon the premises where such signs are located are allowed subject to the following restrictions:

1. There shall be no more than two signs per street frontage for any business or industry allowed.
2. The total square footage of all such signs on any one frontage shall not exceed seven hundred (700) square feet in area.
3. Wall signs shall not project more than five (5) feet above the top of the wall.
4. Pole signs shall not exceed forty (40) feet in height or two hundred fifty (250) square feet in surface area.
5. No sign shall be erected upon or project over any public street or right-of-way except in the B2, Central Business District where a wall mounted sign may project over public property by no more than two feet. Such projecting sign shall be no less than seven (7) feet over the public property.
6. No sign shall be erected on or over any public utility easement.
7. Any sign erected within fifty (50) feet of the intersection of two streets or within three (3) feet of a driveway shall have the bottom of the sign at least eight (8) feet above the ground below it.
8. Lighting on all signs shall be allowed provided that the design is such that all glare is prevented from being on a street or adjacent property.
9. Any sign within two hundred (200) feet of a residence shall be a wall sign only and attached flat against the wall of the structure.

B. Billboards.

In addition to the signs allowed in Section 1203 A, above, billboards may be allowed outright in the Industrial Districts only when in conformance with the following:

1. No billboard shall be located closer than fifty (50) feet to any property line, and at least 200 feet from the property line of a property that is zoned residential.
2. No billboard shall exceed thirty (30) feet in height above the ground level where they are erected.
3. No billboard shall exceed five hundred (500) square feet in area.
4. No billboard shall be erected within five hundred (500) feet of another billboard.

C. Signs in PUD, Planned Unit Development Districts shall be as approved by the Planning Commission and Governing Body upon initial application of the PUD.

D. Temporary Signs

Temporary signs may be erected in the "B1", "B2", "I-1", or "I-2" Districts subject to the following:

1. No temporary sign shall be erected or placed so as to be located in or project into any public right-of-way or adjoining property.
2. Such signs shall be limited to 4 per year for each location.
3. No such sign shall be allowed to be placed on the property more than fourteen (14) days at any one time.
4. No electrical cords shall be located as to expose them to physical damage and shall not be laid upon any driveway, parking lot or sidewalk
5. Such sign shall not exceed thirty-two (32) square feet in area.

E. Nonconforming Signs

Any existing sign which does not conform to these requirements may be continued but may not be replaced except in conformance with these regulations

F. Portable Signs/Vehicle signs

Portable signs are prohibited except as authorized as a temporary sign by Section D of this article. Signs which are painted on any motor vehicle or trailer shall be considered as an illegal portable sign if such vehicle and or trailer are parked at a location, other than the business which they advertise, for other than making deliveries or while performing work at such location. Any such vehicle or trailer when parked at the place of business that they advertise must be currently licensed and in operating condition.

F. Permits/Fees.

No sign of any type shall be erected without prior written approval of the Zoning Administrator. Such permit application shall be on a form prescribed by the Zoning Administrator and shall be accompanied by a fee as determined by ordinance from time to time by the Governing Body.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 13. BOARD OF ZONING APPEALS

1301. AUTHORIZATION

A Board of Zoning Appeals is hereby established as prescribed by law, and hereinafter in this Article will be referred to as the "Appeals Board".

1302. MEMBERSHIP

The Planning Commission shall act as and set as the Board of Zoning Appeals. The Appeals Board shall annually elect one of its members as chairman. The Appeals Board may also select from among their members a vice-chairman and such other officers as the Board shall consider necessary. The Appeals Board shall appoint a secretary, who need not be a member of the Appeals Board, to maintain its records and keep minutes of all proceedings before the Appeals Board.

1303. JURISDICTION

The Appeals Board shall have the following jurisdiction and authority:

A. To hear and decide appeals subject to the procedure and standards set out in Section 1307 where it is alleged there is error in any order, requirement, decision or determination (hereinafter referred to collectively as "decision") made by the Zoning Administrator under these regulations.

B. To hear and pass upon applications for variances from the regulations and restrictions imposed by these regulations in the manner and subject to the procedure and standards set out in Section 1308.

C. To hear and decide applications for conditional use permits in the manner and subject to the procedure and standards set out in Section 13-.

D. To hear and decide all matters referred to it upon which it is required to pass by these regulations.

1304. MEETINGS

The Appeals Board shall establish a meeting date of at least once each month to hear any and all applications before it.

1305. HEARINGS AND RULES

All hearings that these regulations require the Appeals Board to conduct shall be open to the public. Any person may appear and testify at a hearing, either in person or by a duly authorized agent or attorney. The Appeals Board shall keep minutes of its proceedings showing evidence presented, findings of fact, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Appeals Board shall also keep records of its hearings and other official actions. Every rule or regulation and every order, requirement, decision or determination of the Appeals Board shall be filed without unreasonable delay in the office of the County Clerk and shall be open to public inspection during reasonable business hours. The Appeals Board shall adopt and print its own rules of procedure not in conflict with the provisions of these regulations or the applicable Kansas statutes.

1306. FINALITY AND JUDICIAL REVIEW OF DECISIONS

All decisions and findings of the Appeals Board, on appeal or upon an application for a conditional use permit or a variance, shall be final decisions, and shall, in all instances, be subject to judicial review. Any person, or department of the government, jointly or separately aggrieved by any decision of the Appeals Board may present to the District Court having jurisdiction, a petition duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief thereof. Such petition shall be presented to the Court within 15 days after the date of filing the decision in the office of the Zoning Administrator.

1307. APPEALS

An appeal from a decision of the Zoning Administrator with respect to the interpretation or application of these regulations may be taken to the Appeals Board by any person aggrieved, or by any officer, department, or bureau, or any governmental agency or body affected by such decision of the Zoning Administrator.

A. Time for Appeals. Appeals shall be taken within 45 days after a decision has been made by filing an application for appeal with the Zoning Administrator. Such application shall specify the grounds for such appeal. Upon receipt of an application for appeal, the Zoning Administrator shall forthwith transmit to the Appeals Board all of the papers constituting the record upon which the decision being appealed was based.

B. Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action unless the Zoning Administrator certifies to the Appeals Board, after the application for appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Appeals Board, or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

C. Hearing and Notice. The Appeals Board shall select a reasonable time and place for the hearing of the appeal. Public notice of the time, place, date and subject of such hearing shall be published once in the official newspaper at least 20 days prior to the date of the hearing. A copy of such notice shall be mailed to each party making the appeal, each person on the ownership list, and to the Appeals Board. The Appeals Board may by rule provide a similar notice by mail 20 days prior to the hearing date to all owners of land located within 200 feet, for property in the City and 1,000 feet for property in the county area, of the property, which is the subject of the hearing. When required, such a list of names and addresses shall be provided by the applicant. Any interested party may appear and be heard at the hearing in person, by agent, or by attorney.

D. Decision. The Appeals Board may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator, and may issue or direct the issuance of a permit. The concurring vote of four members of the Appeals Board shall be necessary to reverse any order, decision or determination of the Zoning Administrator under these regulations. The Appeals Board shall render a written decision on the appeal without unreasonable delay after the close of a hearing, and in all cases, within 45 days after the close of the hearing.

E. Records. The Zoning Administrator shall maintain complete records of all actions of the Appeals Board with respect to appeals, and shall keep the Governing Body informed on a current basis of the disposition of each case.

1308 VARIANCES

The Appeals Board may authorize such variances from the terms of these regulations as will not be contrary to the public interest. Variances may be authorized only in those specific instances enumerated in Section 1308, Item C and then only when the Appeals Board has made findings of fact, based upon the standards set out in Section 1308, Item D, that owing to special conditions a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship for the owner, lessee or occupant of land or structures. Any such variance shall not permit any use not permitted by these regulations in the zoning district in which the variance is requested.

A. Application. An application for a variance, together with an application for a zoning permit, shall be filed in duplicate with the Zoning Administrator who shall forward without delay a copy of each to the Secretary of the Appeals Board. The application shall contain the following information as well as such additional information as may be prescribed by rule of the Appeals Board:

1. The particular requirements of these regulations which prevent the proposed use or construction.
2. The characteristics of the subject property which prevent compliance with said requirements of these regulations.
3. The reduction of the minimum requirements of these regulations which would be necessary to permit the proposed use or construction.
4. The particular hardship which would result if said particular requirements of these regulations were applied to the subject property.

B. Hearing and Notice. The Appeals Board shall select a reasonable time and place for the hearing. Notice, including public notice, of such hearing shall be given in the manner required for hearings on appeals by Section 1309(C). Such notice shall contain the date, time, and place of the hearing, the street address or common description of the property involved, and a brief description of the relief sought. Any interested party may appear and be heard at the hearing in person, by agent, or by attorney.

C. Authorized. Variances from the provisions of these regulations shall be granted by the Appeals Board only in accordance with the standards set out in Section 1308 (D), and may be granted only in the following instances and in no others:

1. To vary the applicable lot area, lot width, and lot depth requirements.
2. To vary the applicable bulk regulations, including maximum height, lot coverage and minimum yard requirements.
3. To vary the applicable off-street parking and off-street loading regulations.

D. Standards.

1. The Appeals Board shall not grant a variance unless it shall, in each case, make specific written findings of fact directly based upon the particular evidence presented which support conclusions that:

a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant,

b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents,

c. The strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon a property owner represented in the application,

d. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, and

e. Granting the variance desired will not be opposed to the general spirit and intent of these regulations.

2. In determining whether the evidence supports the conclusion required by Section 1308 (D)(1), the Appeals Board shall consider the extent to which the evidence demonstrates that:

a. The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced,

b. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or applicant to make more money out of the property,

c. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located; and

d. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

E. Conditions and Restrictions. In granting a variance, the Appeals Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Section 1308(D) to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations. Failure to comply with any of the conditions or restrictions placed on a variance shall constitute a violation of these regulations

F. Decisions and Records. The Appeals Board shall render a written decision on an application for a variance without unreasonable delay after the close of hearing, but in all cases, within 45 days from the close of the hearing. The Zoning Administrator shall maintain complete records of all actions of the Appeals Board with respect to application for variances and keep the Governing body informed.

G. Period of Validity. No variance granted by the Appeals Board shall be valid for a period of longer than 180 days from the date on which the Board grants the variance, unless within such 180-day period a zoning permit is obtained and the construction, moving or remodeling of a structure is started. The Appeals Board may grant additional extensions not exceeding 180 days each, upon written application, without notice or hearing.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 14. AMENDMENTS

1401. GENERAL PROVISIONS FOR AMENDMENTS

The regulations imposed, and the districts created under the authority of these regulations, may be amended from time to time by the Planning Commission following a public hearing and the approval by the Governing Body. No such amendment shall be adopted except in accordance with the procedures of this Article 10.

A. Proposal. Amendments may be proposed: (1) by the Governing Body, (2) by the Planning Commission, or (3) upon application by, or on the behalf of, the owner of the property affected, but only in accordance with the procedure set forth in Section 1401(B). When the Governing Body proposes an amendment, it shall transmit its proposal to the Planning Commission for a public hearing and recommendation thereon.

B. Application. When the owner of the property affected proposes an amendment to any of these regulations or to any zoning district created thereby, an application for such amendment shall be filed with the Zoning Administrator. The application shall be in such form and contain such information as shall be prescribed from time to time by the Planning Commission, but shall in all instances contain the following information:

1. The applicant's name and address
2. The precise wording of any proposed amendment to the text of these regulations.
3. In the event that the proposed amendment would change the zoning classification of any property:
 - a. The legal description and street address of the property,
 - b. The name and mailing address of the owner(s) of the property,
 - c. The present zoning classification and existing uses of the property,
 - d. The dimensions of the property and the area stated in square feet or acres or fractions thereof,
 - e. Name and mailing address of all property owners within 1000 feet of the boundary of the requested property line which has been compiled by a registered abstractor, and
 - f. Shall be signed by both the applicant and the owner of record, if not the applicant.

C. Public Hearing. The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by the Planning Commission. The Planning Commission shall select a reasonable hour and place for such public hearing, and it shall hold such hearing within 45 days from the date on which the proposed amendment is received or initiated by the Planning Commission. An applicant for an amendment may waive the requirement that such hearing be held within 45 days.

D. Notice of Hearing. Publication notice of a hearing on a proposed amendment shall be published in the official county newspaper. At least 20 days shall elapse between the date of such publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed changes in regulations or the zoning classification or zoning district boundaries of any property. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description or give a location where the complete legal description may be viewed, street address or general location of such property, its present zoning classification, and the proposed classification. When a proposed amendment will affect the classification of specific property, the Zoning Administrator shall mail written notice of the public hearing, containing the same information as the published notice thereof, to the owner(s) of all property within 200 feet of the boundaries thereof for City applications and 1,000 feet of the boundaries thereof, for county applications, at least twenty (20) days prior to the date of such hearing.

Failure to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body. The Planning Commission may give such additional notice to other persons as it may from time to time provide by its rules.

E. Conduct of Hearing. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Planning Commission may from time to time vote to prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested person(s) prior to or at the public hearing.

The Planning Commission may make recommendations on proposed amendments to specific properties which affect only a portion of the land noted in the public hearing notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the said notice. A recommendation for a zoning classification of lesser change than that set forth in the notice shall not be valid, however without republication and, where necessary, re-mailing of notices unless the Planning Commission shall have previously established a table or publication available to the public which designates what zoning classifications are lesser changes within the published zoning classifications.

For action on zoning amendments, a quorum of the Planning Commission must be more than one-half of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the Planning Commission, whereas a vote either for or against an amendment by less than a majority of all Planning Commission members present constitutes a denial of the request.

F. Report by Planning Commission. Within 15 days after the close of a public hearing on a proposed amendment, the Planning Commission shall submit a report to the appropriate Governing Body. A copy of this report shall also be filed with the Clerk and with the Zoning Administrator and such copies shall be kept available for public inspection. A copy of the report shall also be mailed to the owner or his designated agent of the property affected by the proposed amendment. Such report shall contain a recommendation as to whether the proposed amendment should be approved or disapproved and specific written determinations on the items listed in Sections 1401(G) or 1401(H) and on such other items as the Planning Commission may consider relevant. The report submitted to the Governing Body shall be accompanied by a copy of the record of the hearing on the proposed amendment.

G. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the report of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

1. Whether such change is consistent with the intent and purposes of these regulations; and
2. Whether the proposed amendment is made necessary because of changed or changing conditions in the zoning districts affected and, if so, the nature of such changed or changing conditions.

H. Amendments to Change Zoning Districts. When a proposed amendment would result in a change of the zoning classification of any specific property, the report of the Planning Commission shall then contain statements as to the present classification, the classification under the proposed amendment, and the reason for seeking such reclassification, and determinations as to the following items:

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;
2. Whether every use that would be permitted on the property reclassified would be compatible with the uses permitted on other property in the immediate vicinity;

3. Whether adequate sewer and water facilities, and all other needed public services, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
4. The general amount of vacant land that currently has the same zoning classification as is proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
5. In the event that the property as reclassified would be available for business or manufacturing uses, whether such uses, particularly in the area in question, are required to provide business or manufacturing services or employment opportunities.
6. Whether the proposed amendment would correct an error in the application of these regulations as applied to the subject property;
7. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; and
8. Whether the proposed amendment would be in accordance with and further enhance the implementation of the Comprehensive Plan.

1402. ADOPTION OF AMENDMENTS BY THE GOVERNING BODY

When the Planning Commission submits a recommendation, the Governing Body may:

- A. Approve such recommendations by adoption of a Resolution or
- B. Override the Planning Commission recommendation by a 2/3 majority vote of the membership of the Governing Body or
- C. Return the same to the Planning Commission for reconsideration along with a statement specifying the basis of the governing body's failure to approve or disapprove.

The Planning Commission, after reconsidering the above item may resubmit its original recommendations giving the reasons therefore or submit new and amended recommendations. Upon receipt of such recommendation. the Governing Body may adopt or revise and adopt such recommendation by resolution, or it may disapprove the proposed amendment. In case a written protest against a proposed zoning or rezoning of land lying within three miles of the boundary of any city having adopted a zoning ordinance is received from the governing body of such city, the Governing Body shall not adopt the proposed zoning change except by a record vote of all members and after a statement of the reasons for such action being spread upon its records.

1403. FILING OF PROTEST

If a written protest against a proposed amendment shall be filed in the office of the Clerk within 14 days after the date of the conclusion of the hearing by the Planning Commission on the proposed amendment pursuant to the published notice, which protest is duly signed and acknowledged by the owners of 20 percent or more of any real property proposed to be rezoned, or by the owners of 20 percent or more of the total area, excepting public streets and ways, located within 1,000 feet of the boundaries of the property proposed to be rezoned, then such amendment shall not be passed except by a unanimous vote of the Governing Body.

1404. SPECIAL USES

Because of particular conditions associated with their activities, certain use are not permitted outright in districts, but are permitted as "special uses" when their proposed location is supplemented by additional requirements such as to make the use considered compatible with the surrounding property, the neighborhood and the zoning jurisdiction. The procedures for approval of a special use shall be the same as for an amendment to a zoning district which is set forth in Sections 100 through 102 of this Article 10 with the additional requirement that all conditions further imposed upon the special use be made a part of the effectuating resolution.

The Planning Commission may recommend a special use, if permitted in a district, only if the following requirements have been met:

- A. That the location of the proposed use is compatible to other land uses in the general neighborhood and does not place an undue burden on the existing transportation and service facilities in the vicinity.
- B. That the proposed use is such that it is necessary to require greater standards than listed in the district, in order to correlate the proposed use to other property and uses in the vicinity.
- C. That the site will be served by streets of capacity, sufficient to carry the traffic generated by the proposed use.
- D. That the proposed use, if it complies with all conditions upon which the approval is made contingent will not adversely affect the property in the vicinity.
- E. The Board may provide that approval is contingent upon acceptance and observance of specified conditions, including but not limited to:
 - 1. Conformity to plans and drawings submitted with the application.
 - 2. Special yards, open space, buffer strips, walls, fences, hedges, landscaping.
 - 3. Performance standards relative to noise, vibration, air or water pollution, or other potentially dangerous or objectionable environmental conditions.
 - 4. Limits on time of day for conduct of specified activities. A period in which the approval shall be exercised, or otherwise shall lapse.
 - 5. Guarantees as to compliance with the terms of approval.
- F. Period of Validity. No special use permits granted by the Planning Commission shall be valid for a period longer than 180 days from the date in which the Governing Body grants the special use, unless within such 180-day period, a zoning permit is obtained and the erection or alteration of a structure is started, or an occupancy certificate is obtained and a use commenced. The Governing Body may grant additional extensions, upon written application without notice or hearing.

1405. CHANGE OF OFFICIAL MAP

The amending resolution shall describe the change of boundary to be amended and shall order the official Zoning Map(s) changed to reflect the amendment, and shall amend the section of the resolution originally incorporated the same and shall reincorporate the map as amended.

1406. ANNUAL REVIEW

In order to properly maintain these regulations, the Planning Commission shall annually hold a public review at their regular meeting in September to consider amendments, if any, to these regulations. Such amendments shall follow the procedures of Article 14 for amendments to the text. However the Planning Commission may make recommendations for amendments to the text at any time they fell appropriate subject to complying with all requirements of Article 14.

CITY OF LEBO ZONING REGULATIONS

ARTICLE 15. ADMINISTRATION

1501. OFFICE OF THE ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by the Governing Body. The Zoning Administrator shall be authorized to expend such funds to employ assistants and to carry out his duties under these regulations as shall be budgeted and approved from time to time by the Governing Body.

Duties of the Zoning Administrator. The Zoning Administrator, or his duly designated and acting deputy, shall enforce these regulations, and in addition thereto and in furtherance of said authority, he shall:

- A. Approve and issue all zoning permits and occupancy certificates and make and maintain records thereof.
- B. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of these regulations.
- C. Receive, file, and forward to the Planning Commission the records and applications for all rezoning, text changes, appeals, variances, and conditional uses.
- D. Maintain permanent and current records of the zoning regulations, including but not limited to all zoning maps, amendments, conditional uses, variances, appeals and applications thereof and records of hearings and possible zoning text revisions.
- E. Maintain for distribution to the public a supply of copies of the zoning map(s), the compiled text of the zoning regulations, and any rules of the Planning Commission. A fee may be charged to defray the cost of printing and distribution.
- F. Provide such clerical and technical assistance as may be required by the Planning Commission and other agencies and officials in the exercise of their duties relating to these regulations.

1502. ZONING PERMITS AND OCCUPANCY CERTIFICATES

A. Zoning Permits. A zoning permit shall be obtained from the Zoning Administrator prior to the construction, building, moving, remodeling or reconstruction of any structure or the improvement of land, except for Agricultural uses. Any zoning permit issued in conflict with the provisions of these regulations shall be null and void.

1. Application. Every application for a zoning permit shall be on a form provided by the Zoning Administrator and shall be completed, signed and accompanied by the following:

- a. A drawing, in duplicate, of the piece or parcel of land, lot(s), or block(s), or parts or portions thereof, drawn to scale showing the actual dimensions of the area according to the recorded plat of such land.
- b. A drawing, in duplicate, drawn to scale and in such form as may, from time to time, be prescribed by the Zoning Administrator, showing the location, ground area, height, and bulk of all present and proposed structures, drives and parking lots, loading space, the building lines in relation to lot lines, waste disposal areas; the use to be made of such present and proposed structures on the land; and such other information as may be required by the Zoning Administrator for the proper enforcement of these regulations.

c. Complete legal description of the property involved in the application.

Applications for property located in a business or industrial district may be required to be accompanied by a drawing, which shows all structures, streets, streams and other significant features within 200 feet of the proposed site.

2. Issuance. A zoning permit shall be either issued or refused by the Zoning Administrator within five business days after the receipt of an application thereof or within such further period as may be agreed to be the applicant. When the Zoning Administrator refuses to issue a zoning permit, he shall advise the applicant in writing of the reasons for the refusal.

3. Permit Revoked. A zoning permit issued in accordance with the provisions of these regulations, may be revoked by the Zoning Administrator if he finds that prior to the completion of the structure for which the permit was issued, there is a departure from the approved plans, specifications and/or requirements or conditions required under the terms of the zoning permit, or the same was issued under false representation, or that any other provisions of these regulations are being violated.

4. Stop Order. Failure, refusal or neglect of any property owner, or his authorized representative to apply for and secure a valid zoning permit, including the payment of the prescribed fee shall be reason for the issuance of a "stop order" by the Zoning Administrator, provided said owner or authorized representative shall have been notified in writing at least 48 hours prior to the issuance of said stop order that he is in violation of regulations of the County. Said stop order shall be posted on or near the property in question, in a conspicuous place and no further construction shall proceed. Where such construction has proceeded without filing for and receiving a valid permit, the fee for the issuance of a subsequent zoning permit shall be doubled.

5. Period of Validity. A zoning permit shall become null and void 180 days after the date on which it is issued unless within said period construction, building, moving, remodeling or reconstruction of a structure is commenced or a use is commenced. If the construction or work is abandoned or suspended for any 180-day period after such a permit is issued, then application must be made for a new permit.

B. Occupancy Certificates. No structure or addition thereto constructed, built, moved, remodeled or reconstructed after the effective date of these regulations shall be occupied or used for any purpose; and no land vacant on the effective date of these regulations shall be used for any purpose; and no use of any land or structure shall be changed to any other use, unless an occupancy certificate shall first have been obtained from the Zoning Administrator certifying that the proposed use or occupancy complies with all the provisions of these regulations.

1. Application. Every application for a zoning permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new or changed use of land or structures where no zoning permit is required shall be filed with the Zoning Administrator and be in such form and contain such information as the Administrator shall provide by general rule.

2. Issuance. No occupancy certificate for a structure or addition thereto constructed, built, moved, remodeled, or reconstructed after the effective date of these regulations shall be issued until such work has been completed and the premises inspected and certified by the zoning Administrator to be in full and complete compliance with the plans and specifications upon which the zoning permit was issued. Furthermore, no occupancy certificate for a new use of any structure or land shall be issued until the premises have been inspected and certified by the Zoning Administrator to be in full and complete compliance with all the applicable regulations for the zoning district in which it is located. Pending the issuance of a permanent occupancy certificate, a temporary occupancy certificate may be issued to be valid for a period not to exceed six months from its date pending the completion of any addition or during partial occupancy of the premises. An occupancy certificate shall be issued, or written notice shall be

given to the applicant stating the reasons why a certificate cannot be issued, within ten days after the receipt of an application therefore, or after the Zoning Administrator is notified in writing that the structures or premises are ready for occupancy.

1503. ENFORCEMENT

It shall be the duty of the Zoning Administrator, or any other public official, so designated, working under his direction, to enforce the provisions of these regulations and to refuse to issue any permit for any building or structure or for the use of any premises which would violate any of the provisions hereof, and to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or there at in violation of any provision of these regulations. Any building or structure constructed, reconstructed, altered, or converted, or any building, structure or land used in violation of these regulations shall be deemed a public nuisance and said Zoning Administrator is hereby authorized and directed to institute appropriate action or proceedings to prevent such unlawful construction, reconstruction, alteration, conversion, or use; to restrain, correct, or abate such violation and to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, or use in or about such premises.

1504. FEES

Any application for a zoning permit, occupancy certificate, appeal, variance, conditional use permit, amendment (change in zoning district) or special use, shall be accompanied by such fee as shall be officially specified by resolution from time to time by the Governing Body.

CITY OF LEBO SUBDIVISION REGULATIONS

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CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 1, GENERAL REGULATIONS

101. TITLE, JURISDICTION

These regulations shall hereinafter be known and referred to as the "Subdivision Regulations of the City of Lebo, Kansas and the surrounding Planning Area, and shall hereinafter be referred to as "these regulations". These regulations shall apply to all land within the City of Lebo and the Planning Area surrounding the City of Lebo described as being:

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, and 17 in Township 19 South, Range 14 East.

102. PURPOSE

These regulations adopted pursuant to the provisions of Kansas State Statutes are intended:

- A. To implement the Comprehensive Plan adopted for the City of Lebo and surrounding Planning Area.
- B. To protect and conserve property values by providing for proper light, air, and privacy.
- C. To establish reasonable standards of design for subdivisions.
- D. To insure proper legal descriptions, monumenting of land and adequate and accurate platting and recording of land subdivisions.
- E. To insure that adequate public facilities are available and have a sufficient capacity to serve the proposed subdivision.
- F. To establish the manner in which streets shall be graded and improved.

103. APPLICABILITY

The owner or owners of any land located within the jurisdiction of these Regulations dividing said land into two or more lots and parcels, for the purpose of laying out any subdivision, suburban lots, building lots, tracts or parcels or any owner of land establishing any street, alley or other property intended for public use or for the use of purchasers or owners of lots, tracts, or parcels of land fronting thereon, shall cause a plat to be made in accordance with these Regulations.

104. EXCEPTIONS

These Regulations shall not apply in the following instances:

- A. The division land of 10 acres or more for agricultural purposes.
- B. A change in the boundary between adjoining land, which does not create an additional lot or result in the creation of a substandard lot by either owner, according to the zoning district in which the land is located.
- C. Land used for streets or railroad right-of-way, a drainage easement, or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.
- D. Whenever any lot, parcel, or tract of land located within the area governed by these Regulations has been subdivided, re-subdivided, or re-platted prior to the adoption of these Regulations.

E. Any transfer by operation of law.

F. Land which is to be used for cemetery purposes.

G. The division of land or further division of land that is zoned for Industrial purposes.

105. APPROVALS NECESSARY FOR ACCEPTANCE OF SUBDIVISION PLATS

All plans, plats, or re-plats of land laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission for its consideration and approval. The approved plat shall be submitted to the Governing Body for their final approval and acceptance of dedication of streets, alleys and public easements

106. EFFECTIVE DATE

These Regulations shall be in force and effect after passage by the City Commission of Lebo, Kansas, and publication in accordance with state law.

107. ADOPTION AND AMENDMENT

These regulations may be amended any time after the Planning Commission has held a public hearing, made recommendations and such have been adopted by the Governing Body. The process for amendments shall be as required by State Statutes and the same as the Zoning Regulations.

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 2, DEFINITIONS

201. DEFINITIONS

Definitions for the interpretation of these rules and regulations as follows:

Access Control. The limitation of public access to and from properties abutting roads or highways. Access Control may be used on highways and major roads when deemed necessary to improve safety.

Agricultural Use. The growing of crops, pasturage, nursery, or the raising of poultry, 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 of an employee thereof. Agriculture shall also include the sale of products on the premises, that are raised or produced on the premises, but shall not include feedlots as defined by state statute.

Alley. A dedicated public right-of-way along the side of or the rear of lots intended to provide a secondary means of access to and from streets and such lots.

Arterial Street. A street serving major traffic movements, designed primarily as a traffic carrier between various sections of the county and which forms part of the through-street network.

Block. A piece or parcel of land entirely surrounded by public highway, streets, streams, railroad right-of-way, or parks, or a combination thereof.

Collector Street. Any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.

Cul-de-sac. A street having one end open to traffic and being permanently terminated by a vehicular turnaround.

Design. The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and rights-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

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

Easement. A grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

Engineer. Shall mean a professional engineer licensed by the state of Kansas or licensed to practice in the State of Kansas.

Final Plat. A plan or map prepared in accordance with the provisions of this Regulation and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the Register of Deeds of Coffey County

Flag Lot. A lot that provides a minimum of 15 feet of frontage on a road or street by a narrow frontage for drive access, and whose main body of land is behind another property. The minimum front setback for such lot shall be measured from the rear of the lot just in front

Governing Body. The City Council of Lebo, Kansas.

Improvements. Street work and utilities that are to be installed, or agreed to be installed by the owner on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.

Land Surveyor. A licensed land surveyor registered in the State of Kansas or licensed to practice in the State of Kansas who is responsible for the survey and preparation of the Final Plat.

Local Street. A street or road, which provides primarily for direct access to adjoining properties and is designed to serve minor traffic needs.

Lot. A portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development. All lots shall have frontage upon a Public Street.

Major Thoroughfare. A street, highway, or roadway designated as such on the official Major Street Plan.

Marginal Access Streets or Frontage Roads. A minor street that is generally parallel to or adjacent to a major traffic thoroughfare, highway, or railroad right-of-way and provides access to abutting properties.

Minor Plat. A subdivision of land into no more than five (5) lots and not involving any additional new streets.

Pedestrian Way. A right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

Planning Commission. Shall mean the City of Lebo Planning Commission.

Preliminary Plat. A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it; this map need not be based on accurate or detailed final survey of the property.

Right of Way. A strip of land occupied or intended to be occupied by a street, crosswalk, or utility lines. Right of ways shall be dedicated to public use and are not included within the dimensions of a plated lot.

Secretary. Secretary of the Planning Commission.

Setback Line or Building Line. A line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provided in the Zoning Regulations.

Street. A right-of-way, dedicated to the public use, which provides principal vehicular and pedestrian access to adjacent properties.

Subdivision. The division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes "re-subdivision", and the term "re-subdivision" as used herein shall include any further subdivision of a lot of parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest approved subdivision of the same.

Zoning Administrator: Secretary to the Planning Commission or other individual as designated by the Governing Body.

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 3, MINIMUM DESIGN STANDARDS

301. WATER AND SEWER

A. The area of the lots shall be determined by the availability of public sewer. Prior to the submission of a preliminary plat, the applicant shall obtain a determination from the City of Lebo (County Engineer for plats outside of the City) as to whether adequate public sewer is available.

B. If the proposed subdivision is not served with a public sewer system, the minimum lot area will be as provided for in Zoning Regulations for the district in which the subdivision is proposed, however, additional lot area may be required if the area has or is suspected of having a high water table or if soil conditions prove to be unsuitable based on percolation tests.

C. If the proposed subdivision in the R1 or R-2, Residential Districts is serviced by a public sanitary sewer system, the minimum lot area requirements shall be as per zoning district regulations.

D. All water and sewer systems outside of the City of Lebo shall be reviewed by the Coffey County Health Department who shall submit an approval or denial on all subdivisions or minor plats.

302. BLOCKS.

A. Length. Intersecting streets shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts or agricultural districts where no existing plats are recorded, the blocks shall not exceed 1,200 feet in length, except that a greater length may be permitted where topography or other conditions justify a departure from this maximum. In blocks longer than 800 feet in length, pedestrian ways through a block may be required near the center of the block. Such pedestrian ways or easements shall have a minimum width of 10 feet. Blocks for business or industrial use should normally not exceed 600 feet in length.

B. Width. In residential development, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

303. STREETS, ALLEYS, AND PUBLIC WAYS

A. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions, (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. Street arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half street or alley adjacent to the new subdivision, the other half of the street or alley shall be platted, and dedicated as a public way.

B. Street Names: Streets that are obviously in alignment with others already existing and named shall bear the same designation. The Planning Commission shall approve all other street names.

C. Arterial and Collector Streets: Major streets through subdivisions shall conform to the Major Street Plan as adopted by the Planning Commission and the Governing Body.

D. Local Streets: Minor streets shall be so designed to discourage through or non-local traffic.

E. Cul-de-sacs: An adequate turnaround of not less than an eighty (80) foot diameter right-of-way shall be provided at the closed end of a dead-end street longer than one lot in length. Such local street segment shall not, without the expressed approval of the Planning Commission, exceed six hundred (600) feet in length from the centerline of an intersection of a cross street to the center of the cul-de-sac.

F. Right-Angle Intersections: Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right-angle intersection, the minimum angle shall be sixty (60) degrees.

G. Streets Adjacent to a Railroad Right-of-Way, Limited Access Freeway, Principal Highway: Where lots front or side, but do not back, on railroad rights-of-way, limited access freeways, or principal highways, a marginal access street or frontage road may be required parallel and adjacent to the boundary of such rights-of-way. The distance from said rights-of-way shall be determined, with due consideration, to minimum distance required for approach connections to future grade separation.

H. Half Streets: Dedication of half streets will not be approved, except where it is essential to the reasonable development of the subdivision and other requirements of these Regulations.

I. Alleys: Alleys may be required in commercial and industrial districts. Dead-end alleys shall be avoided, wherever possible. Alleys may be required in certain residential areas.

J. Minimum Requirements: The right-of-way for streets and alleys dedicated and accepted shall not be less than the minimum for each classification as follows:

| | | |
|---------------------------|----------------------------|----------|
| 1. Rural Arterial Streets | Minimum right-of-way width | 100 feet |
| 2. Collector Streets | Minimum right-of-way width | 70 feet |
| 3. Local Streets | Minimum right-of-way width | 60 feet |
| 4. Cul-de-sacs: | Minimum diameter | 80 feet. |
| 5. Frontage Roads: | Minimum right-of-way width | 50 feet |
| 6. Alleys: | Minimum right-of-way width | 20 feet |
| 7. Pedestrian Way | Minimum right-of-way width | 10 feet |

When existing or anticipated traffic on arterial and collector streets warrants greater widths of rights-of-way, the additional width shall be dedicated.

K. Street Grades. The grades of streets, alleys and other public ways included in any subdivision shall not be greater than necessary topographic conditions and shall be subject to the approval of the City of Lebo and also the County Engineer for new streets in the County Area. A minimum gradient of one percent (1%) shall exist on all streets whenever practical, but in no case shall the gradient be less than one-half (1/2%) percent.

L. Street Alignment: On streets with reverse curves, an appropriate tangent shall be provided between curves to permit a smooth flow of traffic.

M. Intersections: Local nonaligned intersections shall be spaced at a minimum of 150 feet (centerline to centerline). Collector intersections shall be spaced at a minimum of 500 feet (centerline to centerline) at arterial streets

N. Drainage Easements: Drainage easements may be required, in addition to street rights-of-way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on where said drainage exist. The width of such drainage easement shall be determined by the County Engineer, who shall notify the Planning Commission of his recommendation in writing.

304. LOTS

- A. Minimum lot width shall be as specified in the district regulations of the City of Lebo Zoning Regulation; however, corner lots shall be 20 feet wider than that required in these regulations. Lot width shall be measured at the building setback line.
- B. Minimum depth shall be 110 feet. Lot depth shall be made through the center of the lots and shall be perpendicular to the property line or radial to the property line on curved streets.
- C. Minimum lot area shall be subject to the zoning regulations of the district in which the subdivision is located.
- D. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to recommendation of the Coffey County Health Department.
- E. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to recommendation of the Coffey County Health Department.
- F. All side lot lines shall bear 60 to 90 degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
- G. Corner lots, in residential subdivisions, shall observe the setbacks required by the Zoning Regulations.
- H. Double frontage lots shall be avoided unless, in the opinion of the Planning Commission, a variation to this rule will give better street alignment and lot arrangement.
- I. Every lot shall abut on a street other than an alley.
- J. Building or setback lines shall be shown on the final plat for all lots in the subdivision and shall not be less than the setback required by the zoning regulations.
- K. The subdivision or re-subdivision of a tract or lot shall not be permitted where said subdivision or re-subdivision places an existing permanent structure in violation of the requirements of the zoning regulations.

305. EASEMENTS

- A. Where alleys are not provided, permanent easements of not less than 10 feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires, conduits, storm and sanitary sewers, gas, and water mains, and other public utilities. These easements shall provide for a continuous right-of-way of at least twenty (20) feet in width.
- B. An additional twelve (12) foot temporary construction easement (6 feet on each side of the lot line) may be required for initial construction of water, sewer, and other utility lines.

306. DEDICATION OR RESERVATION OF PUBLIC SITES AND OPEN SPACES

In subdividing land or re-subdividing an existing plat, due consideration should be given by the applicant to the dedication or reservation of suitable sites for schools, parks, playgrounds, or other public recreational areas or open spaces. Any areas so dedicated or reserved shall conform as nearly as possible to the Comprehensive Plan. All areas to be reserved for, or dedicated to, public use shall be indicated on the preliminary plat in order that it may be determined when and in what manner such areas will be dedicated to or acquired by the appropriate agency. A written statement from the Board of Education may be required to be submitted by the applicant indicating whether or not a school site in the proposed subdivision is desired.

307. ACCESS CONTROL

In the interest of public safety and for the preservation of the traffic-carrying capacity of the street system, the Planning Commission shall have the right to restrict and regulate points of access to all property from the public street system. Such restrictions shall be indicated on the final plat. Within the County Area, points of access to the hard-surfaced roadway, if not regulated by the state Department of Transportation, may be restricted by the Planning Commission, upon recommendation from the County Engineer. In recommending restriction of access within the Urban Access Corridors, the County Engineer shall refer to the American Association of State Highway and Transportation Officials (AASHTO) standards for the relation of sight distance to the design speed of the rural arterial roadway.

306. SUBDIVISION DESIGN

The design of the subdivision shall provide for efficient traffic flow, proper mixing of land uses, and a logical link between surrounding, existing development and the proposed layout. The Comprehensive Plan should be used as a guide in determining if the design of the proposed subdivision is proper. The Planning Commission shall have the authority to deny a plat or request redesign if, in its opinion, the layout is not suitable for the site.

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 4, LOT SPLITS

401. INTENT

The intent of this section is to provide for the issuance of building permits on tracts of land divided into not more than two buildable tracts meeting the regulations of the district in which they are located without having to comply with the platting requirements of these regulations. However the resulting lots shall not again be divided without meeting all of the platting requirements. The Zoning Administrator may approve or disapprove lot splits in accordance with the requirements of this article.

402. APPLICATION PROCEDURE

Requests for lot split approval shall be made by the owner of the land to the Zoning Administrator on a form provided by the Zoning Administrator. Two copies of a scale drawing of the lots involved showing all dimensions shall be provided, if there are no structures thereon. If structures are located on any part of the lot being split, two copies of a certified survey prepared by a registered land surveyor, shall be submitted showing all dimensions of the lot(s) and the location of the structure(s) thereon. The application shall include the complete legal description of the original tract as well as a legal description of each of the new proposed tracts.

The applications shall also include a list of property owners within two hundred (200) feet of the property, for property within the City of Lebo, and within one thousand (1000) feet of the property for property outside of the City. Written notices shall be mailed to all owners within the required notification area, of the property to be split informing them of the proposed split. Such owners shall have ten (10) business days from the date of notification to submit in writing any proposed protest they may have listing all reasons for such protest.

403. APPROVAL GUIDELINES

The Zoning Administrator shall approve or disapprove applications for lot splits, based on the following guidelines:

A. No lot splits shall be approved if:

1. A new street or alley is needed or proposed.
2. A vacation of streets, alleys, setbacks lines, access control, or easements is required or proposed.
3. If such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc.; or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc
4. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
5. All easement requirements have not been satisfied.
6. If such split will result in a tract without direct access to a street.
7. A substandard sized lot or parcel will be created.
8. If the lot has been previously split in accordance with these regulations.

B. The Zoning Administrator may recommend such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and Planning Commission policy. Requirements may include, but not be limited to, installation of public facilities, dedication of right-of-way and easements.

404. REVIEW.

The Zoning Administrator shall, in writing, either approve, with or without conditions, or disapprove the lot split within 30 days of application. If approved, and after all conditions have been met, the Zoning Administrator shall sign and furnish certificate of approval to be attached to a copy of the lot split survey, and a certified copy thereof shall be filed with the Register of Deeds, and a copy shall be furnished to the applicant.

405. FEE

A. The cost of a lot split will be determined by a scheduled determined by an Ordinance of the Governing Body

B. Cost of recording documents, publications, costs are payable in addition to filing fees. These costs will be billed to the applicant.

406. APPEALS

Appeals of any determinations by the Zoning Administrator, made pursuant to the provisions of this Article, may be made by any aggrieved party to the Board of Zoning Appeals upon filing of the required fee. The Board may approve or disapprove such determination.

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 5 SUBMISSION OF PLAT

501. PRE-APPLICATION. Prior to the filing of the preliminary plat, the applicant shall contact the Zoning Administrator to determine:

- A. Procedure for filing plats;
- B. Availability of public sewers and water;
- C. Comprehensive plan requirements for major streets, land use, parks, schools, and public open spaces;
- D. Zoning requirements for the property in question and adjacent properties.

502. PLATS PREPARED BY AN ENGINEER OR LAND SURVEYOR

All plats shall be prepared by a professional engineer licensed in the State of Kansas or a Kansas-registered land surveyor, as required by state statutes or regulations. A land surveyor registered in the State of Kansas shall prepare the boundary and topographic survey.

503. MINOR PLATS.

- A. A minor plat, being a subdivision of land into no more than 5 lots, all of which face upon and existing street or road may be submitted as a Final Plat without the filing of a Preliminary Plat.
- B. Minor plats shall be submitted in final form as described in Section 505 of this Article and shall contain all of the information required for the submission of a preliminary plat as per Section 504.

504. PRELIMINARY PLAT

After reaching the preliminary conclusions regarding the requirements for a preliminary plat the applicant shall submit a preliminary plat with all information necessary to the Zoning Administrator who shall schedule a public hearing with the Planning Commission.

Submission of Preliminary Plat.

- A. A filing fee as adopted by ordinance the Governing Body shall accompany the filing of the preliminary plat. The plat shall not be considered for filing until the fee is paid.
- B. The applicant shall submit five (5) copies of the preliminary plat and five (5) copies of the vicinity map if not on the preliminary plat.
- C. The applicant shall submit a list with names and mailing addresses of adjoining property owners
- D. The application shall be submitted at least thirty (30) days prior to the next regular scheduled meeting of the Planning Commission.
- E. Preliminary Plats Shall Contain.
 - 1. The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of any existing subdivisions.
 - 2. The location of the boundary lines of the subdivision and reference to the section or quarter section lines.

3. The names and addresses of the developer, and the surveyor and/or engineer who prepared the plat.
4. The scale of the plat, 1"=100' or larger.
5. Date of preparation and north arrow
6. Location, width and names of any existing or proposed streets, other right-of-ways, utility easements and any permanent buildings within the plat and approximate gradient of the proposed streets.
7. Location of all existing utilities within or adjacent to the plat.
8. Topography with contour intervals of no more than five (5) referred to USGS datum. Where the ground is to flat for contours or where no new streets are involved, spot elevations may be show.
9. The general arrangement of lots and their approximate size.
10. The general plan of sewage disposal, water supply, and utilities in areas where public sewers and/or water is proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed.
11. Location of any proposed public parks or other public lands proposed to be dedicated for public use.

505. REVIEW OF PLAT BY OTHERS.

Upon receiving the completed application, the Zoning Administrator shall forward copies of the proposed plat to all interested parties for comment, including but not limited to the County Zoning Administrator, the Coffey County Health Department, Water Boards, and appropriate Utility Companies, including gas, electric and telephone.

506. APPROVAL OR DISAPPROVAL OF THE PRELIMINARY PLAT.

Action by the Planning Commission shall be conveyed to the Applicant in writing within ten days after the official Planning Commission meeting at which time the plat was considered. In case the plat is disapproved, the applicant shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the Planning Commission.

The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of six months, unless an extension is granted by the Planning Commission for up to an additional six-month period. If the final plat for any part of the area covered by the preliminary plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the Planning Commission for approval.

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 6, FINAL PLAT

601. SUBMISSION.

After approval of the preliminary plat, the applicant shall submit for the determination by the Planning Commission of conformance with the Subdivision Regulations, such determination to be made within sixty (60) days after the final plat has been submitted for consideration. Preliminary and final plats may be submitted simultaneously for simple or minor plats.

A. The original on Mylar, for recording purposes, and ten prints thereof shall be submitted to the Zoning Administrator at least twenty (20) days prior to the Planning Commission public hearing. A digital copy of the final plat, tied to two sections corners and with latitude and longitude shown on interior corners to within 1/10 of a second shall also be furnished. The sheet size of the final plat shall be that as requested by the County Register of Deeds.

B. The names and signatures of the owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.

C. The final plat, prepared for recording purposes, shall be drawn at a scale of at least 1"=100' or as determined by the Planning Commission. The size of the sheet on which such final plat is prepared shall be 24 inches by 36 inches.

D. A filing fee as established by the Governing Body by separate ordinance shall be submitted with the final plat.

602. INFORMATION

The final plat shall show and contain the following information.

A. Name of subdivision as approved on the Preliminary Plat or approved by the Planning Commission.

B. Location of section, township, range, county, and state, and the exterior boundaries, with legal description of the subdivision showing (1) location and description of all monuments, (2) bearings and horizontal distances between the monuments, and (3) complete closure calculations. The allowable error of closing on any portion of the plat shall be one (1) foot in five thousand (5,000) feet. Total acreage of the subdivision shall be shown.

C. The location of monuments or benchmarks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments.

D. The location and horizontal calculations of lots, streets, public highways, alleys, parks, and other features, with accurate dimensions shown in feet and decimals of feet with the length of radii and of arcs along on all curves, and all other information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points of curves on lot lines.

E. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.

F. The exact locations, widths, and names of all streets and alleys to be dedicated.

G. Boundary lines and description of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.

H. Building setback lines on the front and side streets with dimensions.

I. Name, signature, certification, and seal of the registered land surveyor making the plat.

J. Name, signature and seal of the registered surveyor verifying that all monuments and control markers have been set in compliance with the requirements of the City of Lebo Subdivision Regulations and in accordance with the Land Survey Act. K.S.A. 58-2001 et seq.

K. Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation, and north arrow.

L. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.

M. The following certificates, which may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record, title, or interest in the land subdivided, and consenting to the preparation and recording of the said subdivision map.

2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants, and servants.

3. The acknowledgement of a notary in the following form:

State of _____

County of _____

Be it remembered that on this ____ day of _____, 2_____, before me, a notary public in and for said County and State, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

(SEAL)

My Commission Expires: _____

4. The certificate of the Planning Commission in the following form:

This plat of _____ Addition has been submitted to and approved by the Lebo Planning Commission this ____ day of _____, 2_____.

(SEAL)

Chairperson

Secretary

5. The acceptance of dedications by the Lebo City Council, in the following form:

The dedications shown on the plat accepted by the City Council of Lebo, Kansas this _____ day of _____, 2____.

ATTEST: _____
Commissioner

City Clerk

Commissioner

(SEAL) _____
Commissioner

6. A blank space for noting entry on the transfer record in the following form:

Entered on transfer record this ____ day of _____, 2_____.

County Clerk

7. The certificate of the Register of Deeds in the following form:

State of Kansas SS

County of Coffey

This is to certify that this instrument was filed for record in the Register of Deeds Office on the _____ day of _____, 2_____ in Book _____, Page _____.

Coffey County Register of Deeds

Deputy

9. County Surveyor's Certificate

State of Kansas SS

County of Coffey

This is to certify and acknowledge that I have reviewed this plat pursuant to K.S.A. 58-2001 et. Seq. and K.A.R. 66-12-1

Signed and sealed this _____ day of _____, 2_____

Coffey County Surveyor

N. The following additional data shall be submitted with the final plat:

1. A title report by an abstract or a title insurance company, or an attorney's opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.
2. A certificate showing that all taxes and special assessments due and payable have been paid in full; or if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on the deposit with such officials or governing bodies to meet this requirement.
3. A copy of any deed restrictions applicable to the subdivision.

603. EXTENT AND MANNER OF PHYSICAL IMPROVEMENTS

As a condition to the approval of a final plat, the applicant shall agree to install the following improvements:

A. Streets.

Streets, alleys, and street drainage shall be installed in accordance with the latest established standards of the City of Lebo and/or Coffey County based on location of the Plat. All such streets and roadways are subject to final approval and acceptance by the Governing Body for maintenance.

B. Water.

1. Where a public water supply is proposed to serve the subdivisions, said water lines shall be installed in proper easements or within the limits of the street and alley right-of-way. The system shall be of equal or better quality and size than the minimum standards of the City of Lebo and shall meet all K.D.H.E. standards.
2. Where private water supplies are proposed, adequate provision shall be made for easements to allow installation of a public system should the property ever be annexed or required to develop a public supply.

C. Sewer.

1. Where a public sanitary sewer system is proposed to serve the subdivision, the sewer system shall be designed and constructed to provide service to each lot within the subdivision. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into a city sewer system, or into a central treatment facility. The sewer system shall be of equal or better quality and size than the minimum standards of the City of Lebo. The sewer system shall meet all K.D.H.E. standards.
2. In subdivisions where individual private wastewater systems are proposed, adequate provision shall be made for easements to allow the installation of a public system should the property ever be annexed or required to develop a public system. Such systems shall be approved by the Coffey County Health Department.

D. Development Agreements. Where required by the Governing Body, the applicant shall enter into a development agreement with the governing body to provide improvement and maintenance of streets.

E. Street Signs. Street signs will be supplied and erected by the appropriate City of Lebo department.

F. Sidewalks. Sidewalks shall be a minimum of four feet in width where required by the Planning Commission.

G. Other Improvements. If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the Planning Commission. and specifications of the City of Lebo.

H. All surveying methods designs, and technical standards, including the establishment of monuments, shall be according to the Minimum Standards adopted by these regulations.

I. A minimum of two benchmarks (monuments) shall be placed in each subdivision, located and installed at elevation established and required by the County Engineer. In subdivisions larger than 40 acres, one benchmark shall be installed for each additional 20-acre area

J. After the approval, but prior to the recording of the final plat, the applicant must make all required improvements.

In lieu of the actual construction of all physical improvements prior to the issuance of building permits, the Board of County Commissioners may, at the option of the developer, accept a bond or other method of financial assurance acceptable by the County in the amount that will guarantee the construction of the required improvements within a period of time to be specified and approved by the Governing Body. Such surety shall be properly executed prior to any grading or construction shall be released in segments upon written approval of the County.

Prior to issuance of zoning permits, all street paving, storm drainage, and utility be installed in accordance with County requirements and plans approved by the appropriate utility company and all grading work completed.

K. Upon the receipt by the Governing Body that all improvements have been installed in conformance with the approved engineering drawings, and with the requirements of these Regulations, and all other applicable statutes, ordinances and regulations, the Governing Body and/or such appropriate utility shall thereupon by resolution or by letter, respectively, formally accept such improvements. The improvements shall become the property of the Governing Body or appropriate utility company involved.

604. CONSIDERATION BY THE PLANNING COMMISSION.

If the Planning Commission does not make a determination of approval or disapproval of the final plat within sixty (60) days after the final plat has been submitted for consideration, such plat shall be deemed to have been approved and a certificate shall be issued by the secretary of the Planning Commission upon demand. If the Planning Commission shall find that the plat does not conform to the requirements of the subdivision regulations, it shall notify the owner or owners of such fact. If the plat does conform to the regulations, it shall have endorsed thereon the fact that it has been submitted to and approved by the county Planning Commission. The register of deeds shall not file any plat for land located within any area governed by subdivision regulations as provided by law until such plat shall bear the endorsement hereinbefore provided.

605. GOVERNING BODY ACCEPTANCE.

After approval of the final plat by the Planning Commission, such plat shall be referred to the Governing Body for approval and acceptance of streets, easements and other dedicated public ways. The Governing Body may take action at any meeting following recommendation by the Planning Commission. If the Governing Body defers or refuses such dedication, it shall advise the Planning Commission therefore and request reconsideration by the Planning Commission.

606. RECORDING OF FINAL PLAT.

After approval and acceptance of the public dedications by the Governing Body the applicant shall record the original copy with the Register of Deeds of Coffey County.

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 7, RE-SUBDIVISIONS

701. REPLATS.

A re-subdivision of an existing lot or parcel which results in the creation of three or more lots or parcels shall require the submittal of both a preliminary plat and a final plat in accordance with Articles 5 and 6 of these regulations.

702. REVIEW.

The City of Lebo or the County Engineer and the Coffey County Health Department (for plats outside of the city) shall review said re-subdivision to determine if the existing infrastructure (i.e. sewer lines, water lines, streets, etc.) needs to be upgraded as a result of the creation of any additional lots. If upgrading is needed the applicant shall be responsible for the improvements

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 8, VARIANCES AND EXCEPTIONS

801. VARIANCES

Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such usage that full conformity to the provisions of these regulations is impossible or impractical, the Planning Commission may recommend to the Governing Body, by letter of transmittal, authorization of variances or exceptions in the final plat so that substantial justice may be done and the public interest secured. In recommending such variances or exceptions, the Planning Commission shall find the following:

- A. That there are special circumstances or conditions affecting the property.
- B. That the variances or exceptions are necessary for the reasonable and acceptable development of the property in question.
- C. That the granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.
- D. Such request for variance shall be approved or disapproved by the Governing Body after its consideration of the recommendation of the Planning Commission. The decision of the Governing Body shall be transmitted in writing to the applicant and the Planning Commission.

802. APPEALS. The applicant may appeal decisions made in the enforcement and administration of these regulations by the Zoning Administrator to the Planning Commission and by the Planning Commission to the Governing Body. The decision of the Governing Body shall be final and shall be made in writing and transmitted to the applicant and Planning Commission.

803. WAIVERS. Any waiver of the required improvements shall be only by the Governing Body on a showing that such improvement is technically not feasible.

CITY OF LEBO SUBDIVISION REGULATIONS

ARTICLE 9, MISCELLANEOUS PROVISIONS

901. RECORDED PLAT.

Five copies of the recorded plat shall be provided by the applicant and shall be submitted to the Zoning Administrator for distribution to various public and quasi-public departments, offices, and agencies.

902. SEVERABILITY.

If any section of this Regulation be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separately and apart from the remaining provisions of these Regulations, said section 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.

903. PENALTY.

Any person violating the provisions of the Subdivision Regulations is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by confinement in the county jail for not more than one year, or by both fine and confinement. Each and every day that such violation continues shall constitute a separate offense.